

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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16.12.2022

M/s Syed Kamal Ali Haider and Hina Hafeezullah
Ishaq Advocates/Members of the Judicial Water
Commission.

Mr. M. Azhar Siddique, Tallat Farooq Sheikh 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 and Mohsin Mumtaz, Advocate for
WASA.

Syed Moazzam Ali shah Advocate for the applicant.

Mr. Shezada Mazhar Advocate for DHA, Multan.

Mr. Sahibzada Muzaffar Ali, Advocate for the LDA.

Mr. Ehsan Ullah Manj Advocate for Walton Cantonment
Board.

Mr. Asad Ali Bajwa, Deputy Attorney General.

Mr. Tipu Salman Makhdoom Addl.A.G, M. Akbar Baba
A.A.G with Muhammad Ali Deputy Commissioner,
Lahore, Ali Ejaz Dy. Director EPA, Shahzad Khan SPP
City Traffic, and Umer Hayat Law Officer.

Mr.Shakeel Minhas Chief Town Planner.

Necessary notifications have been issued
regarding closure of educational institutions for three
days as well as private offices. Learned Addl.A.G
undertakes to have it enforced to the education
department and in respect of private institutions it will
be enforced through the agency of Station House Officer
concerned of the area. Any school contravening the

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notification shall be sealed and a fine of Rs.200,000/- shall be imposed forthwith.

2. The office of the Commissioner has also submitted a report regarding the negotiations with the stakeholders and representatives of the traders regarding closure of businesses by 10:00 p.m. daily. It has been informed that the businessmen are willing to shut down their business at 10:00 p.m. but they are bit reluctant regarding shutting down of businesses on Sunday. It is agreed that after negotiations it will be notified that all businesses shall be shut down from Monday to Saturday at 10:00 p.m. and for Sunday they will open at 2:00 p.m. and shut down at 10:00 p.m. This will be informed to the representatives by the Commissioner Lahore Division. Notification to this extent shall thereafter be issued promptly.

3. Likewise similar notification shall be issued in respect of restaurants. The restaurants shall be closed by 10:00 p.m. from Monday to Thursday and by 11:00 p.m. from Friday to Sunday. The fact regarding these notifications shall also be publicized by publication in the newspapers at prominent places so that all concerned may have intimation regarding these notifications. Learned Deputy Attorney General shall

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also require the PEMRA to allocate space regarding this fact on behalf of the Government of Punjab in the allocated time for this purpose.

4. The Deputy Commissioner has also submitted that there are long range PTZ cameras which may be installed and which would be a better option as compared to drone. The Environmental Protection Department shall submit their summary for the acquisition of these cameras within next two days. Further proposals have been put forth by the Deputy Commissioner which shall be considered on the next date of hearing. He also submits that power of demolition regarding pyrolysis plants is not vested in the EPD. Learned Law Officer of the EPD has produced draft of the rules which includes the power to demolish the pyrolysis plants. These rules will be seen by the Members of the Commission as also will be vetted by the Law Department and thereafter they will be promulgated in accordance with law. The progress regarding this shall be placed before this Court on the next date of hearing.

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5. Learned Law Officer of EPD has also produced a draft of the advertisement which is sought to be published in the newspaper regarding rules in which

power has been conferred for demolition of pyrolysis plants and other powers against brick kilns etc.

6. A meeting was held by the Board of Revenue Punjab in which issue regarding the enforcement of measures to control smog and disbursement of POI. to the field revenue was taken up. According to the officer of PDMA who is present today, necessary funds have already been disbursed to the Deputy Commissioners concerned since smog has been declared as a calamity. It is directed that the funds which have been disbursed to the Deputy Commissioner for this particular purpose to control smog shall be held in a separate account and will only be used and spent for the purpose of controlling smog and all matters ancillary thereto. A proper account shall be mentioned by the Deputy Commissioner which shall be submitted to the Finance Department on monthly basis.

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7. The representative of Ministry of Climate Change has filed a comprehensive report and submits that PCAP has been prepared which is now to be implemented by the Government of Punjab and a copy of which has been handed over to the learned Members of the Commission to look it and apprise this Court on the next date of hearing as well as to the Government of Punjab. He has

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also informed that contacts have been established with the Chinese ambassador in Pakistan for onward communication with the officers at the city of Shanghai for seeking their expertise regarding cleaning of air to tackle with the problem of smog. A further report shall be submitted on the next date of hearing.

8. Learned Deputy Attorney General has also informed that the Secretary, Ministry of Foreign Affairs has reached out to the ambassador of China in Pakistan as well as ambassador of Pakistan in China seeking consultation of expert support on the issue of smog which has already been successfully tackled in the cities of Shanghai and Beijing.

9. Adjourned to 19.12.2022.

Abdul Waheed

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(SHAHID KARIM)
JUDGE