

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 65/2006/VP Marna-Siolim

Mr. Gregory D. Noronha
89/Igrez Vaddo,
Marna - Siolim, Bardez - Goa.

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Appellant.

V/s.

1. Public Information Officer
The Secretary,
V.P. Marna - Siolim,
Bardez - Goa.
2. The Director of Panchayats,
First Appellate Authority,
Directorate of Panchayats,
Junta House, Panaji - Goa.

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Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 15/02/2007.

Appellant in person.

Respondent No. 1 and 2 are also in person.

ORDER

This will dispose off the second appeal filed by the Appellant under Section 19(3) of the Right to Information Act, 2005 (for short the Act) against the Respondents. The case of the Appellant is that the Appellant vide his complaint dated 12/9/2006 brought to the notice of the Respondent No. 1 about the illegal construction of toilet being carried out in the property bearing survey No.11 by one Gabriel Fernandes. The Sarpanch of the Village Panchayat Siolim-Marna has issued the notice dated 22/9/2006 to Shri Gabriel Fernandes directing him to stop the illegal construction immediately and to show cause within 7 days as to why the Panchayat should not take further action in accordance with the provisions of the Act. The copy of the said notice was also endorsed to the Appellant. Thereafter, the Appellant approached first the Respondent No. 1 vide

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his application dated 18/9/2006 seeking information on the following two points:-

1. Please let me know what action you have taken till date to stop illegal construction of a toilet of Mr. Gabriel Fernandes in survey No. 11.
2. If not when do you propose to do so.

2. As the Appellant did not receive any reply from the Respondent No. 1, the Appellant preferred the appeal before the Respondent No. 2. The Appellant states that Appellant did not receive any order/decision of the first Appellate Authority within 45 days from the date of filing. Hence, the second appeal.

3. The Respondent No. 1 filed the reply and stated that the Respondent No. 2 has already passed an order on 12/12/2006 giving directions to the Respondent No. 1 to provide the information to the Appellant. Accordingly, the Appellant has been provided the information vide letter dated 21/12/2006. The Respondent No. 2 has also filed the reply stating that the order was passed in the Roznama giving directions to the Respondent No. 1 to furnish the information within a week. He has also furnished the Xerox copies of the proceedings sheet. The Appellant who was present during the hearing on 8/2/2007 has admitted of having received the said information from the Respondent No. 1.

4. On going through the memo of appeal, it is seen that the Appellant has suppressed the fact that he received the information from the Respondent No. 1 before filing the second appeal. The Respondent No. 1 has clearly stated that the Respondent No. 2 has already passed an order on 12/12/2006 which is recorded in the Roznama. The Appellant, therefore, has not come before this Commission with clean hands as he has suppressed the fact that he has been provided with the information and the Respondent No. 2 has already passed the order.

5. As regards the point No. 2, it is seen from the letter dated 21/12/2006 that the Respondent No. 1 has also informed the Appellant that it was decided to inspect the site to do the Panchanama to take further action. Therefore, the information sought by the Appellant has been provided to the Appellant by the Respondent No. 1. It is now for the Appellant to pursue the matter with the Respondent No. 1 to take follow up action in accordance with the provisions of the Goa Panchayati Raj Act, 1994 and the Rules framed there under.

6. We, therefore, do not see any merits in the present appeal and hence, the same is rejected. Announced in the open Court on 15th February, 2007 at 11.00 a.m.

(G. G. Kampli)
State Information Commissioner, GOA.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.