

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

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

S.No.of order/ Proceeding	Haroon Farooq Date of order/ Proceeding	Versus Government of Punjab, etc Order with signature of judge, and that of parties or counsel, where necessary.
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19.11.2021

Mr. Abuzar Salman Khan Niazi, Advocate for the petitioner.

Syed Kamal Ali Haider, Advocate for Judicial Water Commission.

M/s Ahmad Rafay Alam, M. Azhar Siddique, Mian Ali Asghar, Mian Ali Imran, Sheraz Zaka, M. Yasin Hatif and Seemab Aslam Advocates for petitioners in connected petitions

Mr. Farooq Amjad Mir, Advocate in C.M.No.32/2020.

Mian Irfan Akram, Advocate for WASA.

Mr. Waqar A. Sheikh, Advocate/Legal Advisor for PHA.

M/s Shezada Mazhar, M. Jawwad Khan Lodhi and Syed Samir Sohail, Advocates for DHA, Multan.

Barrister Osama Zafar, Advocate for applicant in C.M.No.04/2021.

Mr. Amer Riaz Amir Minhas, Advocate for the respondent in C.M.No.04/2021.

M/s. Mansoor Usman Awan and Barrister Hamza Shehram Sarwar, Advocates in C.M.No.06/2021.

Mr. Sahibzada Muzaffar Ali, Advocate for the LDA with Syed Mazhar Hussain Chief Engineer, LDA.

M/s. Nadeem Ahmad Sheikh, Jahanzeb Sukhera and Osama Qamar, Advocates for RUDA.

Mr. Ashtar Ausaf, Advocate in C.M.No.34/2020.

Sardar Balakh Sher Khosa, Advocate for Cantonment Board.

Syed Samir Sohail Advocate for DHA, Multan.

Mr. Ahmad Pervaiz Advocate in C.M.No.10/2020.

Mr. Arslan Riaz, Advocate for the respondent-PEPSI.

M/s. Asad Ali Bajwa and Ehtsham Ahmad, Deputy Attorney General.

Mr. Anis Ali Hashmi, Addl.A.G with Muntazir Mehdi, Chief Traffic Officer, Lahore.

Mr. Asad Ali Bajwa, Deputy Attorney General.

Muhammad Nawaz Manik, Director Law EPA and Miss Nabila Khand, A.D (Legal), EPA and Kashif Sajjan Assistant Legal EPA.

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Comprehensive reports have been filed by the Chief Traffic Office, Lahore as well as on behalf of TEPA regarding traffic management of the city of Lahore. Different short term as well as long term solutions regarding traffic management have been put forth in these reports. As a short term measure, it has been proposed that there should be temporary barriers placed on the road cuts which are necessary for the smooth flow of the traffic. This has been suggested in the CTO report at 6.1.1. It has been stated that temporary road cuts have already been placed but these need to be replaced by permanent ones and for the purpose learned counsel for LDA, present in the Court, shall ensure permanent road cuts in place of the temporary ones are placed on these roads. A report shall be filed in this respect on the next date of hearing. It is made clear that this will be a purely temporary measure and certain other measures on permanent basis will be put in place in the next few days and will be taken up on the subsequent dates of hearing.

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2. For the purpose of implementation of the proposals made by CTO Lahore, focal persons are directed to be appointed by MCL, LDA, Cantonment Board Lahore as well as DHA who shall coordinate with the focal persons appointed by CTO Lahore with regard to any issue regarding traffic management and congestion. This has been necessitated on account of the statement made by the CTO Lahore that invariably roads are blocked and congestion occurs on account of poor condition of the roads despite reminders in this regard, these roads remain in a state of disrepair which causes enormous amount of difficulty for the vehicles plying on these roads. The traffic police, according to

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CTO Lahore, takes temporary measures which are insufficient and do not provide permanent solution. This is a major cause of environmental pollution as traffic congestion and blockade at any point in Lahore causes huge amount of carbon dioxide to be emitted from the exhaust pipes of the vehicles which remain idling due to congestion. A report by MCL, LDA and Cantonment Board shall be filed before the next date of hearing regarding appointment of focal persons.

3. The CTO, Lahore also informs that a dedicated line is already existed to enable the motorists to update or sent information regarding any accident or traffic blockade. The fact regarding dedicated line and its use in such situation shall be displayed permanently on the roads and the CTO has ensured to do that within shortest period of time. Also according to him, motorists are not deterred by the low amount of challans on account of various traffic violations especially breaching the one way rule. For the purpose it is directed that the minimum challan to be imposed for such violation is increased to Rs.2000/- which may be imposed by all traffic wardens against violators of traffic rules. Learned Additional Advocate General shall also propose names of the committee to implement long term measures proposed in the report compiled by CTO Lahore as well as TEPA.

4. It has been informed by the representative of TEPA that the medium term measures for improvement of traffic flow in Lahore city have been proposed and in this regard various schemes have been prepared by TEPA for efficient traffic management of different choking/congestion points of the city. These have been referred to the concerned departments for undertaking

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development work. These have been referred to at page 6 of the report by TEPA. It is directed that this report shall be handed over to the learned counsel for LDA, MCL and Lahore Cantonment Board for filing of report regarding the implementation of the proposals made by TEPA in this regard.

5. The issue of encroachment is a major cause of traffic congestion according to CTO Lahore. Learned counsel for LDA present in the Court shall seek instructions and shall come up with a plan on behalf of the LDA regarding removal of encroachments to be placed before this Court on the next date of hearing. It is also directed that the Chief Officer, Municipal Corporation Lahore shall also be present on the next date of hearing to apprise this Court of the steps taking by MCL in this regard.

6. It is reiterated that the committee constituted on the last date of hearing shall continue to hold its meetings and it is made clear that the meeting shall also be conducted on Sunday with regard to various measures taken in terms of smog.

7. Since sufficient steps are proposed to be taken in coming days on the CTO's report it is imperative that current CTO, Lahore should continue to hold the post in order to achieve tangible results. It is therefore directed that he shall not be transferred by the Government without leave of this Court. This order shall be conveyed to all concerned by the A.A.G.

8. Adjourned to 23.11.2021.


(SHAHID KARIM)
JUDGE