

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, HCJ
Mr. Justice Mushir Alam
Mr. Justice Sardar Tariq Masood
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

**HRC Case No.318 of 1993, C.M.A. No.7645/2018 in
HRC No.318/1993, CMA No.2370 in CRP Nil/2020 in
HRC 318/1993, CMA No.2416/2020 in CRP Nil/2020
in CMA No.7645/2018 in HRC 318/1993, CMA No.
2417/2020 in CRP Nil/2020 in CMA No.7645/2018 in
HRC 318/1993, CMA No.2606/2020 in CRP Nil/2020
in CMA No.7645/2018 in HRC 318/1993**

*(Regarding Environmental Pollution in Sector I-9/1,
Islamabad due to Industrial Estate)*

In attendance: Mr. Sohail Mehmood, D.A.G.
Mr. Niazullah Khan Niazi,
A.G. Islamabad
Ch. Faisal Fareed,
Addl. A.G. Punjab.
Mr. Amir Ali Ahmed,
Acting Chairman CDA/Commissioner
Ch. Riasat Ali Gondal, ASC for CDA
Raja Abdul Ghafoor, AOR for CDA
Mr. Adil Aziz Qazi, ASC for MCI
Miss Shafaq, CO, MCI
Sh. Ansar Aziz, Ex- Mayor
Farzana Altaf Shah, D.G. EPA
Muhammad Ramzan, AD (Legal) EPA
Mr. Shah Khawar, ASC for 4 Steel Mills
along with Mr. Mehmood A. Sheikh, AOR
Ms. Shireen Imran, ASC (*in CMA 2416/2020*)
along with Ch. Akhtar Ali, AOR
Syed Qalb-i-Hassan, ASC (*in CMA 2417/2020*)
along with Mr. Mehmood A. Sheikh, AOR
Mr. Tanveer Iqbal, ASC (*in CMA 2606/2020*)

Date of hearing: 19.05.2020.

ORDER

Gulzar Ahmed, CJ.- At the outset, pursuant to the order
of this Court dated 05.03.2020, it is stated by the Advocate General,
Islamabad Capital Territory, Deputy Attorney General, Acting

Chairman Capital Development Authority/Chief Commissioner, ICT that the whole of the Margalla Hills, spreading in Islamabad, K.P. and Punjab, has since long declared as a heritage site and National Park, and no part of it can be allotted to any private person, either for residential purposes or for any sort of commercial activity. We have been informed by the Acting Chairman, CDA that a large number of restaurants have been established in the Margalla Hills, amongst them Monal restaurant is a famous one, and there are rental residential premises by the name of Pine Residencia, Whispering Pine and some other residential premises constructed in the Margalla Hills which are being offered as hotels/guest houses, etc. and they are being advertised openly. It is stated that all these constructions are illegal and against the very spirit of the Margalla Hills being declared as a heritage site and National Park, and all such constructions and activities have to be stopped and demolished, and the Margalla Hills restored as heritage and National Park.

2. We are informed that a large number of trees have been removed and cut-down for stated expansion of the Monal restaurant and the Acting Chairman CDA/Chief Commissioner I.C.T. is fully familiar with such situation and states that he has taken action on this occurrence and sealed the Monal restaurant. He has further assured the Court that the trees that have been cut-down or removed by Monal restaurant shall be restored with sufficiently tall and grown up trees. Action against all those premises, which are operating for commercial or residential purposes in the Margalla Hills be initiated to ensure their removal. We, however, direct that notices be issued to all the alleged owners/occupants of the premises in the Margalla Hills who shall appear before the Court on the next date of hearing. The expansion or

construction work of Monal or any other Restaurant or any other premises in the Margalla Hills is stayed altogether.

3. We note that except K.P. Government no report is filed by Punjab and ICT regarding crushing activity of Margalla Hills. Let such be done well before next date. Adjourned to **01.06.2020**.

Chief Justice

Judge Judge

Judge Judge

Islamabad, the
19th May, 2020
Not approved for reporting
Ghulam Raza/-