



DECISION

Complaint No. : POS/1547/KHE/51/2021

Name and Address of the Complainant : Mr. Sagatdan, House No. S-15, S. No. 734, Yousuf Nagar, Near Burhani Town, KDA Chowk, Khokarapar, Malir, 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 :- **IN ACTION ON THE COMPLAINT AGAINST BUILDER NAJAMUDDIN LANE-WALA WHO ALLEGEDLY DEMANDED RS. 320,000/- FOR TRANSFER OF PLOTS PURCHASED BY THE COMPLAINANT.**

THE COMPLAINT

Mr. Sagatdan in his complaint dated 11.03.2021 stated that he had purchased two commercial plots bearing no. S-5 and S-6, each measuring 80 sq. yds. in Yousuf Nagar Project from one Muhammad Yousuf and he approached the builder namely Najamuddin Lane-Wala who demanded Rs. 320,000/- @ Rs. 4000/- per sq. yds. as transfer fees for each plot, and was also not even issuing any receipt in this behalf. Accordingly, he approached SBCA for redressal but got no response. He, therefore, solicited our intervention for resolution of his grievance.

PROCEEDINGS

2. After admitting the 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.
3. In response The Assistant Director of Public Sale Advertisement & Complaints, Sindh Building Control Authority vide letter dated 04.10.2021 reported that Public Sale Advertisement & Complaint Section, SBCA, has not issued any NOC for Sale & Advertisement in the name of Project "Yousuf Nagar", on above mentioned plot numbers.
4. Copy of the Agency's report was forwarded to the complainant for / rejoinder vide letter dated 04.10.2021, in response complainant vide letter dated 10.02.2022 challenged the Agency's contention and stated that SBCA is granting approval of building plans for construction of Houses being constructed in Yousuf Nagar. If SBCA has not issued any NOC to the project how the SBCA is granting approval of building plans. He request to make inquiry in the matter.

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5. Later, the Deputy Director, Sindh Building Control Authority, District Malir Karachi reported that the authority issued a show cause notice dated 27.05.2022 to Mr. Najmuddin Lane-Wala to clear his position. In response of which SBCA received a reply dated 06.06.2022 from M/s. Al-Falah Developers & Builders, that Yousuf Nagar is not a project of M/s Al-Falah Developers & Builders and they have no concern with the said project. The SBCA further informed that a Legal Notice against the Deputy Director, District Malir, SBCA, was also issued by M/s ZABRO law Associates on behalf of M/s Al-Falah Developers & Builders. The Agency contended that since the actual person/builder was still unidentified, the action cannot be taken against any unidentified person, as such, complainant may be asked to provide proper documents showing identity of the person/firm so that action may be taken against them as per law.

6. In order to investigate the complaint in detail the Investigation Officer heard the case on different dates. During the course of hearing the Agency's representative denied to have issued any approved building plan in the said project. Mr. S. Akhlaque Mehdi, Advocate for the respondent builder also filed comments vide letter dated 12.03.2024 stated that "Najamuddin (Builder), nor M/s. Al-falah Developers and Builders and M/s. Burhani Builders & Developers have neither owned, nor launched any project in the name of *Yousuf Nagar*, as alleged in the complaint filed by the complainant. It further stated that a reply has already been submitted to the office of Sindh Building Control Authority (SBCA) vide letter dated 06.06.2022.

FINDINGS

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

- i. The complainant has failed to establish any case of mal-administration on part of the Agency.
- ii. The complainant's actual grievance is against some private individuals with whom he had purchased some immovable property.

CONCLUSION

8. In view of the above, the complaint is hereby dismissed and disposed of accordingly.

Given under my hand and seal of the office



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

Karachi, dated 17th January, 2025