



DECISION

Complaint No. : POS/6920/KE-335/2021

Name and Address of the Complainant : Mr. Malik Zaheer-ul-Islam, House No. C-33, Block-B, Valley Road, KDA Officers Housing Society, Karachi.

Name of the Agency Complained against : Layari Development Authority

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

Subject :-

**ALLEGED NON-RESPONSE TO APPLICATION
MADE TO AUTHORITIES CONCERNED
REGARDING PROVISION OF INFORMATION
ABOUT PLOT NO.A-59, SECTOR 28-D, SCHEME-42,
HAWKS BAY ALLOTTED TO THE COMPLAINANT.**

THE COMPLAINT

Mr. Malik Zaheer-ul-Islam in his complaint dated 14.12.2021 stated that Plot No. A-59, Sector 28-D, (situated at 300 feet wide road) measuring 240 sq. yds, in Scheme-42, Hawks Bay was allotted to him under KDA Employees Officers quota in 2004. He made full payment of this plot which is on record of Lyari Development Authority. However, to his utter surprise, he came to know that his plot is no more showing in the plan as a result of revised planning of block 28-D, to accommodate flood drainage. LDA, declared that the subject plot has come under the proposed alignment of drain / Nallah. The complainant stated that he has written several, letters to the LDA and also made personal visits, however no response was received by him. He, therefore, solicited intervention of this office in the matter.

PROCEEDINGS

2. After admitting the complaint 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. In response Director Land, LDA, vide letter dated 31.05.2022 confirmed that plot No. A-59, Sector No. 28-D was allotted to Mr. Malik Zaheer-ul-Islam s/o Wasiq-ul-Islam against KDA Employees Quota. As per revised planning of Sector No. 28-D, the location of said plot has come in the alignment of drain (Nallah). The report informed that Land Department has also put up note to the higher ups for further guidance/decision in the matter. The report added that all such type of cases are in process, and awaiting decision of Governing Body of LDA.

3. To further ascertain facts, the Investigating Officer fixed the case for hearing the parties on 05.10.2022, which was attended by M/s. Muneer Shah and Zeeshan Ahmed Khan, both Assistant Directors on behalf of LDA. The Agencies' representatives admitted that complainant is bonafide allottee of Plot No. A-59, Sector 28-D, Hawks Bay Scheme of LDA, but due to revised planning the plot has come into alignment of drain (Nallah). LDA is willing to adjust/accommodate complainant by allotting alternate plot for which process is underway with Board of Revenue (BoR). As and when formalities are completed, complainant will be accommodated accordingly.

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4. During the course of hearing, the Agency's representatives also presented copies of correspondence made by LDA with the Secretary, Local Government Department, Secretary, Land Utilization Department, and Senior Member, BOR, Government of Sindh, with respect to mutation of 6,243 acres of state land in revenue Record-of-Rights in favour of Hawksbay, Scheme-42. Once the land is mutated, the LDA would be able to accommodate affectees / allottees who are waiting for their plots since long. The complainant in his rejoinder dated 17.11.2022 while reiterating his earlier contention further stated that the Agency's report dated 30.03.2022 was vague, generalized and did not address the issue raised by him. According to him, the process of transfer of remaining land by the Board of Revenue to LDA was only delaying tactics by the LDA. He requested that LDA be asked to take the matter seriously and provide him an alternate plot in lieu of his original allotted plot at the earliest.

5. The investigating officer kept pursuing the matter with the Agency. Subsequently, Assistant Director, Land Management, LDA, vide letter dated 18.03.2024 reported that the matter of demarcation was still awaited on part of Deputy Commissioner, Kaemari. In another report dated 10.06.2024 the Agency reported that few days ago a meeting on this subject was held under the Chairmanship of Minister, Local Government with the officials of LDA, Deputy Commissioner, Kaemari, K-Electric, SSGCL and KW&SC. The minister instructed Deputy Commissioner, Kaemari to expedite the process of demarcation so that the lease process could be completed and the LDA may start the paper work regarding lease documents and resolve other pending issues.

FINDINGS

6. I have examined the case file and perused correspondence, reports and rejoinders etc., and found that:

- i. The complainant is admittedly lawful allottee of Plot No. A-59, Sector 28-D, (situated at 300 wide road), Hawks Bay Scheme, LDA.
- ii. LDA failed to give him the physical possession of his plot citing reason of change in planning, due to which plot came into the revised alignment of drain/Nallah.
- iii. In reality, the natural alignment of Nala has been the same since well before initiation of scheme. The Agency first erred by not taking into consideration of Drain/Nala, which follows its natural course and planned plots over it. Secondly, when preparing revised plan, it used the land adjoining the Nala for creating more smaller plot, instead of first accommodating those allottees whose plots had been disturbed/affected as a result of revision.
- iv. The Agency has kept promising the complainant that an alternate plot will be allotted to him, once the 6234 acre of land is mutated by BoR in favour of LDA and demarcation of the mutated land is carried out by D.C West at site.
- v. As per latest information, the BoR had already mutated land measuring 6243 acres to LDA in Hawksbay Scheme-42 vide letter dated 20.02.2023 and now the matter regarding its demarcation was pending with the Deputy Commissioner, Kaemari.

DECISION

7. In view of the above and in exercise of powers conferred upon me vide section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended up to date) I direct:

- i) The Director General, Lyari Development Authority to allot an alternate plot to the complainant of the same size at similar location (specifically on 300 feet wide road) within 60 days from the date of receipt of this decision in lieu of his original allotment.
- ii) The Deputy Commissioner, Kaemari, Karachi to ensure demarcation of the Land already allotted by BoR to LDA, without further delay and furnish compliance report, within 30 days hereof.

Given under my hand and seal of the office



Sd/-

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

Karachi, dated 18th November, 2024

