



DECISION

Complaint No. : No. POS/266/KHE/24

Name and Address of the Complainant : Mr. Nasim Siddiqui and others, House No. 266-K, Block-6, Ext. PECHS, Karachi.

Name of the Agency Complained against : Sindh Building Control Authority

Name & Designation of Investigation Officer : Syed Farrukh Habib
Director, Regional Office, Karachi (East)

Subject :-

COMPLAINT REGARDING ILLEGAL CONSTRUCTION ON PLOT NO. 266-L AND 267-M, BLOCK-06, PECHS IN VIOLATION OF BUILDING BYE-LAWS.

THE COMPLAINT

Mr. Nasim Siddiqui, in his complaint dated 23.08.2024 stated that he is resident of Block 6 Ext, PECHS and would like to report about the illegal construction activity going on in connivance with the SBCA at Plot No. 266-L and Plot No. 267-M, Block-6, Ext. PECHS, Karachi. The complainant stated that builder has demolished the existing structure and started new construction, and refused to share details of the building plan. The area residents, suspect that he is building multiple portions. The complainant stated that they filed complaint to SBCA, but they did not take any action. Complainant pointed out that the subject neighborhood had narrow congested lanes, where parking of vehicles is a serious issue. Construction of such multiple portioned building would add to the existing severe parking issue besides being an illegal construction. Upon facing inaction from SBCA, the complainant solicited intervention of this office in the matter.

PROCEEDINGS

2. After admission of complaint by condoning delay under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, (amended up to date), after receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. The Deputy Director District, East SBCA, vide letter dated 19.09.2024 reported that after perusal of the available office record and site inspection carried out by the field staff, following transpired:-

- i. The record reveals that the approval of building plan in respect of Plot No. 267-M, Block -06, PECHS measuring 233.33 square yards was granted by SBCA for G+02 upper floors vide letter dated 22.08.2023.
- ii. After site inspection, field staff reported that the owner has raised construction up to ground floor (Structural stage).

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- iii. Whereas, no approval in respect of Plot No. 266-L, Block-06 PECHS is traceable in SBCA office. The construction work is done up to Ground floor+Block Masonry work of 1st floor.
 - iv. The SBCA has issued a notice u/s 7-A of SBCO 1979 on 16.09.2024 with the directives to stop all sort of construction work forthwith and submit proposed building plan.
3. The Investigating Officer, visited sites of both plots and observed that construction activity on plot No. 266-L, was found stopped at ground floor+first floor block masonry, while builder has covered complete plot from all corners leaving no compulsory open space as required under the law. Likewise construction activity on plot No. 267-M, was found in full swing with construction raised upto ground + first floor, having covered complete plot from all corners leaving no compulsory open space. Both constructions seem to be made for multiple portions in violation of building bye-laws. The Agency furnished copy of approved building plan of plot No. 267-M, which helped verify that construction has been carried out in complete violation of the approved plan.
4. In order to expedite the matter, hearing was fixed before the undersigned on 30.10.2024 when Mr. Irfan Hussain Naqvi, Director PSA&C, Mr. Abdul Sajjad, Director Demolition and Syed Asif Rizvi, Director East appeared on behalf of SBCA. The complainant Mr. Dilawar Hussain was also in attendance. During course of hearing, nature of complaint / problem was explained to the officers of SBCA in detail. It was observed that action should have been taken by the SBCA against the clear violation of laws in carrying out construction on the plots in question. The officers who were in attendance could not justify their inaction in the matter. However, they assured to take demolition action against all illegal constructions raised on Plot No. 266-L and 267-M, Block-06, PEHCS, within ten days.
5. Subsequently, the Deputy Director, District East, SBCA vide letter dated 08.11.2024, reported that the demolition squad of SBCA has taken action against the illegal and violative construction at both the subject plots. However, the complainant vide his rejoinder dated 27.11.2024 asserted that the so called action taken by SBCA was cosmetic and not sufficient and his grievance still remains un-resolved.
6. Accordingly, matter was again heard by the undersigned on 29.11.2024, when Syed Asif Rizvi, Director East, Mr. Abdul Sajjad, Director Demolition, SBCA and Mr. Dilawar Hussain Complainant were in attendance. During the course of hearing the complainant explained that SBCA demolition team did not do its work properly as obstructing of light and air to his house was still affected. The Agency's representative assured to carry out the remaining dismantling in presence of complainant and furnish such report.



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7. The matter again came up before the undersigned on 09.12.2024, when Mr. Abdul Sajjad, Director Demolition and Syed Asif Rizvi, Director East, SBCA were in attendance. The complainant also attended the hearing and confirmed that the demolition squad of SBCA visited the site on 04.12.2024 and carried out demolition of illegal construction, to his satisfaction. He extended gratitude to this Institution.

FINDING

8. As a result of timely intervention by this Institution, complainant's grievance has been resolved.

CONCLUSION

9. In view of the above, the complaint is disposed of as redressed.

Given under my hand and seal of the office.

Sd /-

(Muhammad Sohail Rajput)
Sitara-e-Imtiaz. PAS
Ombudsman Sindh

Karachi, dated 03 - 01 - 2025

