

GOA STATE INFORMATION COMMISSION

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

Appeal No. 53/2006/TCP

I. Samuel Raju
H. No. 706/A, Aksona,
Pendolpem, Benaolim,
Salcete - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Town & Country Planning Department,
Margao - Goa.
2. First Appellate Authority
Chief Town Planner,
Town & Country Planning Department,
Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 16/01/2007.

Appellant in person.

Adv. Irshad Agha for both the Respondents.

ORDER

This disposes off the second appeal dated 5/12/2006 against the first Appellate order dated 21/11/2006. The case of the Appellant is that he as well as one, Smt. Rosa M. Fernandes, have their properties adjacent to one another and there is no access to both the properties. However, both of them have applied for the conversion of land before the Dy. Collector and the applications were sent to the Town & Country Planning Department office at Margao. Different recommendations have been submitted by the Public Information Officer to the Dy. Collector. It is the contention of the Appellant that he was discriminated against by the Public Information Officer and by his request dated 25/8/2006 under the Right to Information Act, 2005 (the RTI Act) wanted to know why different yard sticks were used in both the cases. The Public Information Officer by his reply dated 25/9/2006 stated that the plan submitted by Smt. Rosa M. Fernandes shows a traditional access to her plot and hence the Public Information Officer did not raise any objection to her application of conversion of land. On the other hand, the plan submitted by the Appellant to the Dy.

...2/-

Collector for conversion of his own land does not show any access. The Public Information Officer further informed the Appellant that the site inspection revealed the existence of the traditional access to the plot of Smt. Rosy D'Souza. The Appellant, thereafter, approached the Respondent No. 2 by his first appeal dated 8/11/2006. The Respondent No. 2 has rejected the first appeal as time barred. Against this order of the Respondent No. 2 dated 12/11/2006, the present second appeal is filed.

2. Notices were issued. The Appellant remained present in person and argued his case assisted by his son. The Respondents were represented by Adv. Irshad Agha. Both the Respondents have also submitted their joint written statement.

3. The Respondent No. 1 confirmed what was stated above about the traditional access existing to the plot of Smt. Rosa M. Fernandes whereas the Appellant did not show any access to his own plot. As regards the first appeal, the Respondent No. 2 stated that it is time barred and there was no application for condonation of delay.

4. In the written statement, both the Respondents have taken plea that the first Appellate Authority could not be made a party before the State Information Commission. They have not explained why it is so. The Chief Town Planner and his Advocate have taken the same plea in all the appeals filed before us stating that the first Appellate Authority is not a necessary party before this Commission. We have already expressed our view in *Moreswar N. P. Navelcar Vs. Public Information Officer of Town & Country Planning Department, Panaji* in Appeal No. 44/2006/TCP that the first Appellate Authority is a necessary party before this Commission and the rule position thereof. We reiterate this in this appeal as well. However, in this particular case, we uphold the decision of the first Appellate Authority of dismissing the first appeal as time barred. We have also perused the reply of the Respondent No. 1 who is the Public Information Officer and find that there is nothing wrong in his reply, which warrants our interference. We, therefore, dismiss the second appeal as the information is already supplied and is not incorrect and misleading as submitted by the Appellant. Parties to be informed.

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

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

