



DECISION

Complaint No.	:	POS/6104/2021/DG-I
Name and address of the complainant	:	Syed Faisal-ur-Rehman, House No. B-58, Central Govt. Society, Block-10-A, Gulshan-e-Iqbal, Karachi.
Name of the Agency Complained against	:	Karachi Development Authority (KDA).
Name & Designation of Investigating Officer	:	i) Mr. Asad Ali Khan, Director General-I. ii) Mr. Masood Ishrat, Registrar.
Vetted by	:	
Subject	:	<u>ALLEGED DELAY IN VERIFICATION OF PLOT NO.N-654, SECTOR 10-V, SCHEME-41, SURJANI TWON, KARACHI.</u>

THE COMPLAINT

Syed Faisal-ur-Rehman filed complaint stating that he has been pursuing with concerned officials of Karachi Development Authority for verification of genuineness of ownership documents of his plot No. N-654, Sector 10-V, Scheme-41, Surjani Town, Karachi, as the same was illegally occupied by some miscreants and matter was also referred to them by Police Station Surjani, Karachi. He, therefore, solicited intervention for the redressal of his grievance.

PROCEEDINGS

2. The complaint admitted under section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) by condoning the delay and after receiving mandatory Affidavit on Form "A", was referred to the Agency for report.

3. The Director (Estate & Enforcement), KDA, vide letter dated 01.8.2022 reported that the file was not available / traceable in their record, hence the documents produced by the complainant are presumably fake and fabricated.

4. The Additional Director, Shifting & Enforcement, KDA, vide letter dated 14.12.2022 reported that the scrutiny of record of the plot in question showed that the plot was allotted to Mr. Dad Khan S/o. Zehri Khan, which was transferred in October 2019 in the name of Mr. Muhammad Waheed S/o. Muhammad Siddique.

5. The complainant in his rejoinder dated nil (received in this office on 10.01.2023) while contesting the reports, stated that Mr. Muhammad Waheed (transferee) had executed "General Power of Attorney" in favour of Mrs. Saima Naz W/o. Muhammad Salman Khan, who further executed the "Sub-Attorney" in favour of Syed Shafiq-ue-Rehman (father of the complainant) and requested for directives to the Agency for retrieving the possession of the plot from the illegal occupants.

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6. The Additional Director (Shifting), Estate & Enforcement, Karachi Development Authority vide his subsequent letter dated 17.3.2023 reported that as per Allotment Register, plot in question was allotted to Mst. Shahnaz Begum w/o. Muhammad Naseeb Khan by the Shifting Branch, KDA.

7. The Additional Director, Estate & Enforcement, KDA submitted another report dated 01.08.2023 stating that the said plot was allotted in favour of Mr. Dad Muhammad S/o. Zehri Khan, vide Book No. 300 and serial No.9 dated 12.07.1987 on the basis of "Shifting quota" to the "shiftees" of "Graz village Hawksbay Road", Karachi, and its possession was also handed over to him by the concerned Executive Engineer on 04.8.1987. It has further been reported that the plot was subsequently transferred in favour of Mr. Ishtiaq Hussain vide transfer order No. CDGK/DEE/DDO(S)/2006/480 dated 05.6.2006 and subsequently a registered General Power of Attorney was executed in favour of Mrs. Madiha W/o. Muhammad Raheem, who is currently possessing the disputed plot. It was concluded by stating that the complainant was also called for verification of his documents, which were not matched with the office record of KDA.

8. To thrash out the issue, series of hearings were held, lastly on 03.10.2024, when Syed Raheel Ali, Additional Director (E&E), KDA, appeared and confirmed the position reported by the Additional Director, Estate & Enforcement, KDA, vide letter No. KDA/E&E/A.D(Admn)/NOC/2022/868/1, dated 14.12.2022, as referred at para 4 above.

9. Since contradictory reports were submitted by officers of KDA, Syed Raheel Ali, Additional Director (E&E), KDA, was directed to call both the parties along-with original documents, confirm the position after going through the Allotment Register and original record file and submit a comprehensive report. However, instead of filing the required comprehensive report, despite clear directives he again adhered to earlier report dated 14.12.2022.

FINDINGS

10. I have examined the case. Perusal of file revealed that the reports dated 01.8.2022, 30.11.2022, 14.12.2022, 17.3.2023, 01.08.2023, 01.2.2024 and 01.10.224 submitted by officers of KDA are contradictory as according to the Shifting & Enforcement Branch KDA, plot was originally allotted to Mr. Dad Muhammad S/o. Zehri Khan in the year 1987 whereas as per Allotment Register, plot No. N-654, Sector 10-V, Scheme-41, Surjani Town, Karachi, was allotted to Mst. Shahnaz Begum by Shifting Branch, and both allottees created third parties interests through "Power of Attorney". The father of the complainant purchased the plot from sub-attorney namely Mst. Samina Naz, whereas the plot in question is presently in possession of Mst. Madiah w/o. Muhammad Raheem, who had purchased the same from its transferee Mr. Ishtiaq Hussain. The Agency categorically declared the documents of the complainant as fake / fabricated as these are not in accordance with its record. However, it is observed with concern that the Agency instead of taking lawful action against the delinquents has tried to shift its responsibility.

11. Since the issues of determination of genuineness of documents / title of property and its possession to the rightful owners have emerged, the Ombudsman office has to restrain itself from proceedings, as the jurisdiction lies with the civil courts of competent jurisdiction and parties have to settle the same through due process of law.

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DECISION

12. In view of the above and in exercise of powers vested in me under section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 (amended up to date), further proceedings in the instant case are hereby dropped as determination of genuineness of documents is sole jurisdiction of a civil court. The complainant is therefore advised to approach the court of competent jurisdiction, if he so desire.

13. However, the role of officials of KDA in submission of contradictory reports to this institution can not be ignored. Therefore, Director General, KDA is directed to constitute a committee of Senior Officers to enquire into this matter and take appropriate disciplinary action against those found responsible, under intimation to this office within 60 days hereof.

Given under my hand and seal of this office

