



DECISION

Complaint No. : POS/9299/2023/DG-I

Name and address of the complainant : Mr. Muhammad Zayauddin attorney of Dr. Muhammad Shahabuddin, R/o. R-332, Pakistan Quarters, Karachi.

Name of the Agency Complained against : Cooperative Department, Government of Sindh.

Name & Designation of Investigating Officer : i) Mr. Asad Ali Khan, Director General

Vetted by : ii) Mr. Masood Ishrat, Registrar

Subject : COMPLAINT AGAINST MANAGEMENT OF AZIMABAD CO-OPERATIVE HOUSING SOCIETY LTD, KARACHI FOR DELAY IN TRANSFER OF PLOT NO. A-269, SECTOR 6-A, KDA SCHEME NO.33, KARACHI.

THE COMPLAINT

Mr. Muhammad Zayauddin attorney of Mr. Shahabuddin filed complaint dated 16.11.2023 stating that he had approached the management of Azimabad Cooperative Housing Society Ltd. Karachi, for transfer of his plot No. A-269, Sector 6-A, in favour of his daughter and for carrying out its demarcation. He alleged that despite completion of formalities and his continuous persuasion the management of the society has failed to process the matter, hence he approached this institution to intervene

PROCEEDINGS

2. The complaint was admitted for investigation under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) by condoning the delay and after receipt of mandatory Affidavit on Form "A", taken up with the Agency for report.

3. The Administrator, Azimabad Cooperative Housing Society Ltd., Karachi, vide letter dated 14.01.2024 reported that the former management of the society had filed a Constitution Petition No. D-4627 / 2021 and Honourable High Court of Sindh vide Order dated 14.09.2021 restrained the present management from all sorts of transactions of land including transfer, therefore, request of the complainant could not be considered at this stage.

4. The complainant in his rejoinder dated 27.01.2024 contested the said report and alleged that there was no restriction on demarcation of the plot and had requested to direct the management of the society to carry out demarcation and handover physical possession of his plot.

5. The Focal Person of Cooperative Department and representative of the society attended the hearing on 04.09.20204 and reiterated that the matter is still pending in the court.

FINDINGS

6. I have examined the case and documents. The management of the society did not challenge ownership of the complainant over plot No. A-269, Sector 6-A, Azimabad Cooperative Housing Society Ltd. Karachi, however, expressed its inability to consider his request for its transfer in favour of his daughter on the ground that former management of Azimabad Cooperative Housing Society Ltd. Karachi, has filed Constitution Petition No. D-4627/2021 and Honourable High Court of Sindh passed restraining order dated 14.09.2021, which is reportedly still operative.

DECISION

7. In view of the above and in exercise of the powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 further proceedings in the matter are hereby dropped with an advice to the complainant to either wait disposal of C.P. # D-4627/2021 or to approach the appropriate forum for redressal of his grievance, if he so desires.

8. The complaint stands disposed of accordingly.

Given under my hand and seal of this office



Sd /-

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

Karachi, dated 2nd January, 2025