

GOA INFORMATION COMMISSION

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

Complaint No. 88/2007/Commu.

Mr. Allan Lobo,
Opp. Porvorim Medical Stores,
Alto Porvorim, Bardez – Goa.

..... Complainant.

V/s.

1. Mr. Babi A. Gaonkar,
The Assistant Public Information Officer.
2. Mr. Agnelo C. Lobo,
The Attorney of Serula Comunidade.

..... Opponents.

CORAM :

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

(Per A. Venkataratnam)

Dated: 05/05/2008.

Complainant present alongwith his Adv. S. Facho.

ORDER

The Complainant filed the request for information under Right to Information Act, 2005 (RTI Act for short) on 22/01/2008 to the Administrator of the Comunidades, North Zone, Mapusa – Goa, Opponent No. 1 herein. A reply was enclosed to the present complaint from the Attorney of Comunidades of Serula and the Clerk, Incharge of the Serula Comunidade who are made Opponents No. 1 and 2 before us. Their replies are addressed to the Administrator of Comunidades, Opponent No. 1 herein and it was not explained in the complaint how the Complainant got hold of these replies. It is the case of the Complainant that he got partially and incomplete information and prayed for a direction to be issued to the Public Information Officer "to maintain a register of all the plots/properties allotted alongwith their details". He has also requested to issue an order directing the Opponents No. 1 and 2 to furnish the information to him.

2. Section 19(3) of the RTI Act envisages filing of a second appeal before this Commission against the decision of the first Appellate Authority passed

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under section 19(1) of the RTI Act. This remedy of approaching the first Appellate Authority is not exhausted by the Complainant. There is no reason why we should directly take cognizance of the second appeal. The complaint under section 18 can be taken up by the Commission at its discretion. However, this Commission has held in the past that the first appeal provision has to be exhausted and only then the second appeal will be considered. Only in rarest of rare cases a complaint could be taken up by the Commission for enquiry in the absence of exhausting the remedy of the first appeal. In this case, we do not find any such need to directly take up the enquiry of the complaint by the Complainant. Therefore, the complaint is rejected.

Pronounced in the open court on this 5th day of May, 2008.

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

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