



DECISION

Complaint No. : POS/220/KE-14/24

Name and Address of the Complainant : Mst. Farida wd/o. Abdul Ghani, R/o. House No. 31, Hussaini Housing Society, Gulshan-e-Iqbal, Karachi.

Name of the Agency Complained against : Lyari Development Authority

Name & Designation of Investigation Officer : Syed Farrukh Habib
Director, Regional Office, Karachi (East)

Subject :- **ALLEGED DELAY IN REFUND OF RS. 300,000/- PAID FOR ALLOTMENT OF PLOT IN HAWKESBAY SCHEME WHICH LDA FAILED TO ALLOT.**

THE COMPLAINT

Mst. Farida in her complaint dated 08.01.2024 stated that she was allotted plot No. B-18, Sector-44, measuring 400 sq. yards, Hawksbay Scheme through ballot held in 2008. She stated that she had paid an amount of Rs. 300,000/- but LDA neither issued site plan nor allotment order. After having witnessed no development taking place in the scheme, she submitted application on 27.11.2023 to LDA, for refund of deposited amount but no action was taken by LDA. She, therefore, solicited intervention of this office for redressal.

PROCEEDINGS

2. After admission of complaint 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 after receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. In response Assistant Director Land, LDA vide letter dated 26.04.2024 stated that the plot No.B-18, Sector No.44 was allotted to Mst. Farida w/o. Abdul Ghani in ballot held in 2008 and she paid Rs. 300,000/- in this regard. Now she wanted to get refund of her paid amount, but there was no such policy in LDA to refund the amount deposited in respect of plot.

3. In order to investigate the complaint, the Agency was asked to furnish status of Hawksbay Scheme as well as present status of her allotment. Whether, it is still intact or cancelled? The Agency failed to answer the query.

4. Hearing in this case was fixed on 02.10.2024 which was attended by Mr. Muneer Shah, Assistant Director Land, LDA without any record or report. The Agency's representative was asked to submit the report as to why the complainant cannot be refunded her amount when the Agency has failed to carry out required development and why the rules do not permit for refund, the Agency had no plausible answer.

Contd.....

(2)

5. The Investigating officer fixed the case for hearing at regular intervals affording ample opportunity to the Agency to furnish report as to how the complainant can be given possession of her plot, provided she settle all her balanced dues, when the Agency has utterly failed to fulfill its obligation of carrying out basic infrastructure development in the scheme. However, the Agency miserably failed to even attend those hearing or furnish any positive report.

6. The matter was continuously pursued with the Agency, which reiterated its stance that the Land Department, LDA is ready to give allotment order and possession order of the subject plot to the allottee after payment of balance amount while showing inability to refund complainant's dues citing excuse of shortage of funds and non-existence of refund policy in LDA.

FINDING

7. I have examined the case file and perused correspondence, reports and rejoinders etc., and observed that:

- i. The complainant is a ballot allottee of Plot No. B-18, Sector 44, Hawksbay Scheme, LDA admeasuring 400 sq. yds. under general public category. The balloting was held in 2008.
- ii. The allotment letter of the plot in question has not yet been issued to the allottee despite passage of more than Fifteen years, which compelled the complainant, to apply for refund of her deposited amount of Rs. 300,000/- on account of LDA's failure to carry out any development work in the scheme.
- iii. The Agency merely contended that there is no policy of refund in LDA, without suggesting any remedy for its abject failure in development of scheme, which it received from KDA around 30 years ago. Such colossal delay amounts to sheer mal-administration on part of the Agency.

DECISION

8. In view of above and in exercise of powers conferred upon me vide section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended upon to date) I hereby direct the Director General, Lyari Development Authority to refund the deposited amount to the allottee/complainant without further delay.

9. Compliance required to be reported inside 30 days hereof.

Given under my hand and seal of the office

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

Karachi, dated 25-08- 2025

