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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2026 / 22ND MAGHA, 1947

WP(C) NO. 15062 OF 2025

PETITIONER/S:

SAHEER
AGED 44 YEARS
S/O.ABDUL RAHIM, VILLAGE OFFICER, PATHIYOOR VILLAGE
OFFICE, . RESIDING AT KOTTAKKAKATH PUTHENVEETIL,
ERUVA, KAYAMKULAM, ALAPPUZHA DISTRICT-. , PIN -
690572

BY ADVS.
SHRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.CHITHRA S.BABU

RESPONDENT/S:

- 1 THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT
INSTITUTIONS
SAPHALYAM COMPLEX, IVTH FLOOR, TRIDA
BUILDING, UNIVERSITY P.O. THIRUVANANTHAPURAM -, PIN
- 695034
- 2 SENAN PILLAI
THIRUVONAM, PATHIYOOR EAST, KEERIKKAD.P.O.
ALAPPUZHA DISTRICT-, PIN - 690508



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BY ADVS.
SRI.K.SHAJ
SMT.BEENA N.KARTHA
SRI.ARUN CHAND
SHRI.BHARAT VIJAY P.
SHRI.KEVIN JAMES
SMT.MINU VITTORRIA PAULSON
SMT.SAUMYA.P.S
SMT.GOPIKA GOPAL
SMT.ARCHANA P.P.
SHRI.REN SHIBU
SMT.SHEHROON PATEL A.K.

OTHER PRESENT:

GP SRI K J SHENOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.02.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J

W.P.(C) No. 15062 of 2025

Dated this the 11th day of February, 2026

JUDGMENT

The above writ petition is filed with the following prayers :

- i) "issue a writ of certiorari or other appropriate writ, order or direction, quashing Exhibit P1 complaint as against the petitioner;*
- ii) It is humbly submitted that the filing of translated copies of vernacular documents may be dispensed with this Hon'ble Court. And*
- iii) Issue such other orders this Hon'ble Court deem fit and proper for the facts and circumstances of this case." [sic]*

2. The petitioner is working as a Village Officer at Pathiyoor Village Office. He is aggrieved by the proceedings pending before the 1st respondent, the Ombudsman for Local Self Government Institutions, arising from a complaint filed by



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the 2nd respondent. The short point raised by the petitioner is that, in the light of Sec.271F (c) and (g) read with Section 271 J of the Kerala Panchayat Raj Act, 1994 (for short 'Act'), the proceedings against the petitioner, who is a Village Officer, will not lie before the Ombudsman for Local Self Government Institutions. Hence, this writ petition.

3. Heard the learned counsel for the petitioner, the learned counsel appearing for the 2nd respondent and the learned Government Pleader.

4. Sec.271F(g) of the Act is extracted hereunder :

“(g) 'Public Servant' means an employee, or officer under the Local Self Government Institution or an elected member of the Local Self Government Institution including its President or Chairperson and includes an employee or officer of any office or institution transferred to the Local Self Government Institution under the provisions of this Act.”

5. As per the above provision, the public servant means any employee or officer under the Local Self Government Institutions, or an elected member of the Local Self Government Institutions, including the President/Chairperson



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and includes an employee or officer of any office or institution transferred to the Local Self Government Institution under the provisions of the Act. Admittedly, the petitioner is a Village Officer. He will not come in any of the categories mentioned in Section 271F(g) of the Act. If that is the case, the petitioner will not be a public servant as defined in Section 271F(g) of the Act. Section 271F(c) defines the 'complaint'. Sec. 271F(c) is also extracted hereunder:

“(c) ‘Complaint’ means a statement of allegation that a public servant or a Local Self Government Institution is guilty of corruption or maladministration and includes any reference to an allegation in respect of which suo motu enquiry has been proposed or recommendation for enquiry has been made by Government.”

6. The functions of the Ombudsman are stated in Sec. 271J of the Act. Section 271J of the Act is also extracted hereunder :

“Section 271J: Functions of the Ombudsman

(1) The Ombudsman shall perform all or any of the following functions, namely :--

(i) Investigate into any allegation contained in a



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complaint or on a reference from Government, or that has come to the notice of the Ombudsman;

ii) Enquire into any complaint in which corruption or maladministration of a public servant or a Local Self Government Institution is alleged;

((iii) Pass an order on the allegation in the following manner, namely:--

(a) Where the irregularity involves a criminal offence committed by a public servant, the matter shall be referred to the appropriate authority for investigation.

(b) Where the irregularity causes loss or inconvenience to a citizen, direct the Local self Government Institution to give him compensation and to reimburse the loss from the person responsible for the irregularity;

(c) Where the irregularity involves loss or waste or misuse of the fund of the Local Self Government Institution, realise such loss from those who are responsible for such irregularity, and

(d) Where the irregularity is due to omission or inaction cause to supply the omission and to rectify the mistake.

(2) In addition to the functions enumerated in sub-section (1), the Ombudsman may pass interim order restraining the Local Self Government Institution from doing anything detrimental to the interest of the complainant if it is satisfied



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that much loss or injury will be caused to the complainant due to the alleged act.

(3) The Ombudsman may by order, impose penalty in addition to compensation if it is of opinion that the irregularity involves corrupt practice for personal gain.”

7. In the light of the definition clause of the 'Public Servant' and 'complaint' and also in the light of Sec.271J of the Act, I am of the considered opinion that a complaint against a Village Officer will not stand before the Ombudsman for Local Self Government Institutions. Admittedly, the petitioner is the 6th respondent in the Ext.P1 complaint. If that is the case, I am of the considered opinion that the proceedings against the petitioner, who is the 6th respondent in Ext.P1 complaint, will not stand before the Ombudsman for Local Self Government Institutions. However, I make it clear that the Ombudsman may proceed against respondent Nos. 1 to 5 and 7 in accordance with the law if the allegations against them are correct. Therefore, the proceedings before the Ombudsman against the petitioner alone in Ext.P1 can be set aside.



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Therefore, this writ petition is allowed in the following manner :

- 1) All further proceedings before the Ombudsman against the petitioner, who is the 6th respondent in Ext.P1 complaint alone, are quashed.
- 2) I make it clear that the proceedings against the other respondents in Ext.P1 may be conducted by the Ombudsman for Local Self-Government Institutions in accordance with law.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

SKS

Judgment reserved	NA
Date of Judgment	11/02/2026
Judgment dictated	11/02/2026
Draft judgment placed	13/02/2026
Final judgment uploaded	17/02/26



APPENDIX OF WP(C) NO. 15062 OF 2025

PETITIONER EXHIBITS

- Exhibit P1** A COPY OF COMPLAINT DATED 06-08-2024 SUBMITTED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS
- Exhibit P2** A COPY OF REPORT 31/5/2024 SUBMITTED BY THE PETITIONER BEFORE THE TAHSILDAR, KARTHIKAPPALLY TALUK
- Exhibit P3** A COPY OF LETTER DATED 5/6/24 ISSUED BY THE TAHSILDAR, KARTHIKAPPALLY TALUK
- Exhibit P4** A COPY OF LETTER DATED 6/6/24 ISSUED BY THE SECRETARY, PATHIYOOR GRAMA PANHAYAT TO STATION HOUSE OFFICER, KARIYILAKUNGARA STATION
- Exhibit P5** A COPY OF STATEMENT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT OMBUDSMAN IN COMPLAINT NO. 624/24
- Exhibit P6** A COPY OF ORDER DATED 14/1/25 IN COMPLAINT NO. 624/24 ISSUED BY THE 1ST RESPONDENT OMBUDSMAN