



## **DECISION**

Complaint No. : POS/5626/2022/NWS-103.

Name and address of the complainant : Mst. Khatoon w/o Muhammad Aslam Malik, Through Ali Raza Attorney, R/o. Malik Colony, Near Faizan-e-Madina Masjid, Nawabshah, District Shaheed Benazirabad.

Name of the Agency Complained against : Municipal Committee, Nawabshah / Revenue.

Name & Designation of Investigating Officer : Khan Muhammad Zardari, Regional Director, Shaheed Benazirabad.

Vetted by : Syed Ali Mumtaz Zaidi, (PAS).

Subject : Advisor-F.

### **ALLEGED INACTION BY AUTHORITIES AGAINST MUHAMMAD ABBAS & OTHERS WHO ALLEGEDLY ENCROACHED UPON THE AREA OF STREET AND CLOSED THE SAME FORCIBLY.**

#### **THE COMPLAINT:**

Mst. Khatoon through her attorney/son named Ali Raza filed a complaint dated 07.09.2022 wherein she stated that her neighbors had unlawfully encroached upon the area in front of her residence, resulting in severe congestion in the street. She further alleged that the opponents subsequently extended the encroachment and when she raised objections, they responded with threats of dire consequences. Aggrieved by that, she frequently approached the concerned authorities but of no avail. Therefore, she solicited intervention of this Institution.

#### **PROCEEDINGS:**

2. The complaint was admitted under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (Amended up to date), after receiving copy of CNIC, Affidavit on Form "A" and by condoning the delay.

3. This office issued notice to the Chief Municipal Officer, Municipal Committee, Nawabshah vide letter dated 10.11.2022 for report, followed by multiple reminders. In response, Municipal Commissioner, Municipal Corporation, Shaheed Benazirabad, acknowledged the presence of illegal encroachments in the complainant's street and further stated that matter pertains to the Revenue Department, which may conduct a survey for determining the encroachment on site or otherwise and rectify the matter, if required

4. The Agency's report was shared with the complainant on his given cell number on 07.11.2024. In response, attorney of the complainant appeared before the Investigation Officer, Shaheed Benazirabad on 12.11.2024 and withdrew his complaint by filing his written statement of the date.

5. A site visit was conducted in the presence of both parties viz, the complainant and the opponent on 23.05.2025. The opponent, named Mr. Muhammad Abbas, filed an application of the date along-with copies of litigations, informing that he had filed the civil suits before competent civil court of law against the complainant. The court had in its judgment dated 14.03.2022 advised him to approach the Anti-Encroachment Tribunal, Hyderabad. However, he then filed a Civil Appeal No. 27/2022, which too was dismissed vide Judgment dated 25.07.2022 by Additional District Judge-IV, Shaheed Benazirabad. However, he again filed a Civil Revision No. 191 of 2022 which shows that the matter is already pending before the Honorable High Court of Sindh Circuit Court Hyderabad. The complainant also produced a record of his plot.

**FINDINGS:**

6. From perusal of records, it can be concluded that matter is pending before the Court of Law. Therefore, further proceedings in the matter are dropped at this stage.

**DECISION:**

7. 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), I do hereby dispose of the complaint on account of being subjudice before the Competent Court of Law.

*Given under my hand and seal of office*

Sd/-

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

Karachi, dated 26<sup>th</sup> August, 2025

