



## **DECISION**

Complaint No. :

POS/1328/KE-96/2023

Name and address  
of the complainant :

Mr. Alam Khan, Main Bazar, Qazzafi Town, Malir, Karachi.

Name of the Agency  
complained against :

Revenue Department

Name & Designation of  
Investigating Officer :

Mr. Iqbal Nafees Khan  
Director, Regional Office, Korangi

Subject :-

**NON-ISSUANCE OF FRESH SEARCH CERTIFICATE AND  
REGISTRATION OF TWO LEASE DEEDS OF PLOT NO. R-186,  
SURVEY NO.92-93, DEH DRIGH, KARACHI**

### **THE COMPLAINT**

On 16.02.2023, Mr. Alam Khan lodged a complaint against the Sub-Registrar, Shah Faisal Town, alleging an undue delay in issuance of a fresh Search Certificate for Plot No. R-186, Survey No. 92-93, Deh Drigh, District and Taluka East, Karachi, owned by his father, and the registration of its lease deed to another person. He requested this office's intervention to redress his grievances.

### **PROCEEDINGS**

2. The complaint was examined and admitted under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended). A letter was issued to the complainant requiring him to complete all codal formalities, including submitting an original signed complaint addressed to the Hon'ble Provincial Ombudsman Sindh, along with a copy of his CNIC, a mandatory affidavit on Form "A," and other relevant documents. He deposited all the required documents.

3. The complainant appeared before the Investigating Officer and stated that his father, Mr. Aslam Khan, had purchased the plot in question, which had been leased in his father's name, and he retained possession of the property. Now this plot had been transferred to another individual by Sub-Registrar, Shah Faisal Town Karachi.

4. The complainant submitted the lease deed for Plot No. R-186, Survey No. 92-93, Deh Drigh, District and Taluka East, Karachi. The document revealed that the lease was executed by Mr. Javaid Hussain (Sub-Attorney of Abdul Sattar, son of Abu Bakar, constituted by Mr. Muhammad Arif, son of Haji Umer) in favor of Mr. Aslam Khan, son of Essa Khan, on 10.11.1991. The lease deed was registered under Registration No. 474, dated 22.02.2001, and recorded on MF Roll No. 2877, dated 01.04.2002.

5. The complaint was referred to the Sub-Registrar, Shah Faisal Town, for a detailed report. Following persistent follow-ups, the Sub-Registrar issued a fresh Search Certificate on 15.05.2023, which transpired that the property had been registered in the name of Muhammad Sohail Shamsher, son of Shamsher Khan, holding NIC No. 42301-5371693-9.

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6. The Sub-Registrar reported vide letters dated 16.08.2023 and 08.12.2023 that a search of the Index-II record of his office, covering the period from 01.01.2022 onwards, revealed that a Lease Deed was registered in favor of Muhammad Sohail Shamsher, son of Shamsher Khan pertaining to Plot No. R-186, measuring 120 square yards, situated in "Dream City," Survey Plot Nos. 92-93, Deh Drigh, Taloa Shah Faisal, Karachi. It was registered by the then Sub-Registrar of his office under Registration No. 486, dated 01.03.2022. He also submitted a copy of the lease deed. This lease deed transpires that it was executed by Mr. Muhammad Arif Kasmani S/o Mr. Umer Kasmani, Attorney of Mr. Abdul Sattar S/o Mr. Abu Bakar in favor of Muhammad Sohail Shamsher son of Shamsher Khan.

7. The sub-Registrar repeatedly asserted that the subsequent lease deed had not been registered by him but by his predecessor and he was not personally responsible for it. The Sub-Registrar further reported that the old records of registered deeds were maintained by the Sub-Registrar Central Record, Karachi, who serves as the custodian of such records.

8. On 06.02.2023, the old Search Certificate was received by the complainant from the Central Record Room, Karachi, which vouched that the plot was leased to Mr. Aslam Khan, son of Essa Khan, during the period from 22.02.2001 to 31.12.2012.

#### FINDINGS

9. The complainant's grievance concerning the non-issuance of a fresh Search Certificate has been redressed. A review of the old and new Search Certificates reveals that the plot, originally registered in the name of the complainant's father, has subsequently been registered in the name of another individual, despite the continued validity of the prior registration.

10. The validity of the ownership documents and the alleged fraudulent lease deed constitutes a civil dispute, which falls under the jurisdiction of the competent civil courts.

11. Furthermore, the registration of the plot by the then Sub-Registrar, despite its prior registration in another individual's name, constitutes a criminal act. This requires a discreet inquiry and appropriate disciplinary and legal action against those responsible.

#### DECISION

12. The complaint is disposed of with advice to the complainant to seek remedy from a court of competent jurisdiction regarding the validity of the ownership documents and the cancellation of the disputed lease deed.

13. The Senior Member, Board of Revenue, Sindh, is directed to conduct a discreet inquiry into the matter and initiate appropriate disciplinary and legal proceedings against the delinquent officer(s) and other persons as per the law.

14. A compliance report regarding the actions taken must be submitted to this office within 60 days of the issuance of this order.

Given under my hand and seal of office



Sd/-

(MUHAMMAD SOHAIL RAJPUT)  
Sitara-e-Imtiaz: PAS  
Ombudsman Sindh

Karachi, dated the 13<sup>th</sup> January, 2025