

GOA INFORMATION COMMISSION

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

Complaint No. 19/2007-08/SGPDA

Ms. Authilia I. A. R. Carvalho
Landlady, C/o Bar Carvalho,
Near Railway Overbridge,
Margao - Goa.

..... Complainant.

V/s.

The Public Information Officer,
Shri A. P. Diniz
The Member Secretary,
South Goa Planning & Development Authority,
Margao - Goa.

..... Opponent.

CORAM:

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

(Per A. Venkataratnam)

Dated: 30/08/2007.

Mr. J. Barreto, authorized representative for the Complainant.

Opponent in person.

ORDER

This is about the non-implementation of an order dated 28/2/2007 issued by the Chief Town Planner who is the first Appellate Authority for the SGPDA, Margao. By this order, the Opponent has been directed "to provide the information asked for in the application dated 12/12/2006 and to give copies of orders issued by the Authority on the complaint of the applicant dated 31/5/2001". The contention of the Complainant (original applicant) is that no such information was given to her. On issuance of the notices, Mr. J. J. Barreto, authorized representative on behalf of the Complainant and Public Information Officer were present. The Public Information Officer submitted that he has already informed the Complainant that there are no orders or decisions on the application referred to by the Complainant in the file and the Complainant's original complaint dated 31/05/2001. Hence, there is nothing further to issue in this case. The Opponent has also separately submitted a reply and thereafter both of them have argued the matter.

...2/-

2. The important point is that reply of Public Information Officer dated 23/3/2007 in response to the application dated 12/12/2006 under the Right to Information Act (for short the RTI Act) contains another contradictory statement namely, "however there is some correspondence addressed to you with reference to some of the letters." When asked what this correspondence is about, the Opponent has submitted a list of 32 letters on the subject. We are not aware whether these letters are given to the Complainant. However, the Public Information Officer is now directed to give the copies of these letters to the Complainant on payment of fees.

3. In the complaint before us dated 19/6/2007, the Complainant has prayed for disciplinary action to be recommended against the Opponent and his predecessor in office Shri Rajesh Naik and award compensation to her. In the circumstances of the case, we are not inclined to grant this relief. There is one final prayer, that directions be issued to the Public Information Officer to restore easementary rights claimed by the Complainant as per a deed of her property dated 18/3/1937 which was said have been violated by a builder. We are afraid that this relief is outside the scope of the RTI Act and hence is rejected.

Announced in the open court on this 30th day of August, 2007.

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

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

/sf.
sf./km.