



## **DECISION**

Complaint No. : POS/5527/2024/F-223

Name and address of the complainant : Ms. Zehra Bano Abker Khan, R/o Al-Karam Garden, Flat No. 104, Near Fatimid Blood Bank, D'Souza Road, Garden East, Karachi.

Name of the Agency Complained against : (i) District Administration / Police  
(ii) Sindh Building Control Authority (SBCA)

Name & Designation of Investigating Officer : Syed Ali Mumtaz Zaidi, (PAS), Advisor-F

Vetted by : --

Subject : **ALLEGED INACTION BY AUTHORITIES TO PROTECT THE COMPLAINANT AND OTHER RESIDENTS FROM NUISANCE BEING CAUSED BY THE CONSTRUCTION WORK DURING ODD HOURS.**

### **THE COMPLAINT:**

Ms. Zehra Bano Abker Khan in her online complaint dated 18.11.2024 stated that there is a noise pollution due to a construction in her neighborhood. The construction activities generate excessive noise at midnight, significantly disrupting the area's peace. She had made efforts to address this issue but the situation remains unresolved. She alleged that Police states that the Sindh Building Control Authority had given permission to the builder for construction till midnight and asked her to talk with the contractor. Thereafter she had requested the construction site team to control the noise but to no avail. She, therefore, solicited intervention of this Institution for relief.

### **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) subject to submission of original signed complaint along-with copies of relevant documents, copy of CNIC and Affidavit on Form-A which the complainant subsequently submitted.
3. Hearing was fixed by issuing notices to Complainant and Respondents.
4. On the date fixed for hearing, Sub-Divisional Police Officer (SDPO), Jamshed Quarters Sub Division, East Zone, Karachi and complainant appeared in person.



5. During the hearing, the SDPO submitted the report dated 04.01.2025 from the Station House Officer, Police Station Soldier Bazar, District East, Karachi. The report stated that the complainant's concern regarding the construction related nuisance was addressed on the spot. Both the builder/constructor and the complainant were instructed to appear at the Police Station on 20.11.2024. Although the alleged builder complied with the directive but the complainant failed to appear and has not made any further contact with the Police Station since the filing of the initial complaint. The report further stated that the said property's owner, Mrs. Summaiya Atif Kalar has filed a Suit No.1310/2024 in the Hon'ble High Court of Sindh at Karachi against the Province of Sindh & others including Complainant Ms. Zehra Khan. He produced documentary evidence of the ongoing court proceedings.

6. The complainant confirms that the matter is sub-judice before the Hon'ble High Court of Sindh and she has already engaged a lawyer to contest the case.

7. The Sub Divisional Police Officer ensures to provide protection to the complainant and to take legal action against any violator of law.

**FINDINGS:**

8. In light of the documentary evidence submitted, it has been established that the subject-matter is currently sub-judice. Therefore, the jurisdiction of this Institution is barred under Section 9(a) of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date).

9. However, the complainant's main grievance concerning noise pollution at midnight has been acknowledged in public interest. Consequent upon intervention of this Institution, the Sub-Divisional Police Officer confirmed that the builder when summoned, has agreed to comply with the directives to avoid any re-occurrence of such a nuisance.

**DECISION:**

10. In view of the above, the proceedings are hereby dropped and the complaint is filed being sub-judice.

*Given under my hand and seal of office*



**Sd /-**  
**(MUHAMMAD SOHAIL RAJPUT)**  
**Sitara-e-Imtiaz. PAS**  
**Ombudsman Sindh**  
Karachi, dated 24<sup>th</sup> June, 2025