



DECISION

Complaint No. : POS/2762/2024/KM/KW

Name and address of the complainant : Mr. Khan Muhammad s/o Laung R/o House No. F-398, Baloch Colony, Manghopir road, Orangi Town, Karachi, West.

Name of the Agency Complained against : Human Settlement, Spatial Development and Social Housing Department (Sindh Kachi Abadi Authority)

Name & Designation of Investigating Officer : Mr. Aftab Ahmad Khatri,
Director, Regional Office, Keamari (west).

Vetted by : Mr. Rafizzuman Siddiqui
Advisor-B

Subject : COMPLAINT REGARDING FAILURE TO ISSUE ALLOTMENT ORDER AND POSSESSION OF PLOT NO. 1455, DESPITE PARTIAL PAYMENT MADE BY THE COMPLAINANT.

COMPLAINT

Mr. Khan Muhammad filed a complaint on May 24, 2024, against the Sindh Kachi Abadi Authority, alleging that he applied for the allotment of plot No. 1455 in Kachi Abadi, located at Tekri Village, Maripur, District Keamari. He claimed to have made a partial payment via challan No. 61838, dated November 10, 2021, at Sindh Bank, amounting to Rs. 20,106. However, to date, the Sindh Kachi Abadi Authority has failed to issue him the allotment order and give him the possession of the plot. Mr. Khan Muhammad stated that he was an employee of the Authority and retired on July 3, 2017. He approached the Authority for the allotment and possession, but to no avail. Consequently, he sought the intervention of the Office of the Ombudsman Sindh to resolve his issue.

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 submission of copy of CNIC and mandatory Affidavit on Form 'A' and by condoning delay.

3. The matter was taken-up with the Agency. In response, the Regional Director, Human Settlement Authority (formerly Sindh Katchi Abadis Authority), Karachi Field Office, vide letter No. HAS/KFO/R.D/2024/844, dated. 09.09.2024 reported that the Sasti Basti project was under execution during 2008-2009. According to procedure, challan was issued to the complainant alongwith other applicants. However, the land demarcated for Sasti Basti was under heavy encroachment, due to which this project was suspended. Agency furthermore stated that according to Clause 23 (12) of SKAA's Regulations 1993, challan issued to the complainant is hereby cancelled and the amount paid is forfeited.

FINDINGS

4. However, it was found that the Sindh Kachi Abadi Authority misguided this office and by wrongly quoting Clause 23 (12) of SKAA Regulation 1993 which reads as:

“ If at any later stage it is disclosed that the challan was issued on the basis of fictitious documents, and sufficient proof in this respect has been obtained, the challan shall be cancelled after issuance a 7 days notice. The amount shall also be forfeited by the Authority and penal action in the relevant law shall be taken against such a person and the employee of the Authority responsible ”

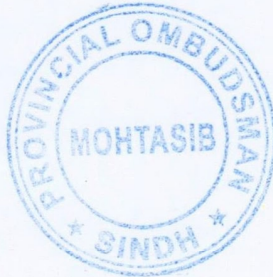
5. The SKAA cited clause 23(12) of the SKAA Regulations 1993, applies when it is established that the challan was issued on the basis of fictitious documents. However, in the instant case, challan No. 61838, Book No. 2235, was issued by the SKAA and paid at Sindh Bank by the complainant and there is no chance of providing fictitious documents against the complaint. The SKAA has also confirmed that the challans were issued by them but the land demarcated for Sasti Basti was under heavy encroachment. Since this project was suspended by the Authority itself, therefore the clause mentioned by SKAA does not apply to this case. Hence, the amount deposited by the complainant in the SKAA account is erroneously forfeited under this provision.

DECISION

8. I in exercise of powers vested U/S 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991, direct the Secretary Human Settlement, Spatial Development and Social Housing Department (formerly Sindh Katchi Abadis Authority), Sindh, to immediately return the amount of Rs. 20,106 to the complainant, subject to the fulfillment of all legal and regulatory requirements.

9. A compliance report must be submitted to this institution within 60 days from the date of this directive.

Given under my hand and seal of office.



SD/-
(MUHAMMAD SOHAIL RAJPUT)

Sitara-e-Imtiaz : PAS

Ombudsman, Sindh

Karachi, dated: 18 November, 2024