



DECISION

POS/155/KE-19

Complaint No.:

Name and address
of the complainant :

Syed Manzoor Hussain,
House # T-1/6, Steel Town,
Bin Qasim, Karachi.

Name of the Agency
Complained against :

Sindh Building Control Authority

Name & Designation of
Investigating Officer :

Fasihuddin Khan
Advisor 'Z'

Subject :-

ALLEGED IN-ACTION ON THE REQUESTS
MADE TO SBCA FOR THE PHYSICAL
POSSESSION OF TWO PLOTS BOOKED BY THE
COMPLAINANT IN "AHSAN CITY" PROJECT

THE COMPLAINT

Syed Manzoor Hussain filed his complaint on 29.03.2019 stating that he booked two plots No.L-73 and L-127 measuring 80 sq. yards each in the project "Ahsan City" in 1995. He paid all the dues and Provisional allotment letter was issued to him but physical possession of the plots was not given. He approached the SBCA many times but the Agency did not pay any heed to his request. He, therefore, solicited our intervention for resolution of his problem.

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 receiving mandatory Affidavit on Form "A" and other relevant documents. Then the matter was referred to the DG SBCA, Karachi, for his comments/report vide letter dated 19.04.2019 followed by three reminders. On 01.01.2020 M/s. Mustehkam Builders, who owned the project of "Ahsan City", submitted a report stating that development work has not been started on the project land as rocks and hillocks exist in the vicinity of the said land. As soon as development work is completed, possession of the plots would be given to the allottees for construction of their houses.

3. The above mentioned report was sent to the complainant for comments/rejoinder vide letter dated 29.11.2021. In his rejoinder dated 13.12.2021, the complainant repeated his earlier contentions.

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4. In order to resolve the matter, hearing was fixed on 12.01.2022 which was attended by the Manager, Mustehkam Builders. During the course of hearing, he disclosed that the land of the Project "Ahsan City" is disputed before the Hon'ble High Court of Sindh under Suit No.763 of 2005. A copy of the Petition of the said case was submitted as proof. However, for further verification of the facts of the case, a copy of plaint and Constitutional Petition (CP) was called from the Builders which were submitted on 14.09.2022.

5. The matter remained under further correspondence, during which the complainant submitted his rejoinder on 14.10.2022 with the request to return his paid amount at the current market value of the plots instead of getting possession from the Builder. A copy of this rejoinder was sent to Mustehkam Builders & Developers vide letter dated 25.10.2022 for further comments but he did not respond despite two reminders and telephone calls. Meanwhile, the complainant's wife Mst. Shagufta Zaheer appeared before the Investigating Officer on 15.08.2023 and informed that her husband Syed Manzoor Hussain has expired on 24.12.2022. Being a widow she requested for an early settlement of the complaint.

6. Again the matter was taken up with DG, SBICA for resolving the issue between Builder and widow of Late Syed Manzoor Hussain. After continuous follow up, the Assistant Director (PSA&C) SBICA forwarded on 22.02.2024, the reply of Mustehkam Builder stating therein that the allottee will be handed over the possession of the plots as soon as the pending case is decided by the Honourable Court. Alternatively if the complainant's widow does not want to wait, the company is ready to refund the paid amount without any deductions as per agreed terms and condition.

7. The Builder's aforementioned proposal was shared with the widow of the complainant but she did not respond despite reminders to her telephone.

8. Finally, both the parties were called by the Investigating Officer on 05.06.2024 for an amicable settlement between them. Mr. Jami Raza, son of the complainant attended the hearing and requested for some time to respond after consultation with his mother. After further follow up, he informed on telephone that they will wait for the decision of the High Court of the Sindh.

CONCLUSION

9. In view of the above, further proceedings in the matter are hereby dropped and the complaint is disposed of as subjudice.

Given under my hand and seal of office.



Sd /-
(MUHAMMAD SOHAIL RAJPUT)
Sitara-e-Imtiaz - PAS
Ombudsman, Sindh

Karachi, dated

7th March, 2025