

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,  
Hon'ble Chairperson**

Dated this the 25<sup>th</sup> September, 2008.

H.R.M.P.No.506/2008

Petitioner : Dr. M.Gopalakrishnan Unnithan,  
APARNAS, D3- Elankom Gardens,  
Vellayambalam,  
Thiruvananthapuram-695010

Respondent :

**ORDER**

This is the second round of litigation from the petitioner as he is aggrieved as the order passed by the Ombudsman for the Local Self Government Institutions on 2-6-2007 was not implemented by the Kallara Grama Panchayat.

According to the petitioner, on account of the negligence of the Kallara Grama Panchayat a road lying in between the survey Nos mentioned in the petition could not be used by pedestrians and others on account of the damage of a bridge and on account of encroachment as well as on account of illegal removal of gravel from the locality. The petitioner's complaint is that in spite of several complaints to the Panchayat no action was taken and that the Panchayat also did not construct a culvert, which was agreed by them before the Ombudsman when his complaint came up for hearing before the Ombudsman.

In the report submitted by the Secretary, Kallara Grama Panchayat, it was stated that in respect of dilapidated condition of the 'Kuyimbil Ela Thodu – Bhoothahtan Nada Edavazhi' the President and the Ward Member of the Panchayat inspected the place in

question and found some sand mining being carried out by some persons from private properties and that the sand was carried through 'Pattamvila Road'. According to the report, due to old age and flood the bridge suffered damages and on the direction of the Ombudsman, passed in O.P.No. 255/2005, ordering the Panchayat to construct a new culvert the said matter was included in the budget under the Peoples Plan for the year 2007-08 and was also approved by the District Planning Samithi. According to the report, steps are being taken to complete the project.

I have heard the petitioner who reiterated the allegations in the petition.

In the report submitted by the Secretary, Kallara Grama Panchayat, there was no averments as to what steps were taken regarding the construction of the culvert mentioned above and also about the illegal removal of gravel from the said road and other irregularities mentioned in the complaint. The Secretary, Kallara Grama Panchayat satisfied himself by simply stating that the Panchayat has decided to construct a new culvert as per the order of the Ombudsman but has not mentioned as to the steps taken in respect of the complaint made by the petitioner. The Secretary of the Panchayat has taken a further stand that the petitioner is not a resident of the locality; but the petitioner submits that though he is not residing in the said locality he has properties within the jurisdiction of the said Panchayat and visits the place to inspect the properties.

In any event the Secretary of the Kallra Grama Panchayat cannot hide himself behind the above defence and fail to discharge the duties cast upon the local body. The Secretary of the Panchayat ought to have seen that public utilities like road, water, electricity, etc; provided in a particular locality by any local body are meant to be used by

the public for whom they are meant and they are not meant only to the residents of the said locality. If the stand of the Secretary of the Panchayat is accepted then no person residing within the jurisdiction of one Panchayat will be able to go to another place falling within the jurisdiction of another local body as the road and other facilities available in the other local body cannot be used by such person. It is unfortunate that the Secretary of the Panchayat has taken such a stand. The report submitted by him is not complete and lacks details.

In view of the above deficiencies found in the report the petitioner is now directed to file a complaint before the Secretary, Kallara Grama Panchayat, who will then inspect the road in question, conduct enquiry by giving opportunity to the petitioner and others and thereafter take appropriate steps to rectify the defect/deficiencies found by taking suitable action.

With the above direction the petition is closed.

Justice N.Dhinakar,  
Chairperson, KSHRC.