



DECISION

POS/4186/2020/Adv-M

Complaint No. :

Name and address of the complainant :

Name of the Agency Complained against :

Name & Designation of Investigating Officer :

Vetted by :

Subject :

COMPLAINT REGARDING ILLEGAL EXTENSION OF BALCONY / ROOF

Complaint:

This is a complaint filed by Khannan, resident of house No. B-170, Maula Buksh Compound, near Noor ul Islam Mosque, Keamari, Karachi, on 20th October 2020 against his neighbour Mohammed Maroof and the officials of Karachi Metropolitan Corporation and Sindh Building Control Authority, complaining about the illegal construction being carried out by Maroof by extending the roof of his under-construction house onto the lane in front of the complainant's house. He requested for intervention of this Institution for the redressal of his grievance.

Proceedings:

2. The complaint after being admitted as per law was referred to the Karachi Metropolitan Corporation and Sindh Building Control Authority for report. After issuance of many letters, in a hearing held on 7th April 2022, the Assistant Director SBCA vide letter No. SBCA/Director/(District Keamari)/2022/34 dated 7th April 2022 intimated that the area is an unplanned encroached area and no approval has been obtained from SBCA, and that he has referred the matter to the officials of KMC and KDA who deal with encroachments. The Additional Director Anti-Encroachment Cell KDA reported that the matter pertains to SBCA as it is violation of Building rules, vide his letter No.KDA/Addl.Dir./AEC/E&E/2022/782/L dated 22nd November 2022.

3. The complainant was asked to produce the ownership documents of his house on the date of hearing i.e. 21st March, 2023. The Senior Director (Anti-Encroachment) KMC vide letter No. KMC/AE/2023/07 dated 3rd January, 2023 reported that the matter pertains to District Municipal Corporation Keamari. Subsequently, the Transition Officer DMC Keamari (defunct) reported that the staff of TMC Mauripur is enquiring into the matter.

4. In a hearing on 3rd October, 2023 Mr. Adnan son of Maroof through his legal counsel submitted his application to implead him as Intervener and in his submission, he stated that he has filed criminal and civil cases against the complainant Khannan, being the lawful owner of the flat constructed on plot No. 638, which is a duly registered leased property.

5. The Deputy Director, Sindh Building Control Authority vide letter No. SBCA/DD/District Keamari/2023/123 dated 30th October, 2023, reported that the complainant Khannan did not produce any legal documents of his property. He further stated that the removal of eaves (chajja) has to be dealt by the Anti-Encroachment Department.

6. The Intervener Adnan vide his request dated 16th November, 2023 stated that the complainant has constructed a washroom on the area which was supposed to be a public thoroughfare (lane) and has blocked the way.

7. Subsequently both the complainant and the intervener were called and their viewpoints were discussed. The complainant Khanan insisted on his original grievance that Maroof, father of the Intervener has constructed the eaves illegally, whereas the Intervenor Adnan was of the view that his construction is on a leased plot and does not infringe upon the privacy of the complainant.

Findings:

8. Through the above proceedings, the matter appears to be of a personal dispute between two neighbours in an informal settlement (katchi abadi) which is neither planned nor the constructed structures have been approved by any agency.

9. Further, the extension of balcony or construction of eaves does not seem to be disturbing or interfering with the rights of the complainant. Moreover it is the complainant who has no documentation available with him about his property, and as such the legality of his claim is not established, whereas the counter allegation made by the Intervenor that Khanan has occupied the public thoroughfare becomes credible, as Khanan has himself stated that the lane is closed beyond his possession and that is why he has occupied this portion of the lane.

10. Thus the allegation made by the complainant has not been established because the construction occupied by the Intervener is not encroaching or overhanging on the premises of the complainant. Moreover, the complainant does not have any documentation on which basis he can claim, that the person complained against has infringed any of his right. Further the area is an unplanned informal settlement (katchi abadi) about which we are not clear whether it is notified as such or it is merely an encroachment. As such these encroachments and unauthorized constructions have not been controlled or monitored by any agency.

11. It is therefore established that glaring maladministration on the part of the land owning agency has been committed, as it has allowed encroachments to flourish on its land and even leases have been executed in some cases. Further the Katchi Abadi Department of KMC or the Sindh Katchi Abadi Authority have also not taken any cognizance of this situation for handling this informal settlement.

Decision:

12. In view of the above proceedings, it is hereby held that the allegation of the complainant has not been proved and hence the complaint is consigned to the record. However, in order to attend to this maladministration, I under Section 11 of Establishment of the Office of Ombudsman for the Province of Sindh Act 1991, hereby direct the Metropolitan Commissioner, Karachi Metropolitan Corporation to examine the status of this colony or occupation, and take appropriate steps in accordance with the legislations pertaining to informal settlements and building control within six months and to furnish a report.

“Given under my hand and seal of office”

Sd/-

(Muhammad Sohail Rajput)

Sitara-e-Imtiaz, PAS

OMBUDSMAN SINDH

Karachi, dated 22nd September, 2025

