



DECISION

Complaint No. : POS/8121/KE/458/2022

Name and Address of the Complainant : Mr. Zafar Ahmed Hashmi, A-195, Block-02, Gulshan-e-Iqbal, 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 :- **COMPLAINT REGARDING ALLEGED ILLEGAL CONSTRUCTION ON PLOT NO. A/176 BLOCK-02, GULSHAN-E-IQBAL, (BEHIND HOUSE OF THE COMPLAINANT) WHICH AFFECTED HIS EASEMENT RIGHT OF FRESH AIR.**

THE COMPLAINT

Mr. Zafar Ahmed Hashmi, in his complaint dated 15.02.2023, stated that he is resident of House No. A/195, Block-2, Gulshan-e-Iqbal, Karachi, since 2006. About a year ago, Plot No. A/176, Block-2, Gulshan-e-Iqbal, Karachi, which is West-facing and directly behind his house, was sold out by the previous owner and the new owner demolished the old structure on the plot to build a new building. After the demolition, they began constructing a new house, which is now at an advanced stage. He stated that at the time of his complaint to the SBCA on 04.10.2022, the construction was at plinth level. But as the construction progressed it was observed that, in raising the building, the new owners did not leave the compulsory open space at the back and sides of the building for the passage of fresh air. The complainant stated that despite his complaint, no action was taken at the initial stage of construction, and all his efforts to stop the illegal construction through SBCA went in vain. The complainant further stated that his house is East-facing, and the only passage for fresh air is through Plot No. A/176 (behind his house). This passage of fresh air is now being blocked by cemented and concrete construction, which constitutes a clear violation of SBCA regulations and his easement rights. He, therefore, sought intervention of this office for redressal of his grievance.

PROCEEDINGS

2. After admission of 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), as well as receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. In response, a report vide letter dated 13.12.2023 was received from Deputy Director (Scheme-24), SBCA Karachi, which stated that field staff visited the subject plot three times but the residents of the said premises did not allow SBCA Staff to enter the premises for the purpose of inspection. Report further stated that premises was constructed upto ground+01 floor and it is occupied. He requested for providing security through area police force with lady searchers to inspect the house properly.

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3. In order to investigate the case further hearings were fixed on 01.02.2024, 05.03.2024 and 14.05.2024 but both Mr. Nadeemullah, Assistant Director, SBCA and Deputy Director (Scheme-24), SBCA failed to attend those hearings. However, complainant attended and furnished latest photographs. He deposed that the said house was still under construction and not occupied as falsely reported by SBCA. Subsequently, Summons were also issued vide letter dated 24.06.2024 for appearance of concerned officer on 02.07.2024, but he remained absent.

4. Later, the Deputy Director, District East, SBCA Karachi vide letter dated 10.07.2024 intimated that he had recently taken over the charge of Deputy Director, Gulshan Town-I, District East and has sought detail about the subject construction from Record office of the SBCA. His report filed later revealed that the SBCA has granted approval of building plan for construction of Ground + 2 upper floors residential house in the name of Mrs. Tanveer Kousar, vide construction permit dated 19.10.2023 and site has also been inspected by the field staff of the SBCA which observed that Ground+2 upper floor Bungalow/House has been constructed with some violation of covering of part portion of Compulsory Open Space (COS) on rear side, front COS and 06" covering of COS on one side. The report stated that Building has been completed but still vacant and no further construction activities have been observed. The SBCA has issued notice dated 29.08.2024 for the above mentioned violations. Thereafter, upon no action/report from Agency, the Deputy Director was made to appear upon service of Bailable Warrant of arrest, before the Registrar POS, on 12.09.2024. He stated that the authority has demolished/removed violation from back side COS on 05.09.2024.

5. Later, the complainant in his letter dated 24.10.2024, confirmed of such action and stated that his grievance had been resolved and expressed his gratitude to this Institution.

FINDING

6. As a result of timely intervention by this Institution, complainant's grievance has been resolved.

CONCLUSION

7. In view of the above, the complaint is disposed of as redressed.

Given under my hand and seal of the office



Sd/-

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

Karachi, dated 23-12-2024