

ORDER SHEET

IN THE LAHORE HIGH COURT LAHORE

JUDICIAL DEPARTMENT

Case No. W.P. No.227807 of 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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04.11.2022

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

Mr. Zain Sheikh, Advocate for the petitioner.

M/s. Muhammad Azhar Siddique, Talaat Farooq Sh. and M. Yasin Hatif, Advocates for the petitioners in connected petitions.

Mr. Ahmad Awais, Advocate General, Punjab.

Mr. Tipu Salman Makhdoom, Addl. Advocate General, Punjab along with Nawaz Manik, Director (Law) EPA, Ali Ejaz, DD EPA, Shahzad Khan, SPP City Traffic, Shahid Anjum Minhas, Chief Town Planner, LDA and Umer Hayat, Law Officer.

Mr. Asad Ali Bajwa, Dy. Attorney General.

Sahibzada Muzaffar Ali, Advocate for respondents-LDA.

Mr. Shazib Masud, Advocate for respondent-LCBD.

Mr. Waqar A. Sheikh, Advocate for respondent-PHA.

M/s. Mian Irfan Akram and Mohsin Mumtaz, Advocates for respondent-WASA.

Syed Moazzam Ali Shah, Advocate for the applicant.

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Learned Advocate General, Punjab has filed

a preliminary report with respect to the compliance of the directions issued by this Court. The Chief Minister convened a meeting on 03.11.2022, which was attended by all the officers concerned in the matter.

The Secretary Environment presented detailed account of the actions taken in compliance of the directions of this Court and which have been narrated in the preliminary report. It was submitted by learned Advocate General that certain directions were issued by the Chief Minister, Punjab which too have been

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narrated in the said report. It is expected that the Chief Minister, Punjab will follow up on the meeting initially held as well as to ensure the directions that have been issued by the Chief Minister, Punjab. With regard to the stubble burning, it was informed by learned Advocate General that various proposals are under consideration with the Agriculture Department. Also that the Minister Agriculture, Government of the Punjab is keen of taking steps to implement projects which would provide an alternate source of dealing with stubble instead of burning which is a major contributor to smog. It would be appropriate that the Agriculture Minister convenes a meeting for the purpose in which various proposals are discussed and a report may be filed to this Court. This meeting will also include the Members of the Commission who shall apprise the Minister of the various proposals which are under consideration in this regard. The Members of the Commission have also informed that pursuant to the directions of this Court, meetings were held with the professors of Agriculture University, Faisalabad, who shall compile a report with their proposals to be with stubble burning. These proposals shall also be placed before the Agriculture Minister, who may take appropriate measures for their implementation.

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2. The learned Advocate General, Punjab also contacted Deputy Commissioner, Sheikhpura where the maximum number of stubble burnings were reported. The Deputy Commissioner, Sheikhpura filed a report regarding the action taken in this regard. It is directed that Deputy Commissioner, Sheikhpura shall file a regular report to the Members of the Commission with regard to controlling stubble burning in the area within his jurisdiction. For the time being, no action is sought to be taken against Deputy Commissioner, Sheikhpura and some time will be given to him to not only comply with the directions of this Court but also that of the Chief Minister, Punjab.

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3. Learned Advocate General, Punjab shall also ensure that the Environmental Protection Department (EPD) constitutes a committee on the recommendations of the Secretary Environment, who shall visit the area surrounding Ring Road and especially Mahmood Booti and report on the reasons for pollution which is the highest in that area, so that appropriate actions can be taken to control the pollution in that particular area. A report shall be submitted on the next date of hearing.

4. Learned Advocate General, Punjab informs that the vehicles belonging to PDMA, which are in the use of various officers have not yet been retrieved. Notices shall be issued to the officers, whose names

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have been mentioned in the report of the Members of the Commission viz. MD, Cholistan Development Authority, Bahawalpur, Addl. Deputy Commissioner (Revenue), Bahawalpur, Zaheer Abbas Malik, COO TEVTA, Lahore to whom the Advocate General, Punjab shall inform regarding their presence on the next date of hearing to reply to the notice of contempt. Further, learned Advocate General, Punjab shall inform these officers that in case vehicles are not handed back, the Superintendent of Police of the relevant area shall ensure that the vehicles in their possession are retrieved and are handed over to the PDMA. For the purpose, two days time is granted to these officers to voluntarily hand over these vehicles.

5 Learned Deputy Attorney General has filed a report on behalf of the Motorway Police, which states that the DIG Motorway Police has personally ensured that the directions of this Court are complied. This is endorsed by the Members of the Commission who have stated that incidents of stubble burning are now being reported by the Motorway Police.

6. It has been mentioned in the report that 132 government official vehicles were examined out of which 50% are non-compliant with the standards. They have been instructed to comply with the standards within a certain period of time. Also, the Punjab Transport Company has hired consultants to

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conduct study on electric buses, which will be completed within one and half month. The District Registering Authority of District Education Authority has issued notices to 09 private schools regarding the buses and their non-maintenance. Further, the report alludes to the action taken against the industrial units of which 317 were sealed and hefty fines have been imposed as well as criminal cases registered against them. The number of vehicles which were inspected is 2253 of which 123 have been impounded. The report also refers to a letter written to the Higher Education Department (HED) on 28.10.2022 in which it has been mentioned that an amount of Rs.400 million is available for purchase of buses for institutions under the administrative control of HED during the current financial year 2022-23. It is directed that HED shall file its report as to the measures taken for the utilization of this amount so that the purchase of buses can be made on priority.

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7. LDA had been restrained from granting approval of the standards and NOC for construction of apartment buildings in different areas of Lahore. In this regard, the Chief Town Planner, LDA has appeared and submitted his report. According to which, the Authority declared 09 frozen roads for being permitted for commercialization in the light of

recommendations of Special Commercialization Committee and NESPAK. This has been restrained on 14.02.2022 by this Court. According to CTP, after a detailed study of these frozen roads the NESPAK has prepared a preliminary environmental assessment to assess the environmental impact caused due to commercialization of these frozen roads. Further plans have been prepared upon report compiled by NESPAK and which have been delineated in the report filed by LDA. Fresh NOCs will have to be procured by the sponsors of these projects which have been included in the NOCs to be issued to the persons who intend to construct projects on these roads. This includes provision of sufficient parking and fresh NOC through EPA as well as other obligations which will be cast upon the persons who are carrying out the construction on these roads. This will include the provision of a recycling plant as well as two separate pipes within the building for the water to be recycled and reused within that building. This will also subject to one of the conditions for grant of NOC. Further conditions such as trees plantation, roof top gardening shall also be made part of the NOC according to CPT. Subject to these conditions being made part of the NOC granted to persons who have applied for construction of buildings on these roads provisional permission is granted for LDA to process the cases

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and to issue NOCs in the above terms. It is further directed that LDA shall constitute Committee to regularly inspect these projects both during their construction as well as upon completion to ensure compliance of the conditions of NOC. Also TEPA shall ensure that the provisioning regarding parking etc. conforms to the standards strictly in this regard. The Chief Engineer TEVTA shall appear on the next date of hearing to respond in this regard. The Chief Town Planner shall also initiate steps for hiring of environmental consultants by LDA so that future projects are made compliant to green buildings being constructed within the jurisdiction of LDA. To come up for further proceedings on 11.11.2022.

Rafaqat Ali

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(SHAHID KARIM)
JUDGE