



## **DECISION**

**Complaint No.** : POS/3877/2024/F-192

**Name and address of the complainant** : Mr. Abdul Baqi (Bilal), Vice Chairman, Union Council No. 02 (PECHS-II), UC Office adjacent to Hill Park, Rohail Khund Society, Hyder Ali Road, Off. Shaheed-e-Millat Road, Karachi.

**Name of the Agency Complained against** : Town Municipal Corporation (TMC) Chanesar Town

**Name & Designation of Investigating Officer** : Syed Ali Mumtaz Zaidi, (PAS), Advisor-F

**Vetted by** : --

**Subject** : **COMPLAINT REGARDING ALLEGED ILLEGAL OCCUPATION OF PREMISES OF ELECTED REPRESENTATIVES OFFICE IN KHALID BIN WALEED HOCKEY GROUND (PECHS KARACHI).**

### **THE COMPLAINT:**

Mr. Abdul Baqi (Bilal), Vice Chairman of Union Council No. 02, PECHS-II, Karachi in his online complaint stated that his office premises at Khalid Bin Waleed Hockey Ground was illegally occupied by Town Municipal Corporation (TMC) Chanesar Town, Karachi. He addressed applications to Chairman and Town Municipal Commissioner of TMC Chanesar for vacating the illegal occupation of his office but to no avail. He therefore, 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 fulfilling the legal formalities i.e. submission of complaint duly signed, copy of his CNIC and Affidavit on Form-A.
3. Hearings were fixed by issuing notices to Complainant and Respondents.
4. On the date fixed for hearing, Complainant Mr. Abdul Baqi and Respondent Town Municipal Commissioner, TMC Chanesar accompanied by Director Parks, Deputy Director Library and Legal Advisor of TMC Chanesar appeared in person.
5. The Town Municipal Commissioner stated that this is a dispute between two Local Councils, therefore, the complainant being elected representative of Local Council namely UC-2/PECHS 2 should approach the appropriate forum



i.e. Provincial Local Government Commission as mentioned in Sindh Local Government Act, 2013. Legal Advisor TMC Chanesar stated that Ombudsman's Institution is not the proper forum for admitting/entertaining/proceeding when dispute between two Local Councils. He submits report vide letter No.LA/TMC/CHANESAR/EAST/31/2024 dated 20.12.2024, which is taken on record.

6. The complainant, Vice Chairman, UC-2 stated that there are two premises in Khalid Bin Waleed Hockey Ground. One is Library and moreover there are two rooms which complainant claims to be ex-UC Office but he could not produce any documentary evidence regarding the same. He admitted that they have full-fledged office near Hill Park. He further stated that he applied in 2016 for the acquisition of UC office but of no avail. Since 2016 onwards, the UC is trying for the premises. He submits letter No.UC#02/TMC/24/362 dated 23.12.2024 which is taken on record.

7. The Legal Advisor further stated that the complainant has made false and fabricated allegation against administration of TMC Chanesar, District East as the Chairman is the custodian of public properties and cannot do any act without permission of Council TMC Chanesar.

**FINDINGS:**

8. Prima Facie it is a dispute between two Councils. Section 120(1)(d) of Sindh Local Government Act, 2013 provides a framework for resolving disputes between Government Department and Council or between two Councils through Provincial Local Government Commission. This dispute is between two Councils and thus falls under the ambit of Sindh Local Government Commission.

**DECISION:**

9. I, 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 (amended up to date) ~~is~~ hereby advise the complainant to approach Provincial Local Government Commission for resolution of the subject dispute.

10. The complaint stands disposed of accordingly.

*Given under my hand and seal of office*



**Sd /-**  
**(MUHAMMAD SOHAIL RAJPUT)**  
**Sitara-e-Imtiaz. PAS**  
Ombudsman Sindh  
Karachi, dated 28 January, 2025