



## **DECISION**

Complaint No. :

POS/2191/KE/158/2023

Name and Address  
of the Complainant :

Mr. Sheikh Faiz-ul-Haq, House No. C-22, Block-02,  
PECHS, Karachi.

Name of the Agency  
Complained against :

Sindh Building Control Authority (SBCA)

Name & Designation of  
Investigation Officer :

Syed Farrukh Habib  
Director, Regional Office, Karachi (East)

Subject :-

**ALLEGED INACTION ON THE  
COMPLAINTS MADE AGAINST ILLEGAL  
CONSTRUCTION OF THIRD FLOOR ON  
PLOT NO. 23-B, BLOCK-02, PECHS.**

### **THE COMPLAINT**

Mr. Sheikh Faiz-ul-Haq in his complaint dated 16.03.2023 stated that a ground-plus-two building has been constructed on residential Plot No. 23-B, Block-2, PECHS, Karachi. He further stated that illegal construction of a third floor is progressing rapidly without approval of SBCA. He stated that despite objections from the local residents, the builder was continuing construction at a fast pace. He further mentioned that their neighborhood already facing issues like parking, gas, water, electricity, and sewerage, etc. He, therefore, solicited intervention of this office in the matter.

### **PROCEEDINGS**

2. After admission of complaint by condoning the delay under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, (amended up to date), as well as receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. In response, Assistant Director, District East, SBCA vide letter dated 20.09.2023 stated that after perusal of available office record and fresh site inspection carried out by the field staff, following are the submissions:

- That after site inspection it was observed that the owner/tenant raised illegal construction of 3rd floor beyond the permissible limits and some space got occupied.
- That a fresh Ejectment Notice dated 14.09.2023 has been issued to the owner/occupant of the illegal 3rd floor of the building with the directives to vacate the same within 07 days.
- That the letters to all Utility Agencies have been written, with the request to disconnect their Services in respect of said illegal construction on the plot in question.
- That the Sub-Registrar (concerned) has also been requested by SBCA for necessary action at his end.

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That the demolition action against the said illegal floor was taken with the help of Demolition Squad and SBCA Police Force on 19.09.2023, during the course of action some space was occupied and the partition walls and roof slabs of vacant space were cut down with the help of gas cutter.

3. The complainant in his rejoinder dated 08.11.2023 stated that the SBCA has submitted false and misleading report because there is no demolition of illegal construction, rather the staff of SBCA just made small hole on a part of roof of 3<sup>rd</sup> floor, while remaining portion of roof as well as walls are still standing as usual. Moreover, all utilities connections such as electricity, sui gas and water are also intact on the subject premises, which has also been occupied by a family.

4. In order to expedite the action the Investigating Officer, fixed the case for hearing on 30.07.2024 which was attended by the complainant while Director East, remained absent and in his place building inspector Sarfaraz appeared who furnished letter dated 29.07.2024 from the Assistant Director, District East, SBCA that for removal of illegal construction on 3<sup>rd</sup> Floor (partly) the SBCA has scheduled the eviction and demolition action against the alleged illegal construction on 06.08.2024 and have also initiated required prerequisite. The complainant furnished evidence of fresh and further encroachment by the said occupants. The same was shared with SBCA.

5. In a subsequent, hearing held on 21.08.2024, which was attended by the Complainant and Mr. Ali Hassan, Director East, SBCA, who was fully explained the whole scenario of violation, negligence of his subordinate staff / officials, which led to this illegal construction particularly at ground floor. He was advised to take immediate necessary action towards removal of the illegal construction and should not make excuse, that the subject place was now under occupation.

6. The notice was also issued to the TMC Chanesar for removal of illegal projection of balcony on ground floor, in the back lane. In response the Director Anti-Encroachment vide letter dated 20.09.2024 reported that the Anti-Encroachment Department of TMC Chanesar has removed the balcony extended on ground floor by builder.

### **FINDINGS**

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

i. The owner/builder has raised construction of 3<sup>rd</sup> Floor, on plot No. 23/B, Block-02, PECHS, beyond permissible limits in clear violation of Karachi Building & Town Planning Regulations, 2002.

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- ii. Such unlawful construction has been raised due to criminal and willful negligence of concerned officers and field officials of SBCA. The maladministration on part of the Agency is thus established.

### **DECISION**

8. 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 in violation of building bye-laws and without approval of building plan within **30 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 **60 days** hereof.

*Given under my hand and seal of the office*

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

Karachi, dated 06 - 01 - 2025

