



DECISION

POS/2266/2022/Adv-M

Complaint No.	:	
Name and address of the complainant	:	Mr. Arshad Ghori s/o anwar uddin Ghori, House No.499-A, Muhalla faiz Aam, Sector-11, Orangi Town, Karachi..
Name of the Agency Complained against	:	1. Karachi Metropolitan Corporation 2. Revenue Department
Name & Designation of Investigating Officer	:	Mir Hussain Ali Advisor-M
Vetted by	:	
Subject	:	<u>DELAY IN REGISTRATION OF LEASES OF PLOT NO. E-125 AND E-129 GULSHAN-E-ZIA, SECTOR-11 ½, ORANGI TOWN, KARACHI.</u>

Complaint:

Mr. Arshad Ghauri, filed a complaint dated 21.4.2022 against the officials of KMC for not forwarding the papers pertaining to the execution of leases of Plots No. E-125 and E-129, Gulshan-e-Zia, Sheet No. 2, Sector 11½, Orangi Town, to the concerned Sub-Registrar. He therefore requested this Institution to intervene in the matter.

Proceedings:

2. The complaint admitted under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, was taken up with the Project Director, Orangi Town, KMC. The complainant in his application dated 2.1.2023 also requested for demolition of wall constructed by land mafia as it hinders access to his plot. The Additional Director, Orangi Township, KMC submitted his reply on 30.1.2024 and informed that due to dispute between KMC and Board of Revenue regarding the limits of Gulshan-e-Zia, several cases are pending in various courts. He also reported that on the orders of the Senior Civil Judge, the Survey Superintendent, Karachi after visiting Gulshan-e-Zia, informed that there is no record of Gulshan-e-Zia, Shah Jillani Housing Society, situated in Sector 11½ Orangi Town in his office. The Additional Director in his letter dated 28.2.2024 further submitted that Gulshan-e-Zia, Sheet II, Block-A to K, Sector 11½, is an approved Katchi Abadi, which falls within the jurisdiction of Orangi Town, and according to the approved policy the lease is granted by virtue of regularization of unauthorized possession over the plot as owner, He further reported that the complainant is not in possession of the plot mentioned by him. Leases will be executed after completion of all codal formalities, once the complainant shows his possession over the plots.

3. On 24th July, 2024 during a hearing of the complaint the Director (A/E & Legal), KMC Mr. Afaq Mirza appeared and stated there is a ban imposed by the Court on registration of leases through KMC, in view of the claims of Revenue authorities on this stretch of land.

4. Accordingly, the Project Director (Orangi Town) KMC and the Assistant Commissioner, Manghopir were asked to attend the hearing 19.8.2024 duly prepared on the following points:

- i. Whether the claim of complainant for plot No. E-125, E-126, E-129 and E-130 is authentic. This has to be certified by the Katchi Abadis Authorities.
- ii. Is there a ban ordered by the Court on leasing of plots on this stretch of land. If so the orders of the Court have to be produced.
- iii. Removal of encroachment to provide passage is also an issue. What is the status of the request of the complainant?

5. The Project Director Orangi Township KMC through his letter dated 19.8.2024 informed that Sr. Civil Judge XII, Karachi West has directed the Sub-Registrar Orangi, not to register leases in Sector 11½, Orangi Town due to dispute between KMC and Board of Revenue Sindh. He further informed that KMC has filed an appeal against this order.

6. Subsequently, the Deputy Commissioner, Karachi West was directed to resolve this dispute between Revenue Authorities and KMC at his level, as he was the most pertinent officer, vide letters No. POS/2266/2022/Adv-M/22542 & POS/2266/2022/Adv-M/25231 dated 27.9.2024 and 22.10.2024 respectively, but there was no response from him. Finally another notice was issued to him to appear before the Investigation Officer on 14.11.2024 alongwith a comprehensive report through letter No. POS/2266/2022/Adv-M dated 7th November, 2024. The office of the Deputy Commissioner, forwarded a report of Mukhtiarkar, Manghopir stating that the leases being requested for the plots by the complainant fall in Deh Halkani whereas this Deh was never handed over to KMC.

7. On a hearing held on 28th November, 2024, the Assistant Commissioner and Mukhtiarkar, Manghopir appeared before the Investigating Officer and stated that they have super-imposed the map of Gulshan-e-Zia on the revenue map, and it is clear that the plots being claimed by the complainant are located in Deh Halkani, which has never been handed over to KMC for regularizing a Katchi Abadi, and as such leases cannot be registered in this area and there are judicial orders also in this regard which prohibit registration of leases by KMC.

FINDINGS:

8. Through the above discussion the following points are very evident:

- a) For being eligible to get leasehold rights in a Katchi Abadi, the most important proof is to be a resident of this Katchi Abadi in some sort of a building structure. In this case the plots being claimed by the complainant have no building structure, temporary or permanent, nor there are any signs of any demolished structures. The address of the complainant is also not of any of these plots. As such his claim for registration of leases is not established.
- b) It appears that there has been a consistent trend of acknowledging false claims of possession in this Katchi Abadi by KMC, and then processing the registration of leases without even considering whether the concerned stretch of land is within their jurisdiction or not.

- c) The viewpoint of the Revenue authorities that the plots of the complainant are located in Deh Halkani, which was not handed over to KMC, based on a necessary technical enquiry, has not been refuted by the KMC authorities, and hence the directions given to the Sub-Registrar not to register leases of Katchi Abadi on this piece of land are strongly based.

DECISION:

9. In view of the above, I exercise of powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for Province of Sindh Act, do hereby direct as follows:

1. The Metropolitan Commissioner, KMC, to immediately enquire into this unlawful activity of getting Katchi Abadi plots registered in an area which has not been allotted to KMC, on the basis of false claims including that of the complainant. Necessary disciplinary and criminal action needs to be taken against the concerned officials within six weeks.
2. The future of the lessees already granted leases in Deh Halkani which is not within the jurisdiction of KMC, should be decided by the Mayor and Municipal Commissioner, Karachi Metropolitan Corporation, in consultation with the Board of Revenue authorities.
3. As regards the complainant's request, KMC shall decide the future of one plot E-126, already leased out to him alongwith other plots of the same nature, whereas his claim for registration of leases of three other plots is not established, as there is no proof of his being a resident of these plots, and he has merely purchased the papers showing false possession.

"Given under my hand and seal of office"

Sd/-

(Muhammad Sohail Rajput)

Sitara-e-Imtiaz, PAS

OMBUDSMAN SINDH

Karachi, dated 31st December, 2024

