

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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13.01.2022

Mr. Faizullah Khan Niazi, Advocate for the petitioner.  
Syed Kamal Ali Haider, Advocate for Judicial Water Commission.  
Mr. M. Azhar Siddique and M. Yasin Hatif Advocates for petitioners in connected petitions.  
Mr. Akif Majeed, Advocate for the applicant.  
Mr. Waqar A. Sheikh Advocate for PHA.  
Mian Irfan Akram, Advocate for WASA.  
Mr. Shezada Mazhar Advocate for DHA, Multan.  
Mr. Sahibzada Muzaffar Ali, Advocate for the LDA.  
Sardar Balakh Sher Khosa, Advocate for Cantonment Board.  
Mr. Ehsan Ullah Manj Advocate for Walton Cantonment Board.  
Mr. Asad Ali Bajwa, Deputy Attorney General.  
Mr. Salman Alam Khan, A.A.G with, Abdul Razzaq Chohan, Chief Engineer TEPA and Muhammad Nawaz Manik, Director Law EPA.  
Mr. Ali Ejaz Deputy Director EPA

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Report has been filed by the Judicial Water and Environmental Commission and the minutes of the 90<sup>th</sup> meeting of the Cabinet Sub-Committee on law and order has been attached, according to which, decision regarding local events like PSL-VII and Horse & Cattle show has been made which is to the following effect:

"Decision.

*Signal to signal free traffic policy may be adopted for local events i.e. PSL-VII/Horse &*



*Cattle show. As far as the tour of foreign teams i.e. Australia to Pakistan, 2022 at Punjab is concerned, policy with respect to traffic management/arrangements shall be finalized according to the "STATUS" accorded by the Federal Government."*

2. In this respect further steps shall be taken by the Commission and constant liaison shall be made between the Commission and Chief Executive Officer of Pakistan Cricket Board as well as Home Department in order to ensure that the traffic proceeds on the basis of the decision and no congestion and blockage of traffic takes place throughout these events. It is made clear that a constant supervision with regard to these events shall be maintained and if at all it is found that the traffic congestion is occurring during the supporting events, further direction shall be issued by this Court. It is also imperative that Pakistan Cricket Board shall formulate a policy of its events regarding accommodation etc so that PCB events can be held with minimum traffic congestion and environmental pollution may not occur. PCB shall file its report to this effect on the next date of hearing. As already directed in previous orders, PCB on its own has a social corporate responsibility to minimize the environmental pollution in this respect.

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3. Learned counsel for the Commission also refers to the action taken with regard to polluting industries and in the report it has been brought forth that 125 industrial units have given access to their respective cameras fixed near their furnaces/boilers. However, it has been noticed that there are constant reports coming in according to which violations continue to occur. The officer of the EPA is directed to convey to the Director General, EPA regarding such violations and in case such violations are reported or come to the information of this Court, the DG, EPA shall be held directly responsible for such violations.

4. Report also refers to the anti-smog squad which was set up by the Commissioner, Lahore for implementing directions of this Court and to collaborate with the Judicial Water and Environmental Commission. According to the report, 1615 industrial units were inspected out of which 259 were sealed and a fine of Rs.8.3 million has been imposed on these units. It has also been brought forth in the report that projects have been conceived for laying of sewerage system in the entire Lahore including area of Gulberg through trenchless technology which is part of Lahore water and wastewater management projects being financed by the Asian infrastructure investment Bank and is likely to be

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approved by the middle of June this year. The experts of WASA shall come up with a temporary solution in the form of coverage of the drains if at all possible and a report shall be filed on the next date of hearing.

5. The focal person on behalf of CTO Lahore has pointed out two points of severe congestion which falls within the jurisdiction of Ring Road Authority. Learned A.A.G shall coordinate a meeting between the representative of the Ring Road Authority and the focal person during the next week.

6. Report has been submitted by the learned counsel for LDA on behalf of TEPA in which it has been stated that anti-encroachment operation is in full swing and substantial amount of challans have been accumulated for which presence of permanent magistrate is a pre-requisite. Although on the directions of this Court posting of a full time Special Magistrate in TEPA has been made but he has not been able to join his duties. Name of the special Judicial Magistrate is Malik Ali Imran. Learned A.A.G shall convey order of this Court to the learned special Judicial Magistrate for undertaking his assignment expeditiously and without further delay. Report shall be filed on the next date of hearing.

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7. It has also been brought in the report that for the purpose of realignment of various roads and junctions in Lahore, services of NESPAK has been hired which will undertake a study for different choking/congestion points of the city. Statutory regulations in this respect are also being formulated and for the purposes, a working group has been set up. Also LDA has put in place the execution of structural plan roads and in para 3 at least 16 such roads and their descriptions have been mentioned which are likely to be executed in the near future.

8. Report also mentions the fact regarding the LDA Regulations on rooftop plantation. According to the learned counsel, LDA Building and Zoning Regulations 2019 contain clauses to this effect which obliges high-rise constructions to have rooftop plantation. However this is not sufficient. It is directed that the LDA shall serve notice on all high rise buildings (above a certain level determined by LDA) for rooftop plantation and gardening or setup of solar energy panels. This notice shall mention the period within which compliance shall be made of this notice to compel the high rise building owners to undertake rooftop plantation and gardening. After such period LDA shall have its direction implemented in order to compel the owners to do the

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needful. For the purpose PHA undertakes to extend all technical support.

9. Learned A.A.G shall also place on the record necessary instructions issued by the Managing Director of LWMC regarding burning of waste collected by the employees of the company.

10. It has been pointed out that while undertaking works, LESCO and its employees cut down trees with impunity without regard for their maintenance etc. In this respect Chief Executive LESCO shall place on the record a plan which would encompass cutting down of trees if at all it is expedient to do so for carrying out works and it should be done with the consultation of PHA. Learned Deputy Attorney General shall contact the Chief Executive Officer to convey directions of this Court and a plan shall be submitted on the next date of hearing.

11. Justice (R) Ali Akbar Qureshi who was appointed the Water and Environmental Commission has assumed the charge of Chairman Insurance Tribunal. He has requested to be relieved of his duties. There is no alternative but to accede to his request and Justice (R) Ali Akbar Qureshi is hereby discharged of his assignment as a Commission. In his stead, Syed Kamal Haider and Hina Hafeezullah, Advocates are appointed as a two

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*[Handwritten signature]*



member Commission to pick up the thread from where it was left by the former Commission.

12. Adjourned to 20.01.2022.

  
(SHAHID KARIM)  
JUDGE

Abdul Waheed

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