

**IN THE HIGH COURT OF SINDH
AT KARACHI**

C.P NO. 1879 OF 2011

AMBER ALIBHAI & OTHERS----- PETITIONERS

VERSUS

YOUNUS ALI GILLANI & OTHERS----- RESPONDENTS



**ARCHITECT'S REPORT
DATED: MAY, 21ST, 2016**

KARACHI. 74700

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IN THE HIGH COURT OF SINDH
AT KARACHI

Respectfully this is submitted in the **Honorable High Court of Sindh** as under:

That in compliance of the Court Orders dated 28-01-2016 in C.P.No.1879 of 2011, the undersigned was nominated as Architect by Pakistan Council of Architects and Town Planners through letter NO.PCATP/HC/C.P. No.D-1879/2011/02/16 dated February 11TH, 2016.

That the undersigned has appeared before Nazir in all the legal proceedings on the dates given as under:-

12-02-2016, 18-02-2016, 04-03-2016, 22-03-2016 and 30-03-2016.

That on directives of Nazir and pursuance by undersigned, Copies of the relevant testimonials including approved building plans were supplied dated 07-04-16 by concerned Deputy Director Sindh Building Control Authority.

Therefore on April, 07th, 2016, the date fixed by Nazir High Court, the first visit of the subject site was carried out by the undersigned.

The legal counsels of Petitioner and respondent accompanied the undersigned from High Court where as two representatives of SHERI from Petitioner's side were already present at site.

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The undersigned Architect along with all the above mentioned persons could not carry-out the inspection of the multistoried building due to its locked main entrance gate and un-availability of caretaker/ watchman or any other representative of respondent or owner/builder on the fixed date April, 07th, 2016.

Therefore, due to no entry inside, this site inspection was turned into just an observation visit outside the said building.

However, the undersigned reported the Nazir High Court on the same day about un-ability in carrying-out the inspection due to locked entrance and unavailability of respondents or any of their representative on the fixed date and time for site inspection.

On the directives of Nazir High Court, the inspection of the subject site was re-fixed by undersigned Architect in coordination with legal counsel of Respondent on April 18th, 2016.

Thereafter on the fixed date April 18th, 2016, the site inspection was carried-out in continuation of work progress in the presence of the legal counsels of Petitioner and respondent, representatives of SHERI from Petitioner side, and Dy. Director SBCA.

The detailed survey of entire built structures/premises and all the necessary measurements of the ground, parking floors, 4TH modified floor, open to sky areas, enclosures and other built premises from 4TH to 6TH floors were taken by undersigned Architect with all the relevant details on the date of inspection from 11am to 4.45pm in the presence of all the above mentioned representatives and legal counsels.


The photographs of the existing building and its premises at site from inside and outside were also taken. Relevant photographs showing present positions of premises peripheral boundary walls, temporary wall enclosures and other necessary views of front, rear and side elevations, reduced or closed open to sky ducts/areas etc. are attached in ANNEXURE – P.

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All the detailed as-built drawings/plans based on survey of existing building floors were prepared in the office of undersigned Architect.

The as-built drawings are attached in ANNEXURES - A, B, C, D, E, F, G & H in the Report with description of modified layouts, excess covered areas and other un-approved structures in violations of approved building plans.

The Architect's Report is based on actual findings and observations of existing floors and structures at site during inspection, scrutiny of available testimonials and approved plans.

An Interim Report dated May 06TH, 2016 with explanation of work progress in the Honorable Court was submitted in person on the same date for kind consideration.

LOCATION OF SITE & NEIGHBORHOOD:

The subject plot NO. 144/A is a commercial site prominently located at the corner facing on front, a 100 feet wide Allama Iqbal road and another 100 feet wide Halli road on the south east direction. There is 20 feet wide service lane at its north west side. A two storied school building on the rear side bearing plot NO. 2/144/B is adjacently attached.

The immediate neighborhood comprises of commercial buildings with shopping malls, show rooms and apartments on the entire belt of Allama Iqbal road, which is directly connected to Tariq road towards south-east direction and Kashmir road on its north-west side.

A heavy vehicular traffic particularly private cars, motorbikes, public transport, buses, coaches, trucks etc. are usually observed at crowded and busiest Allama Iqbal road during working hours. The nearby vicinity and other adjoining plots/buildings situated on both sides facing Allama Iqbal and Halli road were observed with major commercially constructed or converted premises.

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PLOT/PREMISES AREA:

The site plan issued by competent authority dated 12-02-2005 vide letter NO. CDGK/MPGO/COM/05/16/L measuring 136'.0X75'.0 as actual plot dimensions comes to 1133.00 square yards.

CONVERSION OF PLOT INTO COMMERCIAL SITE:

The NOC for conversion from Residential plot to Commercial/Shops/Offices/Show rooms/Flats use was granted vide letter NO. CDGK/MPGO/COM/05/16/L dated 12-02-2005 with General terms and conditions mentioned in schedule "A" serial order from 1 to 9 & special conditions in schedule "B" from serial order 1 to 6 in the said NOC granted by Master Plan Group of Offices City District Government Karachi.

APPROVAL OF PROPOSED PLAN BY KBCA:

The proposed building plan on plot NO.144-A, Block-2, PECHS Karachi was approved Vide building plan No KBCA/DCB-IV/JMT/Prop/2862/137/07 dated 13-02-2007 by Karachi Building Control Authority on specified terms and conditions mentioned in approval letter in serial order from 1 to 25.

Approval was granted with total proposed covered area of the project 55854.65 square feet with Ground Floor Shops & 40% Lofts + 1ST, 2ND & 3RD Floor Car Parking plus 4TH Floor residential flats with 2% recreation plus Typical apartment floor from 5TH to 10TH and slightly reduced similar 11TH apartment floor as top story.

STRUCTURAL NOC NO. KBCA/DCB (STR-I) 2007/2/09 Dated: 02-02-2007 & TOWN PLANNING NOC: PECHS/PC-3/92/234 Dated: 26-05-2005 were also granted by KBCA.

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MANDATE OF THE SUIT

The Honorable Court in the order dated 28-01-2016 had ordered the undersigned Architect with the mandate stated as under:

“The ARCHITECT shall ascertain whether the construction of the building in question has been raised in accordance with the approved building plan and Karachi building and town planning Regulations, 2002 and what are the violations committed by the builder while constructing the same”.

FINDINGS & OBSERVATIONS:

The project at site was observed as incomplete and unfinished multi-storied building structure, apparently an abandoned project. The entire existing building consisted of Ground and six upper floors constructed of RCC super structures only. Whereas the seventh floor structure was constructed upto lintel level with wooden shuttering/scaffolding fixed for completion of RCC beams and roof slabs. Therefore the 7TH floor was found as incomplete structure without RCC roof and with fixed shuttering/scaffolding thereon.

GROUND FLOOR SHOPS & ARCADE:

The ground floor was noted as completed with RCC frame structures upto its peripheral plot boundaries on its three sides, i.e. Front arcade space towards Allama Iqbal road, another side arcade space to south east direction on Halli road and the rear side RCC car ramp. Whereas the arcade space/area was not yet constructed on north-west side towards 20 feet wide service lane, and the same was lying vacant as open space inside plot boundary.

Another 61feet 2 inches plus 7feet 10 inches long wall masonry was noted as rear side partition wall of K.E.S.C. sub-station and other ancillary rooms.

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Some other incomplete rooms such as generator room, electric room and guard room etc. were found with no partition walls or doors/windows constructed to segregate the said rooms. There were only the spacious areas presumed as the said rooms.

Few other wall enclosures noted and measured around service lobby including a separate semi-circular wall partition approximately 17feet in length segregating left side shop areas assumed as shop No.1 &2 from other shop spaces. Besides, the RCC structures of main staircase and two lift wells in center of ground floor was also observed. **K.E.S.C sub-station constructed of RCC frame structure and partition wall enclosure was found on the rear side accessible from 20 feet wide service lane.**

There were total nine proposed shops in different sizes along with attached inside W.Cs for each one in the approved plan, but none was ear-marked or constructed with partition walls on ground floor except existing spaces/areas and RCC structures.

A 40 feet 10 inches long block masonry wall as rear side partition wall on right side for the shop Nos.6, 7, 8 & 9 was existing there in order to provide access through a long passage to main stairs and elevators/service lobby from arcade towards Halli road.

The RCC columns were mostly rectangular ship measuring approx. 15inchesX36inches, whereas few columns were in square shape of different sizes i.e. 27inches X 27inches or 18inchesX 24inches etc.

The entire ground floor was enclosed by a temporary wall masonry at all its peripheral plot boundaries except an entrance gate for ramp, another locked door nearby ramp entrance towards Halli road. A small size gate on front accessible from Allama Iqbal road was found in use for pedestrian entry exit inside to ground floor.

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LOFT INSIDE GROUND FLOOR:

The proposed loft as approved and allowable 40% of total shops area was constructed as RCC slab in continuation from first to last shop above all the nine shops in accordance to same proposed area but with extended ceiling height of 8feet 9inches in contrary to allowable loft height 5feet only. Therefore the subject loft is no more a loft but a MEZZANINE floor.

The loft converted into Mezzanine floor measured at site with total length 127feet and width 25feet 3inches as the parameters were found same as approved, but violated by illegally extended its ceiling height by 8feet 9inches instead of loft height 5feet only.

However, the existing MEZZANINE FLOOR inside ground floor above shops was noted as separate RCC floor with its clear roof ceiling height 8'.9" without partition walls and unfinished structures. The said MEZZANINE FLOOR is noticed as an un-approved floor with additional covered area in excess to the total allowable proposed area of the project.

RAMP FOR CAR PARKING:

The RAMP for car parking was also noted presently as unfinished structures on the entire rear side of the subject plot/site accessible from south west direction from Halli road.

Besides, there were five RCC columns with size 25inchesX10inches in a row on the rear side length of peripheral boundary of the plot supporting Ramp structure.

The total height of rear side boundary wall from ground to third floor car parking roof was observed approximately 53feet 6inches.

The total length of the existing RAMP from ground to First floor was found 155feet 3inches. Firstly it was measured 111feet 8inches as straight length, thereafter 31feet 8inches as inner side turning radius in semi-circular shape whereas approx. further 12feet as straight adjoining way at ramp to the drive way at first floor at an angle of 90 degrees as perpendicular .

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The inside clear width of the RAMP in between the two existing RCC columns located at different intervals opposite to each other was noted only 17feet 6inches or slightly few inches less at the other climbing heights or moving up.

1ST. 2ND & 3RD FLOOR CAR PARKING:

The 1ST. 2ND & 3RD Floor Car Parking layouts were found as symmetrical layouts connected with Ramps thereon.

The entire parking floor was measured at site and found 134feet 10inches X 79feet including parapet walls. The internal ceiling height was checked as clear 10 feet. The existing structures of all three parking floors were observed generally unfinished.

The drive way width of parking floors varies from minimum 18feet 6inches to maximum 19feet 4inches. Whereas, it was noted only 17feet 6inches in between the two opposite RCC columns opposite to each other on the driveway at its first left turning at 90 degrees same on all the three car parking floors.

Similarly, it was noted only 17feet 4inches width in between the two opposite RCC columns at the entrance to Ramp upwards from first to second floor and same clear width at the ramp entrance from second to third floor.

The total length of the existing RAMP from First floor to second floor car parking was found 109feet 8inches. It was measured 66feet as straight length, thereafter 31feet 8inches as inner side turning radius in semi-circular shape whereas approx. further 12feet as straight adjoining way at ramp to the drive on second floor at an angle of 90 degrees as perpendicular. Same ramp length 109 feet 8inches was measured from second to third floor car parking with exactly same break-ups as mentioned above.

The length of the car parking bays along with drive way towards both the major roads varies and measured as minimum 14feet 8inches or 15feet 3inches at some places/bays which is sub-standard as required a clear 16feet length.

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The garbage chute and garbage collector in the service lobby as shown in approved proposed building Plan-1ST, 2ND & 3RD Floors- Sheet No.AR-01/3 was not provided with provision of holes etc. in roof slabs of all the three parking floors.

The emergency stairs on all the three parking floors was measured and found 6feet.11inches wide and 14feet.8inches in length in contrary to actual approved size 7feet.4inches wide and 16feet in length. The stair's structure is unfinished which shall further reduce the internal dimensions by few inches.

4TH FLOOR PLAN/ FLATS & RECREATION:

There was an approval of three spacious corner side flats and a reserved 2% Recreation area on front corner towards west direction facing Allama Iqbal road.

The entire existing 4TH floor as total four corner side residential flats of same Type was observed.

In contrary to the 4TH Floor approved layout, the above mentioned Recreation area was found as constructed with same typical design and layout of four bed room flat.

Besides, the major open to sky two big air wells located internally near service lobby opposite to each other were almost completely closed for illegal extension of all the four existing flats.

The size of the said big air well as shown in the proposed approved plan and the presently existing much reduced open duct is given here as under:

PROPOSED OPEN AIR WEL -

LENGTH: 30feet 10inches
WIDTH: 19feet 8inch

REDUCED SIZE OPEN DUCT

6feet 3inches
4feet 7inches

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Similarly two other open air wells in between the two adjacently located corner flats attached to the left and right sides of emergency stairs on front side were also completely closed due to construction of two unapproved bathrooms of the said flats.

The size of the said open air well as shown in the proposed approved plan and the presently existing bathroom is given here as under:

PROPOSED OPEN AIR WELL - OCCUPIED & CONSTRUCTED BATH RM

LENGTH: 15feet 4inches	15feet 6inches
WIDTH: 5feet 6inch	5feet 6inches

Another two open to sky long air wells in between the two flats towards Halli road and other on service lane were reduced partly occupying roof slab extensions. The sizes are give here as under:

PROPOSED OPEN AIR WELL CONSTRUCTED ROOF EXTENSION

LENGTH: 34feet 0inches	8feet 3inches
WIDTH: 5feet 0inch	4feet 11inches

The two other open to sky air wells on rear side on left and right side of regular stairs in between the two adjacently located flats were noted with slightly extended covered structures of drawing/dinning and lift wells. The sizes are given here as under:

PROPOSED OPEN AIR WELL CONSTRUCTED DRG/DIN EXTENSION

LENGTH: 17feet 2inches	17feet 7inches
WIDTH: 9feet 10inch	9feet 4inches

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The entire rear open compulsory space was reduced to 9feet 9inches open against the clear 10 feet wide COS

As earlier briefly mentioned the Recreation area as approved 2% in proposed building plan shown in "Schedule of Area" Sheet No.AR-03/03 i.e.1190.01square feet, was completely occupied by illegal construction of unapproved flat on left side front corner of 4TH floor facing Allama Iqbal road.

Moreover the proposed central open to sky big air wells and front side open air wells were also noted as illegally constructed/extended by the subject flat in place of Recreation occupying its 50% area and remaining 50% covered by other rear side flat.

The internal layout of each flat was observed with minor modifications, changes in internal dimensions and displacements of door/ window openings, partition walls, entrances etc.

All the approved balcony projections semi-circular in design/layout of the three corner side flats on both the 100 feet wide roads as shown in the proposed building plan with maximum 4feet allowable projection was violated and found with modified straight layout having maximum 5feet 3inches width from surface of RCC columns at plot peripheral boundaries on Allama Iqbal road and Halli road.

The entire floor/roof projections approximately 4 to 5feet wide in all the three corner flats on the two separate fronts facing busiest streets i.e. Allama Iqbal road & Halli road were observed with illegally & un-approved construction of total 07 bed rooms and 05 bath rooms etc. on each floor i.e. 4TH, 5TH & 6TH Floors. The details of encroachment on public streets are given here as under:

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SCHEDULE OF ENCROACHMENT BY TYPICAL FLOORS:

A) West Side Flat in place of proposed Recreation Area towards Allama Iqbal road.

03 Bed Rooms & 03 Bath Rooms constructed/extended on Projected RCC Slab 4feet wide above Allama Iqbal road.

01 balcony & Emergency stair landing constructed/extended on Projected RCC Slab 5feet 3inches in width above the road.

B) South side corner Flat at the junction of two Main roads 100feet wide each.

02 Bed Rooms & 02 Bath Rooms constructed/extended on Projected RCC Slab 4feet wide, & 02 balconies constructed/extended on Projected RCC Slab 5feet 3inches in width above Allama Iqbal road.

01 Bed Room and 02 balconies constructed/extended on Projected RCC Slab 5feet wide above Halli road.

C) East Side Flat towards Halli road.

01 Bed Room & 02 balconies Constructed/extended on Projected RCC Slab 5feet wide above Halli road.

The garbage chute in the rear side open well near lift on left side as shown in approved plan Sheet No. AR-01/3 was not provided by leaving the provision of required hole in the RCC roof slab.

Besides, the regular stair hall, emergency stairs, lift wells, common passages etc. were slightly reduced in respect of dimensions, but placed almost at the same spaces as shown in approved building plan.

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5TH & 6TH FLOOR PLAN / FLATS :

The approval was granted of four spacious corner side flats by the then KBCA. Two flats on the front as corners towards south west direction facing Allama Iqbal road, third on the corner facing Halli road and last fourth flat as rear corner towards service lane.

The existing layout and design of 5TH & 6TH floor flats was found same as of 4TH floor. There were four similar type corner flats.

All the above mentioned eight open to sky air wells such as the central big open air well in service lobby, front side open air well in between adjacently existing flats near emergency stairs, rear side open area around regular stair hall and two other long & narrow rectangular open air wells facing Halli road & service lane were found exactly same as on 4TH floor either fully covered by illegal construction or partly occupied by extended unapproved covered areas/structures of the said four flats on each floor.

The detailed description of all the open to sky air wells with proposed & presently existing shapes and sizes are already explained in 4TH floor Plan/Flats.

The internal layout of each flat was observed with minor modifications, changes in internal dimensions and displacements of doors windows partition walls, entrances etc. as already explained earlier in 4TH floor Flats.

Similarly all the proposed semi-circular balconies of the three corner side flats on both the 100 feet wide roads as shown in the approved building plan with maximum 4feet allowable projection was violated and found with modified straight layout having maximum 5feet 3inches width from surface of RCC columns at plot peripheral boundaries on Allama Iqbal road and Halli road. Already mentioned earlier.

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The entire floor/roof projections 4 to 5feet wide in all the three corner flats on the two separate fronts facing streets i.e. Allama Iqbal road & Halli road were observed with illegally & un-approved construction of total 07 bed rooms and 05 bath rooms etc. on each floor such as 5TH & 6TH Floors.

Detailed description of un-authorized & illegal construction as encroachment at certain height on public streets is already explained earlier in 4TH Floor titled as "SCHEDULE OF ENCROACHMENT BY TYPICAL FLOORS"

The constructed structures and common areas were found same as on 4TH floor such as regular stair hall, emergency stairs, lift/elevator wells, common passages etc. These were slightly reduced in respect of dimensions, but placed almost at same spaces as shown in approved building plan.

The provision of garbage chute in shape of a hole at respective areas of RCC slab was not found on the 5TH & 6TH floors.

Conceptually the design of all the four corner side flats was found almost same as in accordance to the approved plan except internal changes in dimensions, layouts and extension of illegally built structures in open to sky air wells and encroachments by extending illegal construction of habitable floors above public streets.

7TH FLOOR PLAN/ FLATS:

The 7TH floor was noted as constructed with RCC columns upto lintel height completely fixed with wooden shuttering/scaffolding supported by wooden props covering the entire roof and all the beams, projections etc. on all the four corner flats and other common areas as observed on the day of inspection dated May 18TH. 2016.

The said 7TH floor was not accessible as to reach there due to blockade of stairs to find further factual conditions right there.

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Apparently the 7TH floor seems of same existing layout and design as on 4TH, 5TH & 6TH floor layouts.

However, the said floor was constructed with RCC columns upto lintel level without RCC roof slabs and beams. Therefore the status of the said floor is incomplete RCC structures.

VIOLATIONS OF APPROVED BUILDING PLAN & OTHER IRREGULARITIES :

- 1) The approved proposed building plans of plot bearing 144-A, Block-2, P.E.C.H.S Karachi were not found forwarded, signed and stamped by authorized signatory of P.E.C.H.S. Karachi.
- 2) The approval of Proposed Building Plan in respect of plot bearing 144-A, Block-2, P.E.C.H.S Karachi was granted by Karachi Building Control Authority Vide letter No. KBCA/DCB/-IV/JMT/Prop/2862/37/07-Dated:13-02-2007.
Whereas the STRUCTURAL NOC NO. KBCA/DCB (STR-I) 2007/2/09 Dated: 02-02-2007 & TOWN PLANNING NOC NO. PECHS/PC-3/92/234 Dated: 26-05-2005 were also granted by KBCA.
- 3) The dates of issuance of STRUCTURAL NOC i.e. Dated:02-02-2007 and date of issuance of TOWN PLANNING NOC Dated: 26-05-2005 are suspicious as both NOCs were issued prior to the approval of ARCHITECTURAL CONCEPT PLAN which was issued Dated: 13-02-2007. Particularly the Town Planning NOC was issued about twenty months earlier than the Architectural approval, which seems a major irregularity in granting the approvals.

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- 4) The Environment Impact Assessment (EIA) Report was not obtained at the time of conversion of residential plot into commercial site.
- 5) The approval of Proposed Building Plan in respect of plot bearing 144-A, Block-2, KBCA/DCB/-IV/JMT/Prop/2862/37/07-Dated:13-02-2007.

Whereas the PLINTH VERIFICATION CERTIFICATE issued by Deputy Controller of Buildings - III-Jamshed Town KBCA dated:16-05-2010.

The clause No.9 of above mentioned approval letter stated here as under:

“That this holds good only if the work is started within ONE YEAR from the date of Approval, where after it shall be deemed to have lapsed.”

Apparently it seems that the construction at site was commenced in February or March 2010 after three years of obtaining approval in February 2007 or rather on the basis of lapsed building plans as learned from the scrutiny of Plinth Verification Certificate obtained in May 2010.

- 6) With reference to clause 3-2-11 of KB & TP Regulations 2002, the Floor Certificates were not obtained by owner/builder/Respondent on casting of slab of each floor, verifying that all the building line and structural members on the said floor are in conformity with the design and specifications as approved by the Authority. There were total 07 slabs casted from ground to 6th floor.
- 7) The Handicap Ramp as shown in the approved proposed building plan is incorrect, and requires 12feet length to reach 1 foot arcade level maintaining maximum gradient 1:12 as stated in the clause 9-13.1 of KB & TP Regulations 2002 & (Amdt.) 2014, (FEBRUARY 2014).

The emergency stairs from First floor parking to ground floor as spiral stairs shown in proposed approved building plan is not an appropriate solution for fire escape or as an outlet in any other emergency.

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8) The allowable 8feet width of the Arcade as approved in proposed building plan was checked at ground floor and found 8feet 8inches from outer surface of shop's RCC column to outer surface of RCC columns at the peripheral plot boundaries towards both the 100feet wide roads.

9) The Arcade towards 20feet wide lane as shown in approved proposed building plan is not allowed as per KB & TP Regulations 2002 (Amdt.) 2014. The clause 25-3.2 for "Other Conditions" Stated here as under:

Sub-Clause: 25-3.2{(3) In case of corner plot. COS on sides abutting the lane or road 40ft.wide and above shall be condoned and arcade will be provided, otherwise COS shall be provided as specified.}

The said Sub-Clause clearly states that Arcade can be provided in case of lane or road not less than 40feet wide. Presently at site the lane is 20feet wide, therefore, provision of Arcade towards this sub-standard service lane shall be an irregularity as per law & therefore the entire side towards lane should be maintained as Compulsory Open Space with minimum width 7feet and no built structure or arcade thereon.

10) The ground floor existing structure was measured at site, which is given here as under:

Total External length (From outer surface of RCC Columns) = 127feet 7inches
Total External Width (From outer surface of RCC Column) = 74feet 10inches

The plot dimensions are 136feet X 75feet.

The subject plot is left with 8feet 5inches open space inside the plot towards 20feet lane, which must be maintained with minimum clear width 7feet COS from ground to top floor as per *Sub-Clause: 25-3.2{(3)}*

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11) The total approved length of Ramp from ground to 1ST floor as shown in proposed building plan is 150feet at the ramp gradient 1:7.5. Whereas the length as measured at site was found 155feet 8inches. The Ramp measurement taken at site is given here as under:

Straight length = 111feet 8inches + Turning Radius length = 33feet 8 inches +
Straight length= 12feet = Total length = 155feet 4inches.

Ramp's clear width from surface of RCC Columns opposite to each other =17feet 4inches.

12) The clause 24-6 #(i) of KB & TP Regulations 2002 & (Amdt.) 2014 is stated here as under:

"For ramp gradient with 1:7.5 transition space of 8.5 ft. length shall be provided at start and termination of ramp with gradient of 50% of the main ramp gradient."

No such following of above mentioned Regulation about transition space at start and termination was found at the existing ramp site as 50% of Ramp gradient i.e. 1:3.75

The subject Ramp requires total standard length 182feet 6inches from ground to first floor for total existing climbing height 21feet 3inches.

13) Whereas the total length of the said ramp as measured was noted only 155feet 4inches as no start or mid or termination ramp gradient were maintained.

14) The required minimum clear width of Ramp is 18feet for two way traffic as mentioned in Table 24-1 of KB & TP Regulations 2002 & (Amdt.)2014. Whereas due to raw of RCC columns in continuation, obstructions were observed at site.

(Contd....P-20)

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- 15) Ramp width measured 17 ft. 4inches or 1-2 inches more or less at different intervals of total length, which shall be further reduce by 2-3 inches due to plaster finishes.
- 16) The approved proposed loft 40% above all the shops on ground floor was found constructed/converted entirely as MEZZANINE FLOOR with clear ceiling height 8feet 9inches instead of maximum loft height 5feet only.
- 17) The said MEZZANINE FLOOR is totally illegal in violation of approved building plan and against clause 25-1-4.4.of KB & TP Regulations 2002 specifying maximum 5feet loft height.
- 18) The total measurement of MEZZANINE FLOOR taken at site is given as under:

Total Length = 127feet 7inches

Total width = 25feet 3inches

Total Covered area of MEZZANINE FLOOR as measured at site was noted 2460.46Square feet.

- 19) Total internal ceiling height of ground floor SHOPS was observed approximately 19feet 3inches partly on front measuring 127feet 7inches X 23feet 7inches presently as a big hall in violation of maximum allowable height 16feet in accordance to clause 9-7 {9-7.5 of KB & TP Regulations 2002 (Amdt.) 2014 as stated here under: "The minimum clear height of shop will be 10ft. whereas the maximum clear height will be 16ft."

Apparently it seems that ceiling height 19feet 3inches of ground floor SHOPS was maintained with the intention to construct MEZZANINE FLOOR in continuation from already existing 40% area of shops as illegal mezzanine floor on rear side above all the shop. The existing RCC beams etc. required for future extension were also noted there.

(Contd. ...P-21)



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- 20) The main passage as excess to service lobby for upper floor having entrance from Halli road was observed with available sub-standard width of only 4feet 7inches due to the row of RCC columns in continuation as obstruction. As per clause {9-7.7. of KB & TP Regulations 2002 & (Amdt.) 2014 the minimum width of passage shall be 6ft. upto 1199Sq.Yds. plot.
- 21) Few car parking bays i.e. Bay Nos. 10, 11, & 12 on 1ST, 2ND & 3RD floor parking towards Halli road were measured and found sub-standard having length 15feet 4inches only.
Required clear size of car parking bay as per Clause /Table -24.1.KB TP Regulation 2002 & (Amdt.)2014 is 8feet X 16feet.
- 22) First left turning on the driveway on all the three car parking floors was measured & found only 17feet 3inches wide instead of clear 18feet driveway.
- 23) The garbage chute & collector provision not provided by making certain infrastructure/hole in RCC roof slab on 1ST, 2ND & 3RD floor car parkings as shown in approved proposed building plan.
- 24) The 2% Recreation Area approved in proposed building plan of 4TH floor at the corner facing Allama Iqbal road was totally violated by illegal construction of flat.
- 25) All the four corner side flats on 4TH, 5TH & 6TH floors were illegally extended in open to sky air wells by completely occupying on front & approximately 90% misused area of big size air wells in the central area around service lobby due to constructed habitable rooms there.
- 26) The two other air wells such as on rear side around Regular stair hall was observed with the slightly reduced size due to extension of two drawing rooms.

(Contd. ...P-22)

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- 27) The two long type open air wells towards Halli road and service lane were also found reduced by partially extended roof slab's construction of two separate kitchens.
- 28) Two separate flats at all the three floors 4TH, 5TH & 6TH were illegally extended upto 4feet in width above Allama Iqbal road by unauthorized construction of 05 bed rooms & 05 bath rooms.
No habitable rooms are allowed on projections or in-place of balcony projections. Clause 9-5.3 of KB & TP Regulations 2002 & (Amdt.) 2014 stated here as under:
"Such projections shall not be used as a room as per condition stated here under".
- 29) 03 Balconies & 01 emergency stair landing on each of the three floors i.e. 4TH, 5TH & 6TH were extended illegally upto 5feet instead of maximum allowable 4feet only above Allama Iqbal road.
- 30) Similarly, the two separate flats on each of the three floors i.e. 4TH, 5TH & 6TH were illegally extended upto 5feet in width above Halli road by unauthorized construction of 02 bed rooms in violation of Clause 9-5.3 of KB & TP Regulations 2002 & (Amdt.) 2014.
- 31) 04 Balconies on each of the three floors 4TH, 5TH & 6TH were extended illegally upto 5feet instead of maximum allowable 4feet only above Allama Iqbal road.
- 32) The entire 10feet wide proposed compulsory space on the rear of all the three floors i.e. 4TH, 5TH & 6TH was measured and found 9feet 9inches with minor violation of 3inches only.

(Contd...P-23)

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- 33) The garbage chute provision was not provided by making certain infrastructure and holes in RCC roof slab on 4TH, 5TH & 6TH floor near service lobby as shown in the approved proposed building plan.

EXCESS COVERED AREA VIOLATIONS OF APPROVED BUILDING PLAN:

- 34) The Floor Area Violation (FAR) for an incomplete building project comprising of presently total seven unfinished but completed as RCC frame structures with additional top story without roof structures and 40% partial mezzanine in place of loft on Ground floor shops can not be determined at this stage in comparison to approval of proposed twelve storied building.
- 35) Apparently, it seems on the basis of existing constructed/built-up structures, that later on after completion of all the remaining floors, the total built-up covered area of ground plus 40% mezzanine and upto eleventh floor excluding three car parking floors & other exempted covered areas shall be about 62061.55 square feet in violation of allowable FAR (approved) 56100.00sqft.
- 36) In view of above stated assumption, the excess FAR 5961.55sqft. or FAR violation shall be 10.63%. Which is assumed on the basis of pattern of built structures on upper floors in future keeping in view presently existing covered floors, habitable covered areas of projected floors above public streets and occupying open air wells.
- 37) The allowable FOOT PRINT of ground floor is 70% i.e.7140.00sqft. & proposed ground floor as shown in Schedule of Area is 5654.22sqft. The existing constructed covered area of ground floor measured at site and was found 6561.57sqft. after deductions of all the exempted covered areas.

(Contd....P-24)

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- 38) However the ground floor covered area 6561.57sqft. was found in excess 907.35sqft. or 16% excess of proposed area 5654.22sqft. But within allowable foot print i.e. 7140sqft.
- 39) The FOOT PRINT of each residential floor i.e. 4TH, 5TH, & 6TH of the building was observed as excess covered area in violation of allowable Foot Print.
- 40) The allowable 65% Foot Print for upper residential floors is 6630.00sqft. Whereas the existing constructed/covered area of each residential floor measured at site as 8391.94sqft. after deduction of exempted covered areas.
- 41) Excess covered area in each residential floor i.e. 4TH, 5TH, & 6TH of the building in violation of Foot Print is 1762sqft. Which is 26.57% in excess of total allowable F.P.
- 42) Maximum permissible excess covered area is up to 20% i.e. 1326sqft. of each upper floor F.P. or proposed covered area for obtaining completion certificate and approved completion plan.
- 43) The Mezzanine floor was constructed as illegally built floor by mis-use of 40% loft area above shops. The existing covered area of Mezzanine was measured and found 2460.46sqft. The illegally built mezzanine floor having status of separate floor shall be considered as un-authorized FLOOR in VIOLATION of approved building plan & allowable Floor Area Ratio in respect of covered area.
- 44) The built-up covered area of front corner flat in violation of 2% RECREATION area at 4TH Floor was measured and found 1944.41Sqft.
- 45) The covered area of each corner flat on each of 4th, 5TH & 6TH Floors as measured at site & worked out 2097.99Sqft.

(Contd....P-25)

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SUMMARY OF COVERED AREA VIOLATIONS:

Detailed covered area of existing floors after deductions of exempted areas with allowable, proposed areas etc. measured & worked out on the day of project site inspection is given as under:

COMPARISON OF EXCESS COVERED AREA IN VIOLATION OF FOOT PRINT**TABLE-1**

ALLOWABLE FOOT PRINT	PROPOSED COV. AREA	EXISTING COV.AREA	EXCESS COV. AREA	EXCESS %OF VIOLATION
1) GR. FL.(70%) 7140.00SFT.	5654.22SFT.	6561.57SFT.	907.35SFT.	16% of Prop.
2) MEZZANINE FL. (Un-Authorized)	NIL	2460.46SFT.	2460.46SFT	100%
3) 4 TH FL (65%) 5508.00SFT. After Deduction of Recreation Area 1122Sft.	5205.85SFT.	8391.94SFT.	2883.94SFT.	52.35%
4) 5 TH FL (65%) 6630.00SFT.	6629.94SFT.	8391.94SFT.	1761.94SFT.	26.57%
5) 6 TH FL (65%) 6630.00SFT.	6629.94SFT.	8391.94SFT.	1761.94SFT.	26.57%

(Contd....P-26)

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COMMENTS:

In compliance of Court order dated 28-01-2016, Honorable Court had ordered the undersigned Architect with the mandate stated as under:

“The ARCHITECT shall ascertain whether the construction of the building in question has been raised in accordance with the approved building plan and Karachi building and town planning Regulations, 2002 and what are the violations committed by the builder while constructing the same”.

The opinion of undersigned Architect is based on ground realities and existing physical conditions of ground, mezzanine and seven upper floors of the subject suit property explained earlier with detailed descriptions and major violations, which is concluded hereunder:

The project site in question was observed presently as Ground plus partial mezzanine and six existing RCC floors plus seventh without roof slab to be completed as multi-storied luxurious residential flats comprising ground floor shops/show rooms + 11 storied at an ideal corner plot location in posh commercially developed block – 2, P.E.C.H.S Karachi nearby Tariq road.

The approval of proposed building was obtained from KBCA, but the existing layouts on upper residential floors were observed deviated in respect of occupying mostly the internal and external open air wells and illegal extension of habitable rooms on 4TH, 5TH & 6TH projected floors about 4-5 feet. by encroaching Allama Iqbal road & Halli road at certain heights.

Besides, an un-authorized Mezzanine floor without approval was constructed by misuse of the 40% loft area above shops in violation of KB & TP Regulation 2002. Which was supposed to be constructed/extended later on covering the entire roof slab area on the front peripheral plot boundaries of the commercial site.

(Contd...P-27)

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(P-27)

Dated: May 21st, 2016

Apparently it seems that approval of proposed building plan was obtained as formality not to follow the building by-laws and regulations with the intention to develop costly commercial project for the booking and sale of 32 Spacious luxury corner apartments and 09 large size ground floor shops/showrooms having three side arcade and additional fully i.e.100% occupied mezzanine floor.

Presently, the commercially constructed subject incomplete and unfinished building seems to be an abandoned project site since long.

Generally the irregularities and un-authorized extensions by multi-storied built structures occupying public spaces/streets, inside COS, open to sky air wells etc. are always a threat to the low density posh neighborhood and environment as well, resultantly enhancing pollutions and leaving negative impacts in the growth pattern of a mega city.

DATED: MAY 21ST, 2016



S. ZIA A. JAFFERY

**PCATP NOMINATED ARCHITECT
FOR HIGH COURT OF SIND**

(Contd...P-28)

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C.P No.1879 of 2011

(P-28)

Dated: May 21st, 2016

ANNEXURE – P- PROJECT SITE PICTORIAL REMARKS

- 1) *Front View of the project site showing its location at the busiest ALLAMA IQBAL ROAD.*
- 2) *Building View from west direction showing 20ft.wide service lane & 100ft wide Allama Iqbal road with other buildings adjacently located.*
- 3) *Big size air well encroached and left with small size useless duct.*
- 4) *Front of the building with extended ground floor ceiling height due to illegal construction of Mezzanine floor inside. Top story showing scaffolding/shuttering covering the entire 7TH Floor in dangerous condition and may collapse partly or completely on public streets due to air pressure etc.*
- 5) *Inside view of ground floor with provision of infrastructure and extra beams for the extension of Mezzanine floor.*
- 6) *Misuse of balcony projections by conversion into habitable floors on public streets.*
- 7) *Chamfered corner at ground level towards junction of two main roads but extended at 4th, 5th & 6th floor construction of rooms etc.*
- 8) *Rear View showing approx.54ft. in total high as curtain wall at peripheral of plot in place of low height boundary wall constructed & leaving no open space at rear due to allowable Ramp in COS.*
- 9) *Arcade space towards 20ft. wide service lane as per proposed building plan not yet constructed till this stage of construction.*
- 10) *Distant View of project showing junction of Allama Iqbal road & Halli road.*
- 11) *Existing Mezzanine Floor inside ground floor with low height parapet wall at Mezzanine & Ramp entrance gate towards Halli road.*

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(P-29)

Dated: May 21st, 2016

ANNEXURE- P



1



2



3



4



6



7



8



10



9

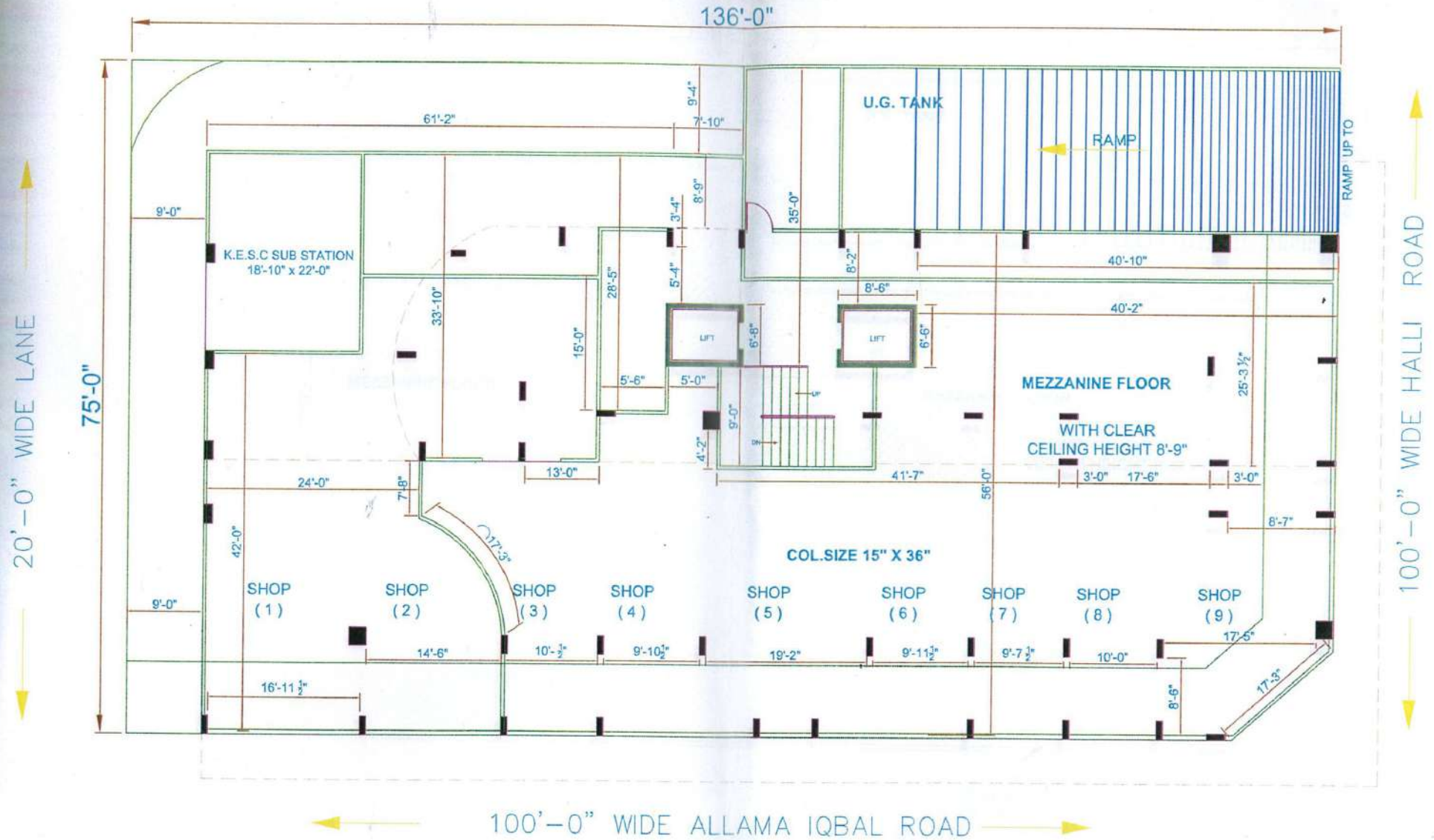


11



ANNEXURE - A

P-30



TITLE:-
GROUND FLOOR PLAN
 (8498.06Sq.Ft)

TOTAL COVERED AREA
 (8498.06Sq.Ft)



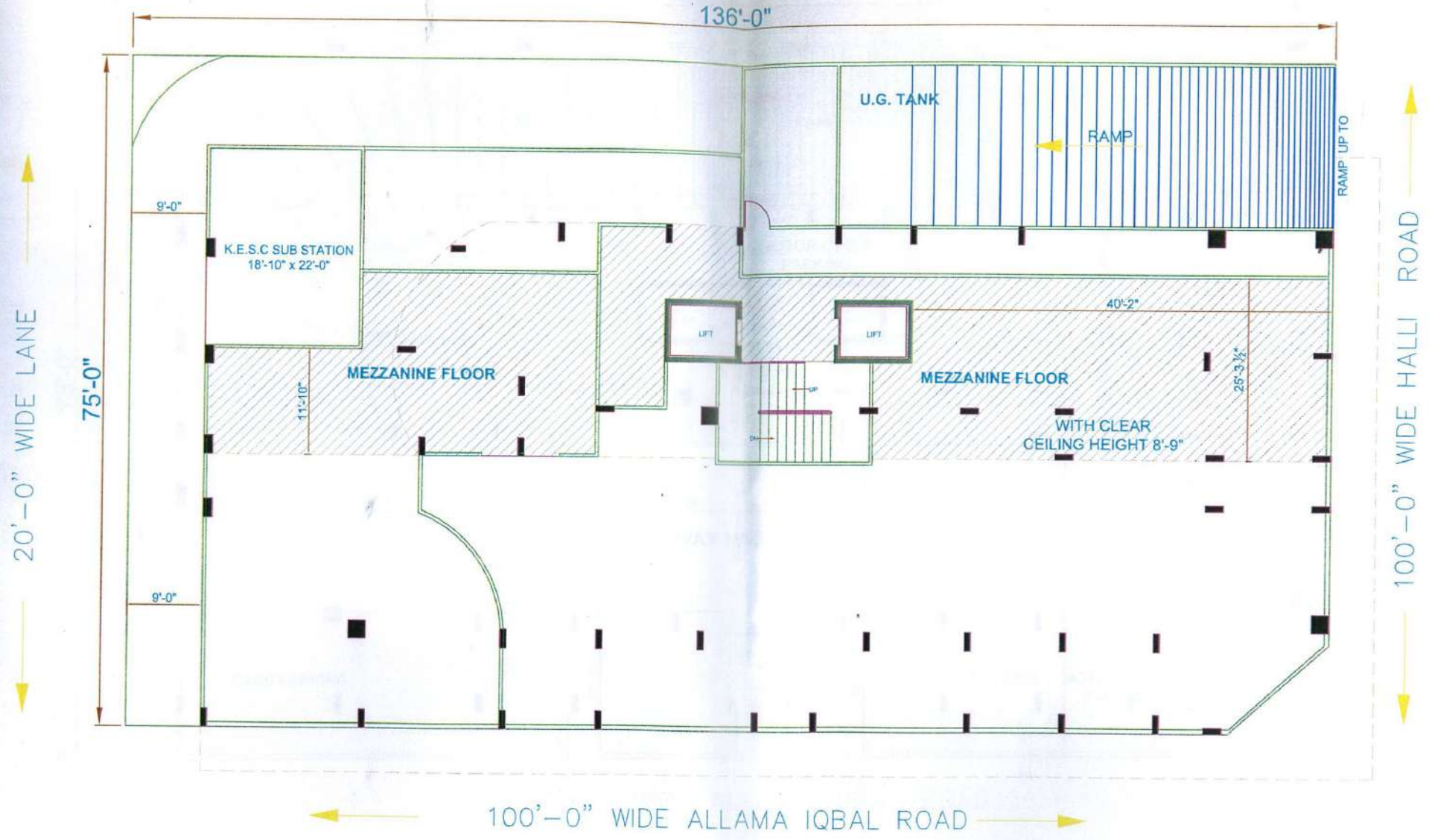
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 A-BLOCK-NO.2 PECHS KARACHI.

DATE
 MAY 2016
 SCALE
 1/8"=1'-0"
 AS BUILT PREPARED BY ZIA JAFFERY
 ARCHITECTS & ASSOCIATES

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 SHEET NO.
ST-01

ANNEXURE - B

P-31



TITLE:-
MEZZANINE FLOOR PLAN

TOTAL COVERED AREA
(2460.46 sqft.)



OWNER NAME:
EXISTING BUILDING ON PLOT NO 144
A-BLOCK-NO.2 PECHS KARACHI.

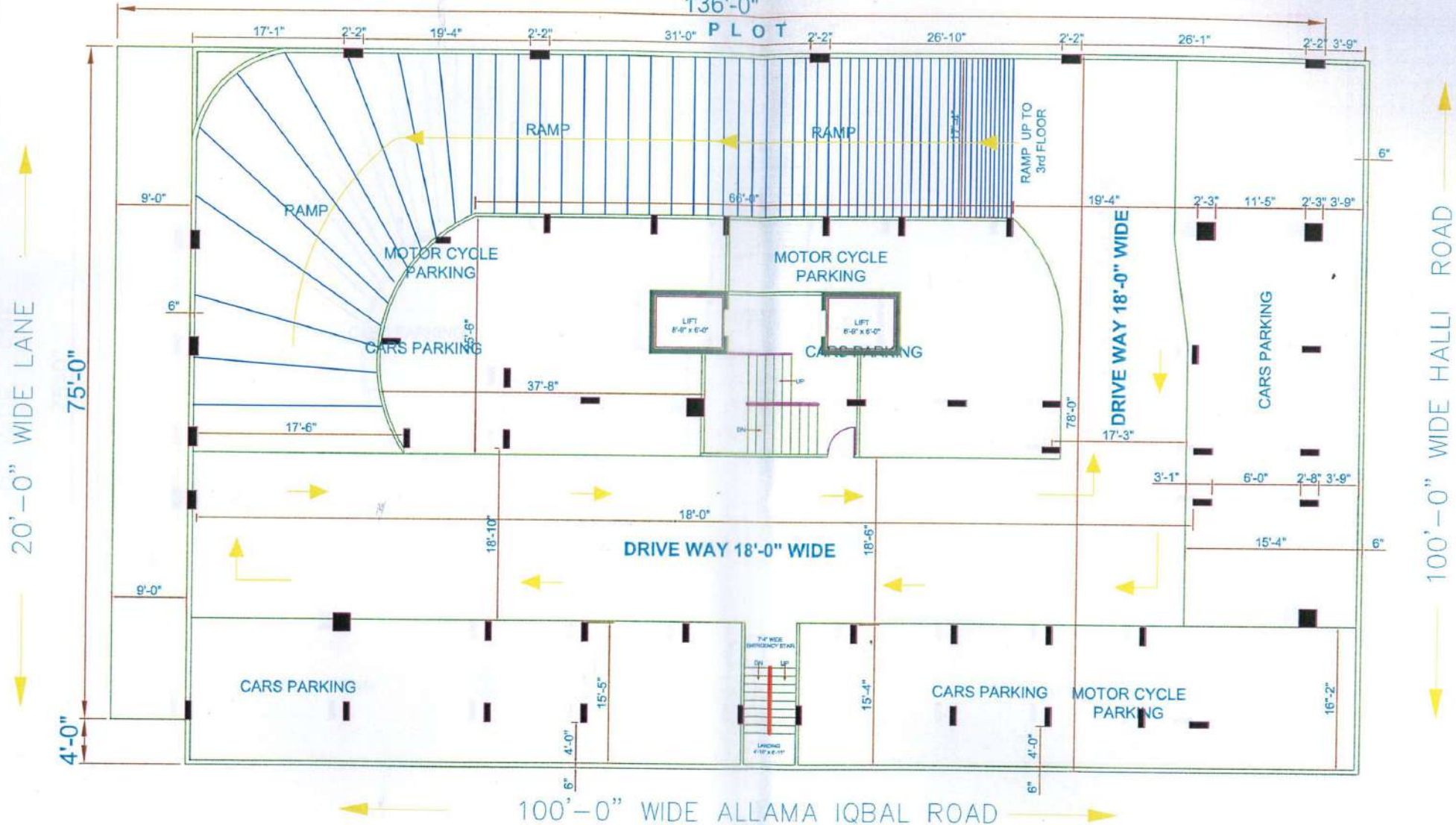
DATE
MAY 2016
SCALE
1/8"=1'-0"
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ARCHITECTS & ASSOCIATES

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SHEET NO.
ST-02

ANNEXURE - C

136'-0"

PLOT



TITLE:-
1st & 2nd FLOOR PARKING PLAN

TOTAL AREA (10606.667 sqft.)
RAMP AREA (2233.085 sqft.)
TOTAL COVERED AREA
(8373.582 sqft.)



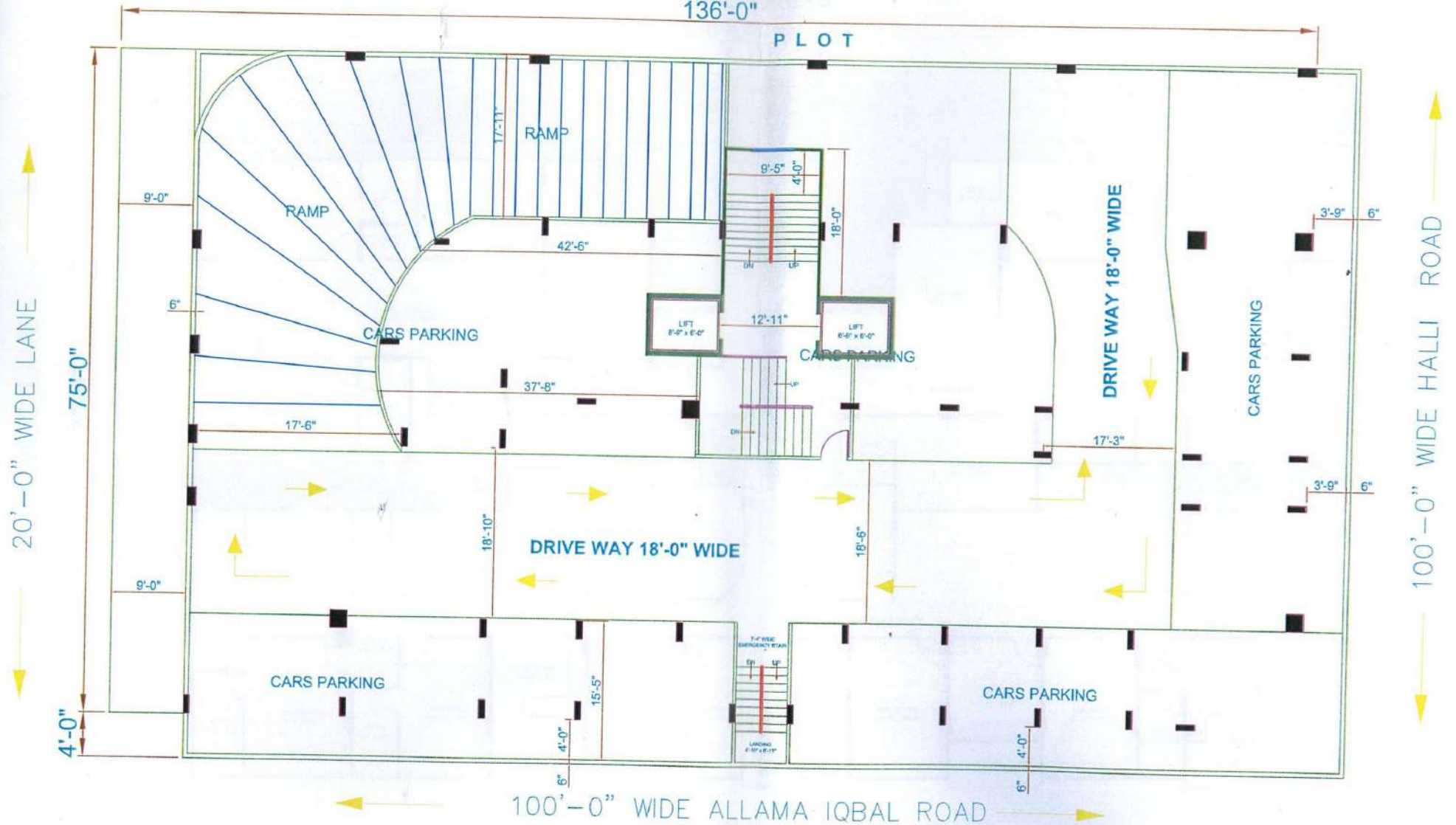
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EXISTING BUILDING ON PLOT NO 144
A-BLOCK-NO.2 PECHS KARACHI.

DATE
MAY 2016
SCALE
1/8"=1'-0"
AS BUILT PREPARED BY ZIA JAFFERY
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SHEET NO.
ST-03

ANNEXURE - D
136'-0"

P-33



TITLE:-
3rd FLOOR PARKING PLAN

TOTAL AREA (10606.667 sqft.)
RAMP AREA (1654.988 sqft.)
TOTAL COVERED AREA
(8951.679 sqft.)



OWNER NAME:

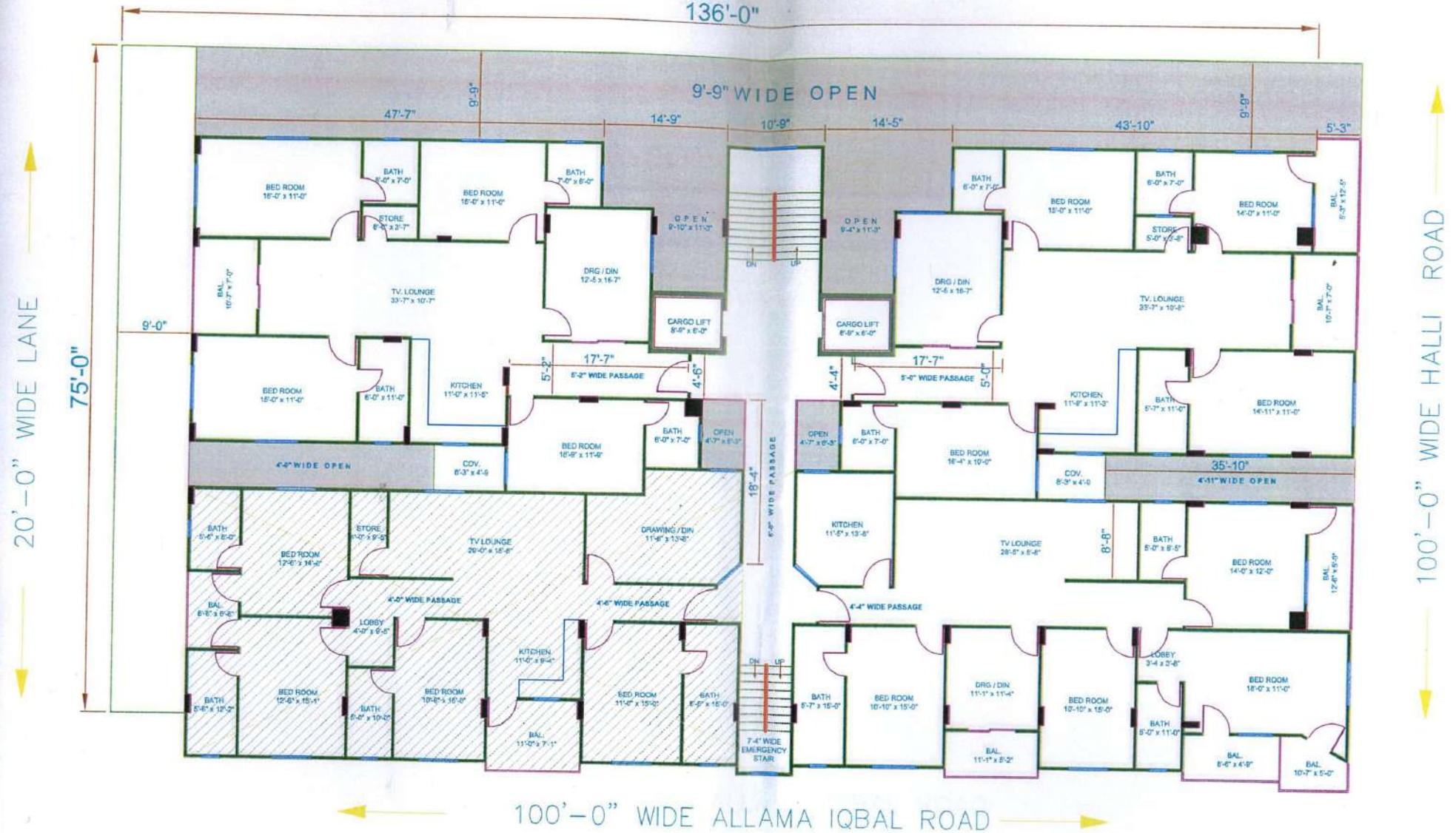
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A-BLOCK-NO.2 PECHS KARACHI.

DATE
MAY 2016
SCALE
1/8"=1'-0"
AS BUILT PREPARED BY ZIA JAFFERY
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ST-04

ANNEXURE - E
136'-0"



TITLE:-
4th FLOOR FLATS PLAN



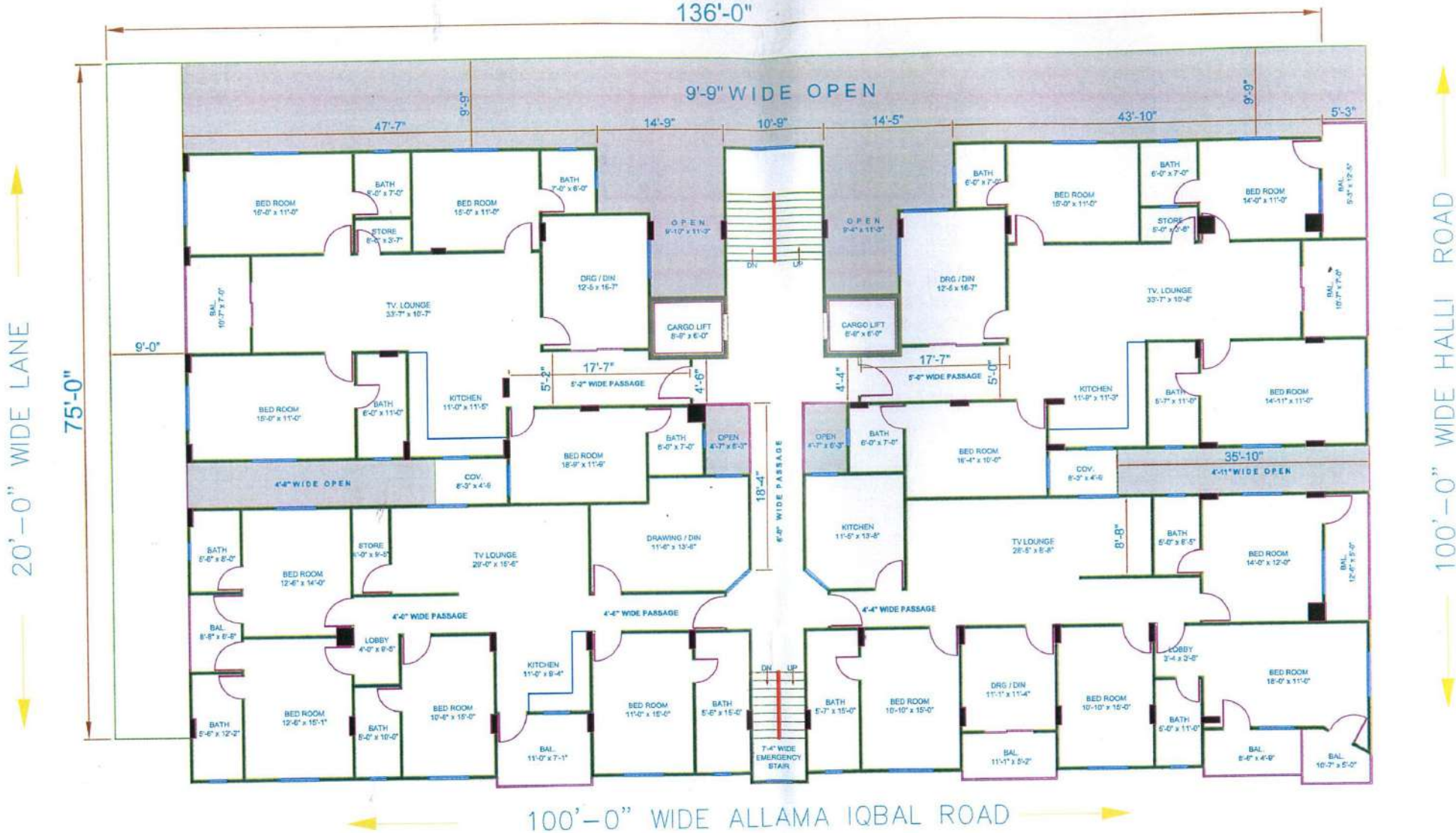
NOTE:
PROPOSED RECREATION 2% ON LEFT SIDE
CORNER ON FRONT CONVERTED TO FLAT

OWNER NAME:
EXISTING BUILDING ON PLOT NO 144
A-BLOCK-NO.2 PECHS KARACHI.

DATE
MAY 2016
SCALE
1/8"=1'-0"
AS BUILT PREPARED BY ZIA JAFFERY
ARCHITECTS & ASSOCIATES

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SHEET NO.
ST-05

ANNEXURE - F
136'-0"



TITLE:-
5th & 6th FLOOR FLATS PLAN

TOTAL COVERED AREA
(8391.94 Sq.Ft)

OWNER NAME:
EXISTING BUILDING ON PLOT NO 144
A-BLOCK-NO.2 PECHS KARACHI.

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ST-06

GROUND FLOOR AREA

A - 80'-5"x65'-0"	=	5226.65 Sq.Ft
B - 11'-5"x10'-0"	=	114.10 Sq.Ft
C - 44'-5"x56'-8"	=	2516.27 Sq.Ft
D - 11'-4"x9'-10"	=	111.37 Sq.Ft
E - 11'-4"x46'-9"	=	529.67 Sq.Ft
TOTAL	=	8498.06 Sq.Ft

LESS ARCADE AREA

A1 - 113'-3"x8'-0"	=	906.00 Sq.Ft
A2 - 120.36 SQ.FT	=	120.36 SQ.FT
A3 - 8'-0"x43'-1"	=	344.64 Sq.Ft
TOTAL	=	1371.00 Sq.Ft

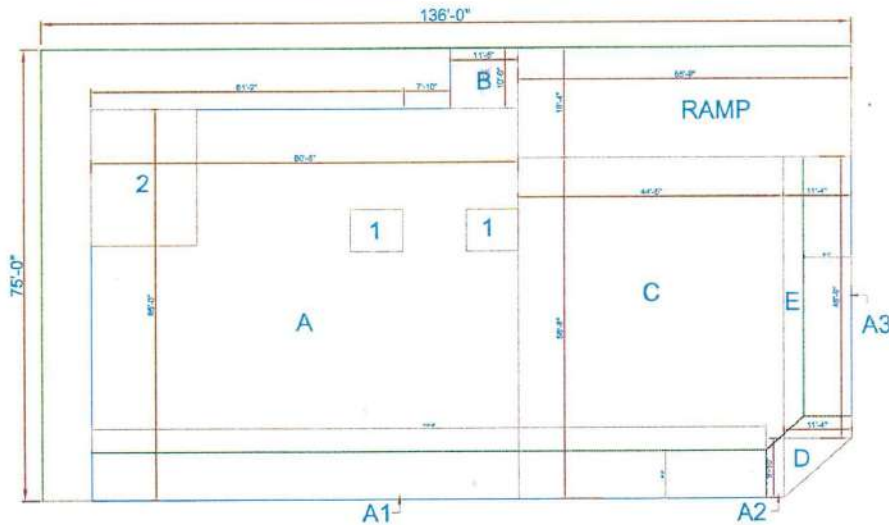
TOTAL NET. 8498.06 - 1371.00 = 7127.06 Sq.Ft

LESS DEDUCTION AREA

1 - 8'-10"x7'-0"x2	=	123.62 Sq.Ft
2 - 19'-6" x 22'-8"	=	441.87 Sq.Ft

TOTAL = 565.49 Sq.Ft

TOTAL NET. 7127.06 - 565.49 = 6561.57 Sq.Ft



ANNEXURE - G

4TH TO 6TH FLOOR FLATS AREA

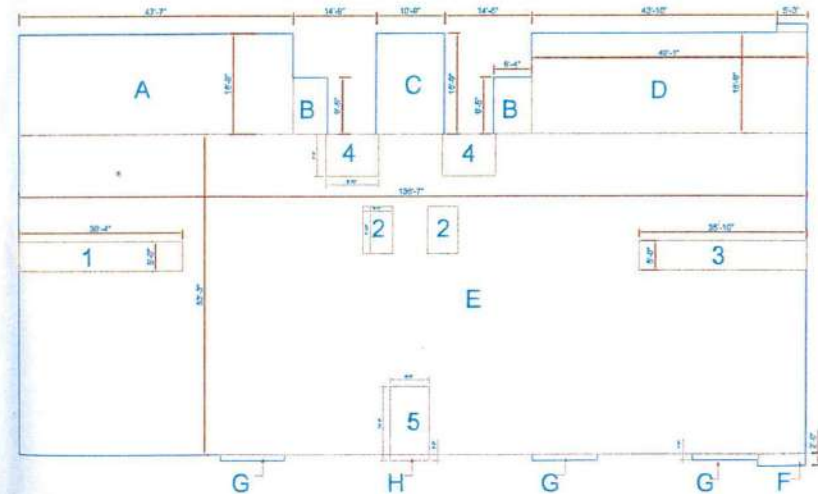
A - 47'-0"x16'-9"	=	787.25 Sq.Ft
B - 6'-4"x9'-5"	=	59.56 Sq.Ft
C - 10'-9"x16'-9"	=	180.06 Sq.Ft
D - 41'-1"x16'-9"	=	688.09 Sq.Ft
E - 136'-7"x53'-3"	=	7242.00 Sq.Ft
F - 8'-0"x2'-0"	=	16.00 Sq.Ft
G - 11'-0"x1'-0"X3	=	33.00 Sq.Ft
H - 6'-8"x1'-0"	=	6.66 Sq.Ft
TOTAL	=	9012.62 Sq.Ft

LESS DEDUCTION AREA

1 - 39'-4"x5'-0"	=	196.65 Sq.Ft
2 - 5'-0"x7'-10"	=	39.15 Sq.Ft
3 - 35'-10"x5'-0"	=	179.15 Sq.Ft
4 - 8'-10"x7'-0"x2	=	123.62 Sq.Ft
5 - 6'-8"x12'-4"	=	82.11 Sq.Ft

TOTAL = 620.68 Sq.Ft

TOTAL NET. 9012.62 - 620.68 = 8391.94 Sq.Ft



TITLE:-
**BLOCK GROUND FL .
& 4TH TO 6TH FLOOR AREA**



OWNER NAME:
EXISTING BUILDING ON PLOT NO 144
A-BLOCK-NO.2 PECHS KARACHI.

DATE
MAY 2016
SCALE
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ARCHITECTS & ASSOCIATES

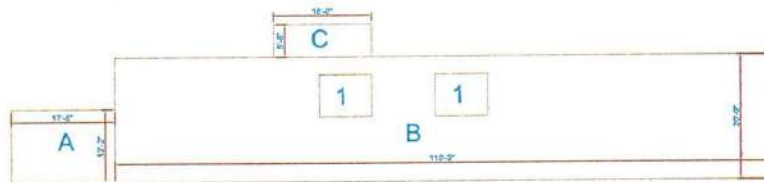
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SHEET NO.
ST-07

MEZZANINE FLOOR AREA

A - 17'-5"x12'-2"	=	211.70 Sq.Ft
B - 110'-2"x20'-9"	=	2285.82 Sq.Ft
C - 16'-0"x5'-5"	=	86.56 Sq.Ft
TOTAL =		2584.08 Sq.Ft

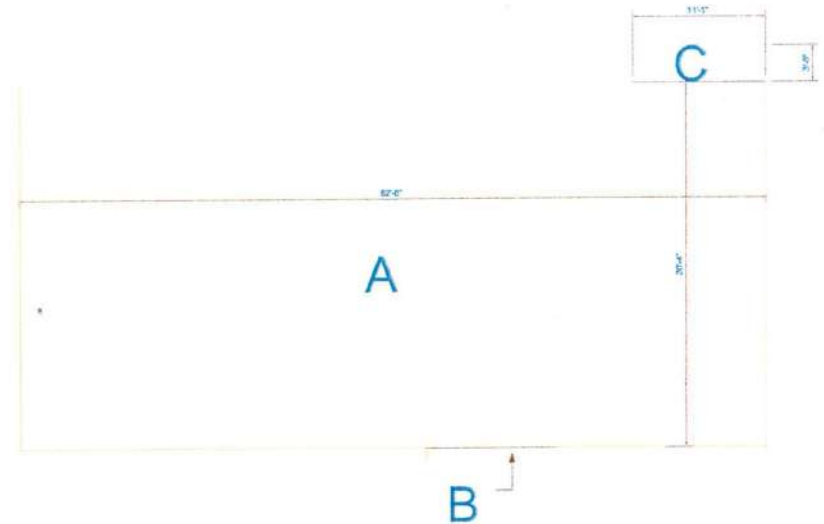
LESS DEDUCTION AREA

1 - 8'-10"x7'-0"x2	=	123.62 Sq.Ft
TOTAL =		123.62 Sq.Ft
TOTAL NET. 2584.08 - 123.62 =		2460.46 Sq.Ft



4TH RECREATION AREA

A - 62'-8"x30'-4"	=	1900.47 Sq.Ft
B - 11'-0"x1'-0"	=	11.00 Sq.Ft
C - 11'-1"x3'-0"	=	33.24 Sq.Ft
TOTAL =		1944.71 Sq.Ft



TITLE:-
BLOCK MEZZANINE FL .
& 4TH RECREATION FL. AREA



OWNER NAME:
EXISTING BUILDING ON PLOT NO 144
A-BLOCK-NO.2 PECHS KARACHI.

DATE
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ST-08