



DECISION

Complaint No. : POS/1385/KE/92/2024

Name and Address of the Complainant : Mr. Asim Haroon R/o. House No. 294, Ayaz Town, Block-02, Gulshan-e-Iqbal, 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 :- **ALLEGED INACTION ON THE COMPLAINT MADE AGAINST ILLEGAL CONSTRUCTION OF GROUND PLUS THREE FLOORS ON PLOT NO. B/185, BLOCK-02, GULSHAN-E-IQBAL.**

THE COMPLAINT

Mr. Asim Haroon in his complaint dated 05.03.2024 stated that he is resident of house No. 294, Ayaz Town, Gulshan-e-Iqbal, Block-2, Karachi. A builder namely Junaid, in connivance with officials of SBCA, is raising construction / building, ground + three storey on plot No. B-185, Block-2, Gulshan-e-Iqbal, Karachi, illegally in violation of building bye-laws, whereas only ground + two storey building is permissible in the area. He has further stated that this alleged construction will result into various issues including shortage of water, sewerage and parking etc. In this behalf he submitted an application dated 27.02.2024 to the SBCA but no action was taken by them. He, therefore, solicited intervention of this office 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. However, it failed to file any report. Consequently hearing was fixed on 11.09.2024, when the Director (East) SBCA appeared, who was apprised of the violation and advised to take immediate action as per KBTR 2002. In a subsequent hearing held on 15.10.2024, the Director, Deputy Director and Assistant Director, SBCA, who appeared in the hearing were enquired about the action as advised in the previous hearing. The team could not furnish any satisfactory answer. However, it informed about its demolition action planned for 28.10.2024, for which it claimed to have informed the offices of D.C East, SSP East, K-Electric, SSGC etc. However, on 28.10.2024, it filed a report that since none of the agencies extended any cooperation, the proposed action could not be undertaken.

3. During the course of investigation the complainant appeared and furnished colored photographs of the said building, which clearly showed that the builder has completely constructed building in shape of multiple portions.

FINDINGS

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

- i. The builder has raised construction on plot No. B/185, Block-02, Gulshan-e-Iqbal, of ground plus three storey building without approved building plan in clear violation of Karachi Building & Town Planning Regulations, 2002. The owner of the plot has raised construction in the shape of multiple portions on single plot which is not permissible under KBTR, 2002.
- ii. Such unlawful construction has been raised due to criminal and wilful negligence of concerned officers and field officials of SBCA and maladministration on part of the Agency is thus established.

DECISION

5. In view of above and in exercise of powers conferred upon me vide section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended up to date) I direct the Director General, Sindh Building Control Authority, Karachi as follows:

- i. To demolish all unauthorized constructions raised without approval of building plan within **15 days** hereof.
- ii. Take disciplinary action against all the delinquent officers / officials who remained posted in this zone during the past six months whose negligence led to raising of illegal constructions on subject plot. The report of action taken shall be submitted to this office within **30 days** hereof.

6. A copy of the decision is also forwarded to the Chairman, Sindh Anti-Corruption Establishment, Government of Sindh, with the directions to probe into the matter, fix responsibility and register case against the delinquent officers / officials of SBCA. Compliance report should be submitted within **60 days** hereof.

Given under my hand and seal of the office



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

Karachi, dated 25-11-2024