

## **GOA INFORMATION COMMISSION**

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

Penalty Case No. 19/2007 in  
Appeal No. 95/2007-08/VP

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

..... Appellant.

V/s.

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

..... Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 31/03/2008.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

Adv. G. N. Parulekar on behalf of Respondent No. 3.

### **ORDER**

In this case, we have passed two orders an interim order dated 10<sup>th</sup> January, 2008 and final order on 22<sup>nd</sup> February, 2008. In the order dated 22/02/2008, a direction was given to the Respondent No. 3, the Commissioner of Corporation of City of Panaji (CCP) to search thoroughly his records and inform whether the CCP has given any licence and occupancy certificate to Smt. Felicidade Veronica Sequeira for a house No. 20/160/A in the survey No. 279/1 of Taleigao village, which was earlier within the jurisdiction of the CCP and which was later on transferred to the newly constituted Village Panchayat of Taleigao. The Commissioner, Shri. Elvis Gomes was also directed to show cause why action should not be initiated against him under the Right to Information Act for not filing affidavit and not furnishing any information earlier.

2. An affidavit is filed now by Shri. Sanjiv Gadkar, presently the Commissioner of the CCP, Respondent No. 3 herein, stating that Shri. Gomes was transferred prior to hearing fixed by this Commission in the second appeal and that he has made efforts to

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trace out the records relating to the said Felicidade. However, he has clearly stated that neither any licence was issued nor any occupancy certificate was given to her by the CCP and hence, no records were transferred to the newly formed Village Panchayat Taleigao in respect of Smt. Felicidade. He further clarified that there is no such house No. 20/160/A and that the house in the survey No. 279/1 belongs to Allan Pitno. The Village Panchayat Secretary in an earlier affidavit has also confirmed this fact. However, he made one additional statement that though the Village Panchayat did not issue any licence or occupancy certificate to Felicidade Veronica Sequeira, they are collecting house tax of Rs.2265/- from her for a house with an area of 283 sq. mts. It is because of this, the Commission has directed both the authorities to search the records and trace out the construction file and occupancy certificate issued to Felicidade Sequeira.

3. We have now perused the affidavit of Respondent No. 2 and are satisfied that the CCP could not have transferred the records as they have not themselves got such records. We are also satisfied with the explanation given that the affidavit in compliance with the order dated 10/1/2008 was not filed earlier because they were aware of the interim order only on 28/02/2008 and not 22/02/2008. Accordingly, we discharge the notice against Shri. Elvis Gomes.

4. The main grievance of the Appellant remains even now, that is whether or not Felicidade Sequeira was given licence of construction of a house, if so who had issued it, how the house No. 20/160/A has come about and whether there are two houses in the same premises with H. No. 20/160/A and whether Allan Pinto is paying separately house tax in respect house in survey no. 279/1 and whether any house exists in the said survey number with house No. 20/160/A and how the Village Panchayat is collecting house tax from Felicidade Sequeira without having any record with them. In short, both the affidavits of both the Respondents have raised more queries than answers. We also agree with the Appellant that the onus of clarifying the matter lies with the Respondent No. 1 only i.e. Secretary of Village Panchayat Taleigao who is collecting the house tax from Felicidade Sequeira. If there is no record of any house owned by Felicidade Sequeira, how the Panchayat is collecting the house tax should be explained by the Village Panchayat Secretary. The information on all these points have to be given to the Appellant by 15<sup>th</sup> April, 2008. We are closing this matter with these observations. The Appellant is free to approach this Commission afresh if the information is not given by the Village Panchayat on time on above points.

Pronounced in the open court on this 31<sup>st</sup> day of March, 2008.

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

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