

GOA INFORMATION COMMISSION

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

Complaint No. 12/2008

Mr. Harihar V. Chodankar,
D-5, 2nd Floor, Asilo Hospital,
Doctor's Qtrs., Feira Alta,
Mapusa, Bardez – Goa.

..... Complainant.

V/s.

1. The Public Information Officer,
The Secretary,
Village Panchayat of Taligao,
Tiswadi – Goa.
2. The first Appellate Authority,
The Block Development Officer,
Tiswadi Taluka, Panaji – Goa.
3. The Commissioner,
Corporation of the City of Panaji,
Panaji – Goa.

..... Opponents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 23/07/2008.

Complainant in person.

Opponent No. 1 in person.

Opponents No. 2 and 3 are absent.

ORDER

This disposes off the complaint dated 13/05/2008 filed by the Complainant stating that the information requested by him originally on 21/08/2007 to the Opponent No. 1 has not yet been furnished to him. Notices were issued to the Opponents. The Opponent No. 1 has submitted a reply on 28/05/2008 furnishing the details of information already given to the Complainant by the Opponent. On the date fixed for hearing, both the Complainant and Opponent No. 1 were present, other Opponents were absent.

2. A brief background of the case is necessary to appreciate the issues involved. As mentioned above, a request was made by the Complainant to the Opponent No. 1 on 21/08/2007 to give him the construction licence, occupancy certificate and other details of house in Taligao Village Panchayat in Survey

...2/-

No.279/1 part and which was assigned H. No. 20/160/A in favour of Ms. Felicidade V. Sequeira. After some efforts, the Opponent No. 1 has informed the Complainant that there are no records in favour of Felicidade Sequeira. However, she is paying a house tax of Rs.2265/- per annum for 283 sq. mts. of the building occupied by her in survey No, 279/1 part. As there was a transfer of records from the Panaji Municipal Council to the Panchayat of Taligao consequent on its formation on 31/03/2003, a notice was issued to the Panaji Municipal Council to search for and inform whether they have given any construction licence or occupancy certificate in favour of Felicidade Sequeira. The Panaji Municipal Council Commissioner has come out with the reply that the Municipal Corporation has not given any such licence or occupancy certificate in favour of Felicidade Sequeira. That is how in the list and records transferred to Village Panchayat, there is no mention of her name.

3. A show cause notice was then issued to the Commissioner of Panaji Municipal Council and based on the reply, further action was dropped by the Commission's order dated 31/03/2008. However, Village Panchayat Secretary, the Opponent No. 1 herein was directed to inform Complainant as to how the Village Panchayat is collecting house tax without any documents in her favour. The original second appeal case No. 95/2007 and penalty proceedings No. 19/2007 were closed with a liberty to the Complainant to approach Commission if no information is given by the Village Panchayat Secretary Taligao. The Complainant, thereafter, filed the present complaint on 13/05/2008 as mentioned above stating that he did not receive any information till date filing of complaint.

4. The Opponent No. 1 has filed the reply that he has sent information on 28/05/2008 to the Complainant which was received by the Complainant on 31/05/2008. In this reply while maintaining the Panchayat has not given any permission for construction or for occupancy certificate to Felicidade Sequeira, the occupancy certificate in favour of Allan Pinto was issued for the same house by the Panaji Corporation which was given to the Complainant alongwith the copy of the Gift Deed dated 16/11/2001 gifting the above said house in favour of Felicidade V. Sequeira. Though the Panchayat Secretary could not locate any further records, he presumed that the transfer of house tax in name of Felicidade Sequeira might have been effected by the Village Panchayat probably based on this deed of gift. The Commission is not happy with the loss of such important records like house tax register, resolution and the file actually transferring of

house tax in favour of Felicidade Sequeira in this case. However, now that the information has been submitted by the Panchayat Secretary, nothing further remains to be done in this case.

5. The Complainant on the other hand "most respectfully" has submitted once again to this Commission on 9/7/2008 through another statement as the house is jointly owned by Felicidade Sequeira and Joseph Robert Sequeira in view of the Gift Deed and that as the record was already available, earlier stand of the Panchayat Secretary was a "blatant lie". We are not able to understand what exactly he wants now from this Commission. We find that the information is already given by the Panchayat Secretary that the house tax is being paid by Felicidade Sequeira and that there is a Gift Deed in her favour though the actual records of transfer of the house tax is not available with the Panchayat. As the information is given by the Panchayat Secretary, and meets the requirements of the obligation of the Panchayat Secretary in terms of section 7 of the Right to Information Act, 2005, nothing further survives in the complaint.

6. For the above reasons, complaint is dismissed.

Pronounced in the open court, on this 23rd day of July, 2008.

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

Sd/-
(G. G. Kambli)
State Information Commissioner