

GOA STATE INFORMATION COMMISSION

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

Complaint No. 37/2006/MMC

J. T. Shetye
H. No. 35, Ward No. 11,
Khorlim, Mapusa - Goa.

..... Complainant.

V/s.

Public Information Officer,
The Chief Officer,
Mapusa Municipal Council,
Mapusa - Goa.

..... Opponent.

CORAM :

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

(Per A. Venkataratnam)

Dated: 30/11/2006.

Complainant absent.

Opponent in person.

ORDER

This complaint is considered and converted as second appeal by the Commission. The Appellant has approached the Chief Officer, Mapusa Municipal Council who is the Public Information Officer by three applications on 15/5/2006, 17/5/2006 and 7/7/2006 to provide him certain information. The replies are also given by Chief Officer with which he was not satisfied. Thereafter, he approached the First Appellate Authority, namely, the Director of Municipal Administration who is not made a party herein, in appeal on 27/06/2006. It appears that the Director of Municipal Administration has heard the Appellant and passed an order on 18/7/2006 directing the PIO to provide the information. A copy of the order of the Director of Municipal Administration is on file. In pursuance to the order of the Director of Municipal Administration, the PIO by his letter dated 31/7/2006 has given the information, which is now contested by the Appellant as misleading in second appeal filed before the Commission on 14/8/2006. He has prayed in the second appeal (i) for giving

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directions to the Mapusa Municipal Council to demolish the illegal constructions made by Shri Krishna Govekar and Gunaji Pednekar on Comunidade land because they are illegal constructions, (ii) to compel Mrs. Sneha Bhobe, the Chairperson of Mapusa Municipal Council to resign from her post or direct her to take action to demolish the above illegal constructions, & (iii) finally, he prayed for a compensation of Rs.5000/- to be given to him out of fine to be collected from the PIO.

2. On issuing notices, the Respondent, namely, Chief Officer of Mapusa Municipal Council has submitted his written reply. We proceed to pass an order based on the complaint/appeal and the reply of the opponent/Respondent. The Respondent stated that the information was furnished to Appellant in time. A portion of the information could not be furnished in time as there was no regular Chief Officer of the Council. The Respondents also submitted that the Mapusa Municipal Council cannot issue any show cause notice to the Comunidade of Khorlim where the illegal constructions have come up. Also it cannot take action to demolish houses because the Government has issued a Circular to the encroachers of the Comunidade land to fill up the necessary form to regularize the illegal constructions and finally he submitted that the relief claimed by the Appellant is beyond the scope of the RTI Act.

3. We have gone through the documents and find that the information asked for by the Appellant has been replied by the Respondents by his letter dated 25/7/2006. The perusal of reply shows action taken by the Council in respect of the illegal constructions. The Appellant did not elaborate how the replies are incorrect or misleading. We are satisfied that the replies are complete and to the point and that the illegal constructions could not be demolished as the Government is considering their regularization. In any case, we accept the reply of the PIO that the relief sought by the Appellant is not available under the RTI Act. Accordingly, the appeal is rejected as not maintainable.

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

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

