

IN THE SUPREME COURT OF PAKISTAN

(Review Jurisdiction)

Present:

Mr. Justice Jawwad S. Khawaja

Mr. Justice Ejaz Afzal Khan

Mr. Justice Maqbool Baqar

CRPs Nos.315-316 of 2013 in CMAs-6158-6159/13 in SMC-20 of 2007

AND

Crl.O.P. No.115 of 2014.

National Highway Authority thr. its Chairman Israr Ahmed & others	...	Petitioners in both petitions ...Petitioners in Crl.O.P.115/14
Versus		
Roedad Khan	...	Respondent in both petitions
Maroof Afzal, Chairman, and others	...	Respondents in Crl.O.P.115/14

For the petitioner(s): Malik Shakil-ur-Rehman, ASC (In CRP 315-16/13)

 Syed Nayab Hassan Gardezi, ASC
 (in Crl.O.P.115/14)

For the respondents-1,4&5: Mr. Munir Paracha, Sr. ASC
 Hafiz S. A. Rehman, Sr. ASC
 Hafiz Hifzur Rehman, ASC/Legal Advisor
 Syed Mustafain Kazmi, Member (Environment)
 Dr. Sheikh Suleman, DG, (Environment)
 Rana Tahir Hassan, Director (Environment)

Other respondents: N.R.

Date of hearing: 18.03.2015

ORDER

Jawwad S. Khawaja, J.- Crl. O. P. 115/2015: When this case was called, a letter dated 17.3.2015 was placed before us through Crl. M.A. No.245 of 2015 which had been issued by Bashir Ahmed (Director Industries and Labour) ICT. The contents of the letter are reproduced below because of their relevance:-

"In pursuance of the Supreme Court of Pakistan's orders dated 16th March, 2015, in CRPs No. 315, 316 of 2013 in CMAs-6158-6159/13 in SMC-20 of 2007 AND Crl.O.P.No. 115 of 2014, Mining Lease of M/s FECTO Cement Limited issued vide letter No.DDI&MD/ICT/LL-5/Vol-1/2467, dated 21-12-2011 is hereby cancelled with immediate effect. You are directed to stop all activities and remove all installation forthwith"

2. Upon the cursory examination of the letter, it is evident to us that the name of this Court has been used in an unjustified manner because we had unambiguously mentioned in our order of 16.3.2015 that we would ensure compliance of our order of 25.10.2013, the relevant part thereof, for ease of reference, is reproduced:

"5. Thus, Chairman CDA, Chairman NHA and any other executing agency are hereby restrained not to undertake any exercise towards the construction of Tunnel in the Margallah Hills enroute to the Province of KPK, nor CDA shall grant licence of crushing stones from the Margallah Hills. The Chairman CDA is further directed to constitute a team which shall put up a report that no activity of constructing of Tunnel or crushing of stones or encroachment or any other activity in the National Park is going on. If there is any such activity, the same shall be stopped at once. Copy of the compliance report shall be submitted before this Court through Registrar for our perusal in Chambers and passing further orders if need be".

3. We may note that the Director (Industries and Labour) was directed telephonically to appear and explain the contents of his letter. However, because it was already much after Court hours and he was unable to reach the Court before we rose for the day, the matter is being adjourned for hearing tomorrow i.e. 19.3.2015.

Judge

Judge

Judge

ISLAMABAD
18.03.2015
M. Azhar Malik/