



## DECISION

Complaint No. :

POS/5215/KE-256/2021

Name and address  
of the complainant :

Mr. Nafees Ahmed, House No.A-2, Shamsi Cooperative Housing Society, Karachi.

Name of the Agency  
complained against :

Sindh Building Control Authority (SBCA)

Name & Designation of  
Investigating Officer :

Mr. Muhammad Shoaib Ahmed Siddiqui  
Director, Regional Office, Korangi

Subject :-

**ALLEGED UNJUST SEALING AND DEMOLITION OF  
BOUNDARY WALLS CONSTRUCTED ON LEGALLY OWNED  
PLOT NO.A-3, SHAMSI COOPERATIVE HOUSING SOCIETY  
WITHOUT ANY PRIOR NOTICES, ETC.**

### **THE COMPLAINT**

Mr. Nafees Ahmed filed a complaint on 07.10.2021 against SBCA alleging unjustified sealing of his property and demolition of its boundary wall which was constructed in order to secure his plot situated in Shamsi Cooperative Housing Society after getting the NOC issued from the management of concerned Society. He, therefore, requested for our intervention in the matter.

### **PROCEEDINGS**

2. The complaint was referred to the Agency for report. In response, the Deputy Director, SBCA, District Korangi, vide letter No.SBCA/DD/(Dist.Korangi)/2021/365 dated 26.11.2021 reported that upon receipt of a complaint from Assistant Commissioner, Shah Faisal Sub-Division, regarding illegal construction by the complainant, a site inspection was conducted and it was found that a boundary wall for Marriage Lawn/Banquet was being constructed on the plot in question without any approval of the SBCA. In this regard, a notice u/s 7-A of SBCO 79-82 dated 16.09.2021 was issued to the owner to vacate and remove the unauthorized structure within 03 days but the complainant failed to comply with the directives.

3. The complainant in his rejoinder dated 28.12.2021 contested the report of the Agency with his earlier stance by adding that he had only constructed a boundary wall and no building was constructed unauthorisedly.

4. The Assistant Commissioner, Shah Faisal Sub-Division also appeared alongwith detailed report vide letter dated 10.06.2022 stating that the Government had notified Demolition Committee at District and Sub-Division level vide Notification No.SO(C-IV)SGA&CD/4-14/LG/21 dated 09.03.2021 and in pursuance the Additional Deputy Commissioner-I had nominated him as Chairman of Sub-Division Committee for Demolition. During survey of the area, he found construction of boundary wall which seemed to be a marriage lawn/banquet and reported the matter to concerned quarter of SBCA vide letter dated 14.09.2021 for taking necessary action at their end.

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5. During hearing held on 06.02.2023, Mr. Imran Siddiqui, Assistant Director, SBCA was asked that under which law the boundary wall could be demolished. In response he deposed that according to Regulation No.9-12 of Karachi Building & Town Planning Regulations, 2002 a boundary wall can be raised up to maximum height of 8 feet (2.44 M) above the crown of road and that too with the prior approval of SBCA subject to payment of prescribed fee and issuance of boundary plan by the SBCA. Whereas the complainant has constructed boundary wall of 12ft height as per report of Assistant Director SBCA Korangi dated 14.06.2023.

6. The Assistant Director, SBCA, District Korangi, vide letter dated 14.06.2023 again submitted detailed report alongwith photographs, which was referred to the complainant for his rejoinder/comments. However, the complainant failed to substantiate his claim regarding construction of boundary wall just to secure his plot from encroachment.

### **FINDINGS**

7. I have gone through the case file and have noted that from the photographs produced by the Agency it is proved beyond doubt that complainant had raised compound wall beyond the specification prescribed under the rules. Moreover, the complainant also failed to produce any approval regarding construction of compound wall as required under the KB&TPR 2002. As such, no maladministration could be established against the Agency for taking action against the unapproved construction.

### **DECISION**

8. In view of the above, the complaint stands disposed of as rejected.

*Given under my hand and seal of office*

Sd /-

**(MUHAMMAD SOHAIL RAJPUT)**

*Sitara-e-Imtiaz: PAS*  
Ombudsman Sindh

Karachi, the 22<sup>nd</sup> January, 2025