

**JUDGMENT SHEET**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**JUDICIAL DEPARTMENT**

**W.P.No.2377 / 2008**

Citi Council for Welfare (Regd) through its President.

*versus*

Capital Development Authority through its Chairman and others.

Petitioner by: Mr. Riaz Hanif Rahi, Advocate.

Respondents by: Muhammad Nazir Jawad, Advocate for CDA.  
Barrister Aiema Asrar, Advocate for respondent No.10.

Date of Decision: 20.10.2022

**MOHSIN AKHTAR KAYANI, J:** Through this Writ Petition, the petitioner has prayed for the following:

- i. That immediate removal of the garbage may kindly be ordered in the presence of Court Commission or Environmental Magistrate.*
  - ii. That this petition may kindly be kept pending until the complete garbage is transferred and surrounding of Islamabad High Court is made clean. The sullage present on the western side may also be ordered to be removed.*
  - iii. That the foot path situated surrounding this Court may further be directed to be cleared and planned greenery may kindly be ordered to be installed.*
  - iv. That respondent Nos.7 & 8 may kindly be directed to discharge their statutory duties with regard to the matter involved in the petition.*
  - v. That the petitioner may also be awarded special compensatory cost as he has incurred expenditure while brining petition to this Court and he deserves for encouragement.*
  - vi. That any other relief which this Honorable Court may deem it proper also be granted.*
2. Brief facts referred in the instant Writ Petition are that the petitioner is a Non-Governmental Organization registered under Social

Welfare Ordinance and has raised the concern qua the dumping of garbage near the newly constructed two lane road in H-10 sector, Islamabad, which was causing continuous nuisance to the residents of sector G-10/1, Islamabad. The respondent / CDA was not performing the statutory duties, nor any service has been provided to settle the solid waste and garbage of Islamabad. The petitioner raised the environmental concern of the Islamabad Capital Territory, even an agreement dated 21.08.2008 was also referred which was executed between Fauji Cement Company Limited for settlement of solid waste.

3. During the course of different hearings of this case in last fourteen years, the initial issues relating to management of waste / dumping of garbage in sector H-10 has been resolved, whereafter, further issues were raised concerning the plantation drive within the Islamabad Capital Territory by the CDA. Whereafter, report was called from the CDA, which revealed that the plantation drive has been carried out by the Forest Division, Urban Division-I, Urban Division-I & III for Spring Tree Plantation, 2018, in which 148,897/- trees were planted in different areas of Islamabad, clearance of unwanted vegetation was also settled, even 150 saplings of different species planted in and around Islamabad High Court and Kashmir Highway side.

4. The progress report also contains the plantation of species of *Phullai*, *Kachnar*, *Amaltas*, *Butkhar*, *Argan*, *Jaman*, *Chir*, *Home Secodia*, *Zaitoon*, *Seipum*, *Willow*, *Feedal Wood* with grand total of 37,400 plants in different areas of Islamabad including Atta-Turk Avenue, G-6, G-7, F-6, F-7 Jinnah Avenue, Faisal Avenue, Diplomatic Enclave, Convention Centre, Government Hostels, Parliament Lodges, 6<sup>th</sup> Avenue, Constitution Avenue, Zero Point Interchange, etc.; the detailed summary

is part of the record. On the other hand the MCI has also submitted their details. During the course of hearing the Chairman CDA and Chief Officer Metropolitan Corporation Islamabad (MCI) has also put appearance in person and insured to support plantation drive that will be followed on yearly basis for the purpose of green and clean capital, even a committee has been constituted in this regard, whereas, Riaz Hanif Rahi, Advocate of the petitioner, Citi Welfare Council was also nominated as member of the committee and the same is comprising of Chief Officer (MCI), Director Sanitation (MCI), Director Environment (West), (MCI), Director EPC (MCI) and Director Environment (East), MCI alongwith representative of EPA to participate in the board meeting regarding cleanliness and tree planation in Islamabad.

5. In view of above background, the committee has duly been nominated for green and clean Islamabad and is empowered to give suggestions and recommendations while considering the issue relating to Islamabad Capital Territory by applying the international global standards, keeping in view the effect of climate change and made all possible efforts for climate justice. It is expected from the committee to have its meeting on quarterly basis in the year and the CDA board may also look into the recommendations and achieve the implementation strategies with full force to improve the quality of life of the citizens of Islamabad.

6. No doubt, the concern raised by the petitioner is issue of a public importance, which requires a continuous support from all the executive authorities to uphold the quality of life of individuals of Islamabad Capital Territory in terms of the Article 9 of the Constitution of Islamic Republic of Pakistan, 1973. As such, there is no impediment to raise

these concerns as question of public importance; therefore, instant petition is **ALLOWED** with the following observations.

- i. *The green and clean capital committee shall continue its working to ensure the green and clean capital.*
- ii. *The Committee shall arrange the meetings on quarterly basis while considering the problems of Islamabad Capital Territory and may suggest appropriate measures to the relevant municipal Authorities till the constitution of regular committees after the local government elections.*
- iii. *The Environmental Protection Agency shall also submit with recommendations its reports by notifying the issues and measures to be taken by all the institutions including MCI, CDA or EPA or as the case may be.*
- iv. *The plantation drive shall be initiated in accordance with the proposed plan considering the impact of climate change within next thirty (30) years.*
- v. *All utilization areas within the Islamabad Capital Territory, which are under administrative control of MCI or CDA, shall be considered for forest/plantation purposes.*
- vi. *The Committee shall also conduct the forest audit every year and notify its report qua the survival of forest viz-a-viz the trees, which has been lost/destroyed or damaged in one year with new replacement plantations.*
- vii. *The committee shall receive all kind of information and complaints qua the climate change, destruction of natural water streams to ensure that these streams shall not be polluted in any manner by way of sewerage and waste.*
- viii. *The committee shall also recommend the legal actions under the law to be taken by concerned agency against the delinquent officials of the respective Department as well as individuals, who are effecting the environmental rights of other citizens of Islamabad Capital Territory.*
- ix. *The Committee shall also draw parameters to be adopted by the private societies to establish the forest land with planning timeline i.e. 10, 20 and 30 years.*
- x. *The green and clean capital committee shall take appropriate action if concerned agency has not taken requisite measures, they may recommend the matter to be placed before CDA*

*Board, Local Government Assembly or Environmental Protection Agency or proper cases may be recommended for action by the Federal Government accordingly.*

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

A.Waheed.