

GOA STATE INFORMATION COMMISSION

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

Appeal No. 81/2006/TCP

I. Samuel Raju
H. No. 706/A, Aksona,
Pendolpem, Benaolim,
Salcete - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Town & Country Planning Dept.,
Margao - Goa.
2. First Appellate Authority
Chief Town Planner,
Town & Country Planning Dept.,
Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 20/03/2007.

Appellant present in person.

Respondents are also in person.

ORDER

The Appellant by his application under Right to Information Act (for short "RTI Act") requested for some information on 1/12/2006 from the Public Information Officer of the Town Planning office at Margao. The question asked by him is "what are the prevailing rules in force that the revised plan submitted by Mrs. Maria D'Souza does not confirm to". The Public Information Officer has replied on 8/12/2006 "prevailing rules means Planning and Development Authority (Development plan) Regulation - 2000 which are in force. Since the said regulations are published, you may refer the same". Not satisfied with this reply, the Appellant filed his first appeal on 21/12/2006 stating that the reply is vague, misleading and not direct to the point asked for. The first Appellate Authority did not find time to dispose off the appeal within period mentioned under the RTI Act.

...2/-

2. On issuing notices, the Respondent No. 2 has submitted his reply that no order has been passed by him. The Respondent No. 1 has neither remained present nor submitted any written statement. The time limit of 30 days is allowed for the first Appellate Authority to give his decision. If he cannot do so within time he can take another 15 days time and justify the reasons for delay in writing in the order itself. Now merely stating that he did not pass any order is not sufficient. It meant that first Appellate Authority could not find some time to dispose off the appeal pending before him within the statutory period of time. He should comply with the statutory provisions in future.

3. We have to consider the reply of the Public Information Officer with respect to the previous correspondence available with him made by the Appellant regarding the illegal construction by Mrs. D'Souza, his neighbour. He wanted to know under what provision the revised plan was rejected by the Public Information Officer. Instead of replying the specific provision under which he rejected the revised plan of Mrs. Maria D'Souza, the Public Information Officer found it fit to request the Appellant to refer to the Planning and Development Authority Rules and find out for himself. We do not think this is a proper reply. If the Public Information Officer has taken some action, obviously he has some reasons to do so and the reasons are not exempted from disclosure under the RTI Act. We do not see why the information should be held back by the Public Information Officer. We, therefore, direct the specific information to be provided by the Public Information Officer to the Appellant within next 10 days consequently the second appeal is allowed. Parties to be informed by post.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner