



2025:KER:27235

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 28490 OF 2023

PETITIONER:

**MANOJ K, AGED 48 YEARS,
RESIDING AT LAKSHMI NIVAS, PUTHIYAKAVU,
THRIPPUNITHURA P.O, ERNAKULAM DISTRICT,
PIN - 682301.**

**BY ADVS.
T.K.AJITHKUMAR (VALATH)
R.RAJPRADEEP**

RESPONDENTS:

- 1 THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT
INSTITUTIONS,
SAPHALYAM COMPLEX, PALAYAM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, PIN - 695033**
- 2 DR.A.C.DAVID,
ARIMBOOR HOUSE, ATS ROAD, PALISSERY,
PALAKKAD, PIN - 679536.**
- 3 SECRETARY,
KADAVALLOORE GRAMA PANCHAYAT, KARIKKAD P.O,
THRISSUR DISTRICT, PIN - 680519.**

**BY ADVS.
DR.A.C.DAVID, (Party-In-Person)
DEEPU THANKAN
UMMUL FIDA
LAKSHMI SREEDHAR**



W.P.(C)No.28490 of 2023

2

2025:KER:27235

**LEKSHMI P. NAIR
NAMITHA K.M.**

OTHER PRESENT:

**SRI T JAYAN GP,
SRI DEEPU THANKAN R3,
DR.A.C DAVID - PARTY IN PERSON**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



JUDGMENT

The petitioner who is stated to have worked as the Secretary of the Kadavalloore Grama Panchayath, Thrissur District, has filed the captioned writ petition seeking to challenge Ext.P10 issued by the Ombudsman for the Local Self Government Institutions, by which an amount of Rs.10,000/- is ordered to be paid by him to the 2nd respondent herein towards compensation, allegedly with reference to the delay in issuance of the building permit sought for by the petitioner.

2. I have heard Sri.T.K.Ajith Kumar, the learned counsel for the petitioner, Sri.Deepu Thankan, the learned Standing Counsel for the 3rd respondent herein and the party in person - 2nd respondent herein.

3. This Court notices that Ext.P10 is passed by the Ombudsman on the basis of Ext.P1 complaint filed by the 2nd respondent herein. The 2nd respondent has admittedly sought for a building permit from the Panchayat - the 3rd respondent. The Panchayat would state that the application



was defective insofar as a pathway was not mentioned in the application. The 2nd respondent took up the contention that, there is no such pathway, relying on the decree obtained from the Civil Court. The decree so obtained has been challenged at the instance of the Panchayat and the matter was pending before this Court in R.S.A. No.625 of 2017. The 2nd respondent herein filed an appeal before the Tribunal for Local Self Government Institutions. By Ext.P3, the Tribunal directed the Panchayat to reconsider the application filed by the 2nd respondent and further made it clear that even if ultimately R.S.A. No.625 of 2017 is allowed, the mere fact that the permit is issued would not stand in the way of executing the decree pursuant to R.S.A. No.625 of 2017. However, admittedly, even thereafter the building permit is issued only in the year 2022 - after the lapse of more than four years. It is this delay, that is pointed out by the 2nd respondent, in the complaint at Ext.P1 before the Ombudsman. I am of the opinion that with respect to the considerations noticed as above, the Ombudsman cannot be found fault with for having issued the order at Ext.P10



directing payment of Rs.10,000/- as compensation.

4. Even, on the face of the afore finding, the larger question which arises for consideration is as to whether the Ombudsman was justified in directing the payment of the afore compensation by the petitioner herein, who was the 2nd respondent before the Ombudsman.

5. I notice that under the provisions of Section 271 J, true, the Ombudsman was entitled to direct payment of compensation, in an event, an irregularity by the Local Self Government Institution causes “inconvenience” to a person. As already found, the delay of four years from the passing of Ext.P3 and the ultimate issue of the building permit can only be treated as “inconvenience” as far as the 2nd respondent is concerned. However, Section 271J(iii)(b) entitle the Ombudsman to direct payment of compensation by the “Local Self Government Institution”. Therefore, the Ombudsman was not justified in directing the payment to be effected by the petitioner herein, who admittedly worked as a Secretary for a short period of five months, even as admitted by the 2nd respondent herein.



6. In that view of the matter, though the findings in Ext.P10 cannot be found fault with, I hold that the payment of Rs.10,000/- as compensation, is to be effected by the 3rd respondent Panchayat and not by the petitioner herein.

7. Needless to say that it is for the Local Self Government Institution- 3rd respondent - to consider as to whether the afore amount, if paid by the institution is to be recovered from the petitioner or not.

Leaving open the afore right of the 3rd respondent, this writ petition would stand disposed of by modifying Ext.P10 and holding that the petitioner has no liability to satisfy Rs.10,000/- as ordered and it is for the 3rd respondent to satisfy the said amount.

Sd/-
HARISANKAR V. MENON
JUDGE

ANA



APPENDIX OF WP(C) 28490/2023

PETITIONER EXHIBITS

Exhibit P1	THE TRUE COPY OF THE COMPLAINT DATED 10-10-2018 SUBMITTED BY THE 2ND RESPONDENT
Exhibit P2	THE TRUE COPY OF THE WRITTEN STATEMENT DATED 24-6-2022 SUBMITTED BEFORE THE 1ST RESPONDENT
Exhibit P3	THE TRUE COPY OF THE ORDER IN APPEAL NO.868/2017 DATED 17-1-2018 ISSUED BY THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS
Exhibit P4	THE TRUE COPY OF THE ORDER DATED 7-7-2022 ISSUED BY THE 1ST RESPONDENT
Exhibit P5	THE TRUE COPY OF THE ORDER DATED 10-8-2022 ISSUED BY THE 1ST RESPONDENT
Exhibit P6	THE TRUE COPY OF THE OBJECTION DATED 30-9-2022 SUBMITTED BEFORE THE 1ST RESPONDENT
Exhibit P7	THE TRUE COPY OF THE NOTICE DATED 24-11-2022 ISSUED BY THE 1ST RESPONDENT
Exhibit P8	THE TRUE COPY OF THE REPLY DATED 31-1-2023 ISSUED TO THE 1ST RESPONDENT
Exhibit P9	THE TRUE COPY OF THE AFFIDAVIT DATED 10-4-2023 SUBMITTED BEFORE THE 1ST RESPONDENT
Exhibit P10	THE TRUE COPY OF THE ORDER DATED 5-7-2023 ISSUED BY THE 1ST RESPONDENT