

Form No:HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.227807/2018

Haroon Farooq **Versus** Government of Punjab, etc

S.No.of order/ Proceeding	Date of order/ Proceeding	Order with signature of judge, and that of parties or counsel, where necessary.
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01.12.2021 Mr. Faizullah Khan Niazi, Advocate for the
petitioner.
Syed Kamal Ali Haider, Advocate for Judicial Water
Commission.
M/s Ahmad Rafay Alam, M. Azhar Siddique, Sheraz
Zaka and M. Yasin Hatif Advocates for petitioners in
connected petitions.
Mian Irfan Akram, Advocate for WASA.
M/s Shezada Mazhar Advocate for DHA, Multan.
Mr. Sahibzada Muzaffar Ali, Advocate for the LDA.
Sardar Balakh Sher Khosa, Advocate for Cantonment
Board.
Mr. Iftikhar Ahmad Mian Advocate for MCL with
Colonel Retd. Mubashar Javed Mayor, Lahore.
Mr. Asad Ali Bajwa, Deputy Attorney General.
Mr. Anis Ali Hashmi, Addl.A.G with Abdul Razzaq
Chohan, Chief Engineer TEPA and Muhammad Nawaz
Manik, Director Law EPA.

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Report has been filed by the Judicial and
Environmental Commission (Commission) in which
progress made since the last date of hearing on the
directions issued by this Court have been spelt out.
Learned counsel for Commission Syed Kamal Haider
Advocate has referred to different portions of the report
in order to highlight actions taken by PDMA in
furtherance of Court's order on the situation regarding
smog. As a consequence of this Court's direction,

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Commissioners Faisalabad and Gujranwala have replicated measures taken by the Commissioner Lahore and in those Districts too, action is being pursued vigorously against violators of stubble burning and sealing of industries emitting pollutants is also taking place. The progress reports have been filed by the Deputy Commissioners Faisalabad as well as Gujranwala. The EPA has also submitted a report regarding non-compliant brick kilns across Punjab which states that 6277 brick kilns were inspected and fine of Rs.47.8 million was imposed. 865 FIRs were lodged and 26 persons were arrested. 337 brick kilns have been sealed. Similarly EPA has taken action against smog emitting vehicles across Punjab and the total inspected vehicles were 31739. An amount of Rs.6.3 million as fine was imposed on vehicles which were non-conforming. Similarly 923 vehicles were impounded. It is also informed by the learned counsel that anti-smog squad has been extended by the Deputy Commissioner, Lahore for the purpose of implementing directions passed by this Court and which yielded substantial results. A direction has also been issued to the sugar industries for installation of waste water treatment plants and compliance has been sought within 15 days of the receipt of the letter by the Commission.

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Finally, letter has also been written to Director General, PHA for maintenance as well as plantation along the track of metro orange line train. Further report shall be filed before the next date of hearing by the Commission.

2. The representative of PDMA has pointed out that in collaboration with experts from Nepal better form of zigzag technology is being implemented across Punjab which is likely to have positive impact on the overall smog condition. According to him from the 4th of December, 2021 a change in the air current is expected and rain spell of short duration is likely to take place commencing 05.12.2021. It has been suggested by the representative that the AQI around the area where M2 toll plaza (Ravi) is situated is the highest. He has suggested that the motorway police should not permit any car to enter M2 motorway which does not have a M-tag. This, according to him, should be a mandatory condition for plying a vehicle on M2 motorway. For the purpose learned Deputy Attorney General is present on Court's call and shall touch base with the representative of NHA and motorway police on urgent basis and require them to impose this condition from Wednesday i.e. 07.12.2021. A period of one week is given to both the motorway police as well as NHA to ensure that necessary steps are taken not only to

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publically advertise this aspect to all motorists and secondly to make arrangement for a greater number of booths to be set up to enable the motorists to purchase the balance for their M-tag. Emergency measures shall be taken by both NHA and motorway police prior to the deadline set up by this Court after which the condition shall be mandatorily enforced on M2 motorway as well as all other motorways converging on Ravi toll plaza. This is essential as according to the representative of PDMA congestion at the said toll plaza of cars who have no balance of M-tag is a big contributor to the environmental pollution by emission of CO₂ from idling engines.

3. The representative of CTO has informed that previous order of this Court regarding violation of one way rule has yielded remarkable results. Same amount of fine i.e. Rs.2000/- is being extended for violators of the rule regarding driving a car without a valid license.

Order accordingly.

4. The Deputy Registrar (Judicial) of this Court is directed to convey the orders passed by this Court on the last date of hearing i.e. 23.11.2021 to the learned District & Sessions Judge, Lahore in which a direction was issued for a full time Magistrate to be appointed to

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deal with imposition of fines of violators of encroachment policy for both MCL and LDA.

5. Learned counsel for LDA has filed a report regarding road construction on Thronton road which according to the learned counsel has been completed satisfactorily. This is not denied by the learned counsel for the applicant. However, it has been pointed out that on the sides of the road tough tiles have still to be constructed which shall also be done before the next date of hearing.

6. The Director General, PHA was present on the last date of hearing and undertook to file a report regarding rehabilitation of parks under the jurisdiction of PHA. It is directed that the Director General, PHA shall delegate a senior officer of PHA to be present on each date of hearing with regard to the directions required to be issued to PHA. The Commission shall coordinate with the Director General, PHA or the nominee of the Director General for a comprehensive policy for rehabilitation and reconstruction of the parks throughout Lahore.

7. Learned counsel for LDA has filed a report on behalf of TEPA in which it has been stated that regular meetings are taking place between the Chief Engineer TEPA and focal persons appointed on the directions of

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not set up repeatedly. Similarly report has also been presented on behalf of MCL. The Mayor Lahore is present in the Court and has informed that substantial steps have been taken for shifting of pushcarts which are a major impediment in the smooth flow of traffic. Firstly according to Mayor Lahore, a survey of pushcarts in Lahore has taken place and accordingly anti-encroachment activities in collaboration with traffic police has also been made part of the report. The Mayor Lahore informed that a policy for permanently setting up these pushcarts and like retail business is being considered and shall be presented on the next date of hearing. Large number of areas where congestion used to occur have been cleared and traffic has shown a remarkable flow in these areas. Operation has also been launched according to Mayor Lahore against encroachment as well as major portion of the funds available with MCL are being expended for the purpose of road rehabilitation. It is expected that the steps which have been put in place by the Mayor will have a long term effect and no laxity shall be shown in pursuing these steps on a sustained basis.


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10. Learned Additional Advocate General has produced an order issued by the office of Deputy Commissioner Kasur by which tasks have been assigned

to various authorities and departments to deal with imminent threat of smog in the District of Kasur. This is indeed commendable and it is expected that the Deputy Commissioners of other Districts shall also take similar measures.

11. Relist on 07.12.2021.


03/12
Abdul Waheed


(SHAHID KARIM)
JUDGE

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