

ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

Case No. W.P No.227807/2018

Haroon Farooq Vs Govt. of the 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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25.02.2021 Mr. Abuzar Salman Khan Niazi, Advocate for the petitioner.
 Syed Kamal Ali Haider, Advocate for the Commission.
 Sahibzada Muzaffar Ali, Advocate with Ahmad Aziz Tarar, D.G, Abdul Razzaq Director Law and Riaz Ahmad Water Specialist, LDA.
 M/s M. Azhar Siddique, Ahmad Rafae Alam and Sheraz Zaka, Advocates for petitioners in connected petitions.
 Ms. Scheherezade Advocate for applicant in C.M No.10 of 2020.
 Mr. Anis Ali Hashmi, Addl. A.G with Nawaz Manik, Director Law and Ali Ejaz, Dy. Dir. Environment, Lahore.
 Mr. Tahir Mehmood Ahmad Khokhar, D.A.G.
 Mr. Dilshad Arshad from PCRWR.
 Mr. Usman Naeem, IGC/NGO.

A report has been filed by the PCSIR the summary of which is that a prototype is being designed by the research laboratories and for which the PC-I has been prepared and submitted for approval. Also that the Strategic Planning Division is agreed to finance the project. The report also narrates the extensive research carried out regarding the selected technology of filter free separation and in order to control the artificial smog in the environment. The representative of PCSIR is directed to submit a monthly report to this Court

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regarding further progress in the matter. The D.G E.P.A has also filed a report regarding sugar mills in District Sargodha which are causing pollution and which issue was raised by Mr. Sheraz Zaka, Advocate in connected petition W.P No.71047 of 2020. According to the report, a Committee was formed and ToRs were also formulated within which the Committee was required to perform its functions. Inspection of the mills was conducted by the Committee from 22.12.2020 to 23.12.2020. The Committee subsequent to its inspection formulated the recommendations to be complied with by the sugar mills operating in those areas. According to the report, legal action has been initiated against the mills under PEPA, 1997 as amended in 2012. The D.G E.P.A is directed to file a further report on the progress made in this regard.

2. The E.P.A has also filed its report on zigzag vis-à-vis alternate methodologies. The crux of the report is that of all the processes, zigzag technology is more efficient and environment friendly technology. In the report, various reasons have been mentioned for arriving at that conclusion by the Committee which was constituted under Section 6(2)(b) of the PEPA, 2012. Since the experts have compiled a report which is placed on record, the

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persons affected by that report may file a reply to the report with alternate findings by experts, if any, which will be considered thereafter.

3. The D.G LDA has also filed a report regarding the project being undertaken by LDA stating by the name of 'Naya Pakistan Apartments, Lahore'. It summarizes the various steps taken by LDA to ensure that this project is a green project and conforms to environmental standards. However, it is imperative that necessary steps be taken for water conservation and in this regard D.G LDA is required to submit a report as to whether that apart from the treatment plant, recycling plant is proposed to be installed in the project so that water from various sources is passed through separate pipes and is then recycled to be used again by the inhabitants of the project. According to the D.G LDA this may entail further cost. Be that as it may, that cost has no value in the face of the declining water reservoir of Lahore and the fact that water conservation should be at the tope of the agenda for any new project being set up in Lahore. A complete report as to the feasibility for separate pipes and treatment plant as well as cost to be incurred for the purpose shall be placed before this Court on the next date of hearing.


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4. It was pointed out by the learned counsel for the petitioner that pedestrian bridges are being constructed by LDA and other authorities for which trees are being cut down. It is directed that no trees shall be cut down by any of the authorities undertaking the construction of pedestrian bridges. If at all it is necessary to do so, prior permissions shall be sought from this Court in this regard. Any authority or employee of that authority found to be involved in cutting of trees shall be proceeded against for the contempt of the orders of this Court.

5. Mr. Usman Naeem, IGC/NGO has stated that he had useful meetings with learned Addl. A.G for the way forward on the plan submitted. He however seeks a direction of this Court to obtain the data/census of industries of Punjab (CMI) from the Urban Unit. The learned Addl. A.G shall ensure that the data is made available to Mr. Usman Naeem as he is undertaking assignments on the directions of this Court and is a necessary component of the anti-smog measures being taken in and around Lahore.

6. To come up for further proceedings on 04.03.2021.


(SHAHID KARIM)
JUDGE

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