

GOA INFORMATION COMMISSION

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

Appeal No. 83/2007-08/Mam.

Shri. Navin S. Parab,
1st Floor, Mulgaonkar Bldg.,
7 Topiwala Lane,
Lamington Road, Mumbai - 400 007.

..... Appellant.

V/s.

1. Public Information Officer,
The Mamlatdar,
Office of the Mamlatdar, Pernem Taluka,
Pernem - Goa.
2. First Appellate Authority,
The Deputy Collector & SDO,
Pernem Sub-Division,
Pernem - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 27/12/2007.

Appellant absent.

Authorized officers for Respondents No. 1 and 2.

ORDER

This disposes off a second appeal dated 22nd October, 2007 filed against the order dated 3rd October, 2007 of the first Appellate Authority, Respondent No. 2 herein (hereinafter called "impugned order") under the Right to Information Act, 2005 (RTI Act for short). The appeal is received by post without any verification as required under Rule 3(viii) of the Goa State Information Commission (Appeal Procedure) Rules, 2006. The affidavit submitted alongwith the second appeal is not sworn before any Magistrate or Notary and is not about the contents of the appeal. The original request was dated 27/07/2007 addressed to the Mamlatdar of Pernem, Public Information Officer and the Respondent No. 1 herein. Even this application was sent by post. Further during the course of the hearing of the first appeal the Appellant was absent.

...2/-

2. Notices were issued and the Respondents have filed their written statements. The original request dated 27th July, 2007 is not on record. However, the reply given by the Public Information Officer on 7th August, 2007 is on record which is contended by the Appellant as incomplete information. The Appellant has also requested the information within 48 hrs. as per the RTI Act which was rejected by the Public Information Officer and was upheld by the first Appellate Authority as there was no danger for the life and liberty of the Appellant. The brief points on which the information was asked and the information given are as follows.

3. The first point is about the action taken by the office of the Dy. Collector, Pernem on the letters received from Hon'ble Governor's office dated 23rd March and 28th April, 2007. The Mamlatdar has replied that this information has to be furnished by the Dy. Collector Pernem and accordingly transferred this question to the Dy. Collector. The action taken by the Dy. Collector further is not on record.

4. The next point is about the provision of the section 170 of the Land Revenue Code. The contents of this section were copied by the Mamlatdar and was enclosed to his reply.

5. The third question is about the record of rights for survey No. 205/1 of village Dargalim of Pernem Taluka. The Mamlatdar has enclosed a copy of the Form I & XIV of said survey number. The Appellant further asked the names of the persons and purchasers who had (been) purchased the land from the vendors/ Landlord in Survey No. 205/1. The Mamlatdar has submitted that this information is not available in his office as the Mamlatdar is the authority to maintain the land revenue records and not land registration records. We uphold his reply.

6. The 4th question is about the number of mutations carried out by the Mamlatdar's office in the last 5 years in respect of the same property. The Mamlatdar has given a list of 24 transactions which have taken place during the period for the 5 years and confirmed that all the mutations was carried out and certified after following due process of law. We do not find anything wrong with this reply.

7. The 5th point is about the names of the Landlords and names of the original co-owners of the said Survey No. 205/1. The Mamlatdar has already enclosed the copy of Form No. I & XIV in respect of that survey number and has also informed him the procedure adopted for carrying out the mutations under section 96 of L.R.C., 1968. He has further informed that no court order of sub-division of property are available in his office.

8. The 6th point is about the type of land of this survey number and the zone of use of land and the details of the authority who changed its use. The Mamlatdar explained that it was zoned as "garden land" and the change of user of land from one purpose to another is done under section 32 of the L.R.C. Copy of the legal provisions were enclosed to the reply by the Mamlatdar. To a sub question, he has confirmed that his office does not have the names of the buyers or constructors of their houses in survey No. 205/1.

9. The 7th question is a specific question about the construction of M/s. Viraj Beer Bar in the same survey number and a clarification whether the Sarpanch of the Dargalim Village Panchayat has got any judicial power and whether he is a servant of the Revenue Department or representative of the political party. The Mamlatdar stated that such information is not available in his office.

10. The next question is about the Governor. He requested Mamlatdar to inform him whether the Governor is a person of any political party and whether the Governor of State of Goa is above or below Collector of Goa or Chief Secretary of Goa. The Mamlatdar stated such information is not available in his office.

11. Finally, the Appellant has asked the opinion of the Mamlatdar whether anybody can construct without Landlord's permission. The Mamlatdar has replied that no such construction is permissible by any person in the land of another person without purchasing it.

12. In their replies, filed in pursuance to the notice issued by the Commission, both the Mamlatdar and Dy. Collector have contended that all information has been furnished and nothing survives in the original request for information. However, there is one point regarding which the Dy. Collector has not clarified i.e. about the first question transferred by the Mamlatdar to the Dy. Collector.

He should give this information on that first question to the Appellant within next 15 days if it is not done so far. We have already mentioned that the replies by the Mamlatdar completely answer the questions posed by the Appellant except for first question. We, therefore, allow the appeal partly and direct the Dy. Collector to furnish the information for the first question.

Pronounced in the open court on this 27th day December, 2007.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner, GOA.

Sd/-
(G. G. Kampli)
State Information Commissioner, GOA.

/sf.