

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, HCJ
Mr. Justice Umar Ata Bandial
Mr. Justice Ijaz ul Ahsan
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Munib Akhtar

**CIVIL PETITION NO.4500 OF 2017 AND CIVIL MISC.
APPLICATIONS NO.4948, 4962, 5517, 6917, 6949, 6916 & 8718
OF 2019 IN CIVIL PETITION NO.4500 OF 2017**

***Pak Gulf Construction (Pvt) Limited, the
Centaurus Mall, Islamabad***

*...Petitioner(s)
(in all cases)*

Versus

***Capital Development Authority through its
Chairman, Islamabad and others***

*...Respondent(s)
(in all cases)*

AND

C.M.A. NO.11072 OF 2019 IN S.M.C. NO.25 OF 2018
(Regarding non-implementation of the order dated 04.12.2018)

For the Petitioner(s)	: Nemo.
For CDA	: Mr. Amir Ali Ahmed, Chairman CDA. Mr. M. Munir Paracha, ASC.
For ICT	: Mr. Niaz Ullah Niazi, A. G. Islamabad. Mr. Azam Khan, Acting Mayor.
For NHA	: Barrister Umer Aslam, ASC. Cap.(R) Sikandar Qayum, Chairman, NHA.
For the Applicant(s)	: In person, (in CMA.4948/2019) Mr. Zulfiqar Ahmed Bhutta, ASC. (in CMA.6917/2019) Malik Qamar Afzal, ASC. (in CMA.6949/2019) Mr. M. Ali Raza, ASC (in CMA.11072/2019)

Date of Hearing : 14.12.2020

ORDER

IJAZ UL AHSAN, J.- The Chairman, Capital Development Authority, Islamabad ("CDA") is present in Court. We have asked him whether steps have been taken relating to the Service Roads and Parking Lot adjoining the Centaurus Tower. He maintains that the said area falls within the jurisdiction of Municipal Corporation, Islamabad ("MCI") which had given a lease of the land that is being used by the Centaurus Tower as its Parking Area. He submits that there was some confusion regarding the power of the MCI to lease out the land in question. In this regard, draft Rules have been prepared which are in the process of being vetted and will be notified as soon as the same are approved by the competent authorities.

2. The learned DAG, present in Court, is directed to ensure that the necessary Rules are notified within a period of one week.

3. The Chairman, CDA has submitted that pursuant to the orders passed by this Court, CDA has taken up the task of conducting clean up operation throughout Islamabad. Further, that Roads are being repaired and maintained by CDA which task was previously being performed by MCI, garbage collection is also being undertaken which is evident from the fact that CDA staff is

regularly picking garbage and disposing it off properly. This is necessary to maintain cleanliness and sanitary conditions in the Islamabad Capital Territory ("ICT"). He further maintains that major and sustainable steps have been taken by CDA to clear all Streams and *Nullahs* of Islamabad and ensuring that sewerage is not disposed of in these Streams and *Nullahs*. Further steps are underway to ensure that sewerage water is treated properly. In this regard, he points out that an existing Sewerage Treatment Plant ("STP") is being made operational in Sector I-9, Islamabad. Despite the fact that said STP is a state of the Art facility having been set up with expenditure of billions, it was only being utilized upto 10% of its capacity in view of the fact that it is located at a higher elevation and the sewerage water is not drained into the said facility. He further submits that CDA has carefully considered the situation and has awarded a contract to a third party which would take steps and implement measures to ensure utilization of capacity of the STP upto 50%. He maintains that the STP will become operational shortly and will result in treatment of sewerage in substantial quantities and the treated water would be available for agricultural and horticulture purposes.

4. In addition, small treatment facilities which can be set up at relatively low cost have also been set up at different locations which have shown promising results. CDA is also considering setting up more facilities adjacent to *Nullahs* and Drains in order to ensure that sewerage water and drained water is properly purified and treated. In this regard, two such facilities are being set up in Sectors D-12 and E-11, Islamabad. He further submits that two more STPs are being planned for the ICT which will be set up in the near future with CDA's own funding.

5. We have asked the Chairman, CDA to brief us on the status of implementation of our order whereby we had directed that wide scale plantation of trees and plants be undertaken in the ICT. He submits that CDA has taken effective measures to ensure that plants and trees are not cut or damaged and new plantation is being undertaken on a wide scale. In this regard, he also submits that allotments of plots in the buffer zones are being cancelled and no new allotment in buffer zones is being made. He further submits that substantial plantation of fruits and ornamental trees in order to increase the beauty of Islamabad is being undertaken from Golra to Sareena Hotel. Plantation of suitable trees including *Jacaranda* and

Amaltas is also being planned on the medians from Golra to Sareena Hotel.

6. Chairman CDA also informs us that in order to provide backup for continuous availability of plants on long term basis steps are being undertaken to establish and reactivate nurseries under the control of CDA. He further submits that private nurseries have also been granted licences. He adds that CDA shall ensure that plots earmarked for setting up and operation of nurseries are used only and exclusively for the said purpose and licensees comply with terms of their licences. Further, all allotments for setting up nurseries will not be based on leases but on licenses and their use shall strictly be monitored in order to prevent misuse. He states that CDA will ensure that the nurseries are properly run and maintained as per requirement of the respective licences.

7. As far as setting up of Toilets is concerned, the Chairman, CDA submits that substantial steps have been taken to set up at least 100 prefabricated/portable Toilets which are easier to install and maintain, in different parts of Islamabad. He submits that at least 10 such Toilets have already been installed and work is in progress for the rest. On our query, he stated that 100 Toilets may not be enough and the number of such Toilets shall progressively be increased to 500, in different areas which will be

properly looked after and maintained so that they remain operational continuously, for the convenience of public.

8. The Chairman, CDA also points out that a pedestrian bridge has already been put in place at the Constitution Avenue and four others are nearing completion. These will be set up in the next few weeks. These include pedestrian bridges near PIMS and *Itwar Bazars*. It has also been pointed out to us that Islamabad Expressway is being fenced in the interest of smooth flow of traffic. On being pointed out, he agrees to look into the location of U-Turns which tend to affect the flow of traffic and take appropriate measures in this regard in consultation with the Experts.

9. It has also been stated before us that CDA is working on the projects of constructing Interchanges on the Seventh Avenue, Sareena Hotel, Rawal Chowk and G-7/G-8 Sectors. Chairman CDA states that in view of the importance of traffic management, the said work shall be completed on priority basis.

10. We have asked the Chairman, CDA regarding the steps being taken to prevent parking on Service Lanes. He submits that this problem has arisen on account of unplanned and haphazard increase in constructed areas on

plots earmarked for markets without providing for adequate Parking. This has resulted in overflow of parking which has to be undertaken on Service Lanes. He maintains that consultants are being engaged to examine various measures required to be adopted to address this problem on permanent basis. He maintains that presently, the option of constructing *Parking Plazas* is not feasible on account of the high costs involved. However, in consultation with Experts a permanent solution for the said problem will be evolved and implemented. He further undertakes to take appropriate steps to resolve the problem of parking on Service Roads which permanently hampers and causes inconvenience to the residents of the adjoining areas.

11. As far as encroachment of the green areas in Sector F-11, Islamabad is concerned, we have been informed that the Cabinet has already taken up the matter. Some green areas are presently being restored and the rest would be restored in light of the decision taken by the Cabinet and the policy adopted by the Federal Government in this regard. He further submits that CDA is aware of the issue and remaining within the parameters of law every possible measure is being taken to ensure that no further

encroachment is undertaken and the existing encroachments are progressively removed.

12. CMA No.11072 of 2019. The Chairman, CDA has pointed out to us that in consultation with the owners of different commercial buildings, underground parking facilities are being restored and steps are also being taken to construct underground parking owing to the non-availability of sufficient open spaces for parking and the high costs of constructing separate parking plazas.

13. Let this matter be listed for further proceedings after winter vacation.

Sd/- HCJ

Sd/- J'

Sd/- J

Sd/- J

Sd/- J

Larger Bench-I

Islamabad

14.12.2020

ZR/*

NOT APPROVED FOR REPORTING