



DECISION

Complaint No.	:	POS/2450/2018/DG-I
Name and address of the complainant	:	Mst. Farida Shirazi, Wd/o. Mr. Kalimullah Shirazi, Flat No.2, C-types, Block-19, PHA Flates, G-11/4, Islamabad.
Name of the Agency Complained against	:	Cooperative Department, Government of Sindh.
Name & Designation of Investigating Officer	:	i) Mr. Akhter Hussain Bugti, Director General ii) Mr. Masood Ishrat, Registrar
Vetted by	:	
Subject	:	<u>ALLEGED UNJUSTIFIED CANCELLATION OF ALLOTMENT OF PLOT NO. B-162, BLOCK-D, SECTOR-III, GULSHAN-E-MEHRAN, BY MANAGEMENT OF SINDH EMPLOYEES COOPERATIVE HOUSING SOCIETY, KARACHI.</u>

THE COMPLAINT

Mst. Farida Shirazi Wd/o. Kalim Ullah Shirazi filed complaint dated 27.8.2018 stating that plot No. B-162, admeasuring 400 square yards, Block-D, Sector-III, Gulshan-e-Meharn, Karachi, was allotted to her husband by the management of Sindh Government Employees Co-operative Housing Society in the year 1989, who paid full payment towards cost of the said plot. She added that the then Secretary of the Society without any prior notice unjustifiably cancelled the allotment of said plot on the plea of non-payment of dues. Having failed to get the issue resolved, she approached this Secretariat to intervene in the matter.

PROCEEDINGS

2. The complaint admitted for investigation 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 receipt of mandatory Affidavit on Form "A" was taken up with the Agency for comments.

3. In response, Honorary Secretary, Sindh Employees Cooperative Housing Society Ltd., vide letter dated 08.12.2018 admitted that the plot in question was allotted to husband of the complainant who deposited Rs.34,000/- including transfer fee towards cost of land up to the year 1989 but failed to pay the development charges, hence the plot was cancelled and allotted to another member of the society by the then management. It has also been reported that her deceased husband during his life time approached the society for restoration of the plot by expressing his willingness to pay the dues towards development charges but his request was not considered and regretted vide letter dated 05.10.2006. The society concluded by stating that at present no piece of land is available to accommodate the legal heirs of deceased allottee of the Society.

4. The complainant in her rejoinder dated 20.12.2018 rebutted contents of the report of the society and explained that though dues towards occupancy value of the plot was paid well in time but still the plot was cancelled on the plea of non-payment of development charges, which was neither justified nor in accordance with bylaws of the society. She requested that if restoration of originally allotted plot is not possible, paid amount may be refunded as per current market value of the plot.

5. In his subsequent comments dated 01.09.2019 and 29.02.2024, Honorary Secretary, Sindh Employees Cooperative Housing Society Ltd. reported that the matter about land of the society is pending adjudication in the court and request of the complainant for refund of amount as per market value is not tenable as the society run its affairs on no profit and no loss basis.

6. To thrash out the matter several hearings were held. Last hearing in the matter was held on 11.7.2024 when Mr. Malik Mumtaz Awan, Legal officer, Mr. Zehsan Siddiqui, Focal Person Cooperative Department, were present whereas complainant preferred to remain absent without any intimation. The representatives of the Society reiterated his earlier stances and verbally deposed that at present no land is available for allotment as an alternate plot, however, such request would be considered subject to availability of land.

FINDINGS

7. I have examined the case and documents produced by the parties and observed that:

- i. Plot No. B-162, Block-D, Sector-III, Gulshan-e-Meharn, Karachi, was admittedly allotted to Mr. Kalimullah Shirazi (husband of the complainant) in the year 1989 after realizing the full cost of land by the then management of Sindh Government Employees Cooperative Housing Society;

- ii. Allotment of said plot was cancelled due to non-payment of development charges and allotted to another member of the Society;
- iii. The representatives of the society failed to produce copy of notice or any public notice / intimation to the defaulting members for cancellation of their plots to justify their action of cancellation as per law;
- iv. The society has never challenged the membership of the complainant's husband, which is still intact and as per law the society is bound to allot a plot to every member of the society;
- v. The Societies are normally receiving dues / funds from its members through pay orders / cheques and investing its funds in profitable schemes to generate funds for betterment / welfare of its members. Similarly the management of Sindh Employees Cooperative Housing Society Ltd., has also invested its funds in such schemes and enjoying its benefits.

DECISION

8. In view of the above and in exercise of the powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991, I hereby direct the Secretary to Government of Sindh, Cooperation Department, Government of Sindh, Karachi, to take appropriate lawful action against the society for cancellation of the plot allotted to complainant's husband without completion of due formalities and also ensure that management of Sindh Government Employees Cooperative Housing Society Ltd, shall allot an alternate plot of the same size to the legal heirs of deceased member of the society namely Mr. Kalim Ullah Shirazi (husband of the complainant) subject to completion of formalities and on availability of land.
9. Simultaneously, the complainant is also at liberty to either wait for allotment of plot till the land is available or opt for refund of the paid amount deposited with the Society with markup at bank rates, if she so desires.
10. The complaint stands disposed of accordingly.

Given under my hand and seal of this office



Sd/-
(Muhammad Sohail Rajput)

Sitara-e-Imtiaz. PAS

Ombudsman Sindh

26K
Karachi, dated December, 2024