

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE SAJJAD ALI SHAH

HUMAN RIGHTS CASES NO.10-K/2007, 25337-S/2010, 40548-S/2011 AND 41988-S/2011 AND CIVIL MISC. APPLICATIONS NO.629-K/2013, 776-K/2015, 246-K/2016 AND 91-K/2018

- H.R.C.10-K/2007: Complaint of Shagufta for removal of unauthorised encroachment
- H.R.C.25337-S/2010: Applicant Fazal Rehman, Propeller Lines Welfare Association
- H.R.C.40548-S/2011: Applicant Mir Muhammad Yousaf Shahwani All Pakistan Oil Tanker Owners Association (Regd) Karachi
- H.R.C.41988-S/2011: Applicant Prof. Kulsum Lakhani
- C.M.A.629-K/2013: Applicant Muhammad Khan Tareen
- C.M.A.776-K/2015: Application for Intervener filed on behalf of M/s NAA Consortium
- C.M.A.246-K/2016: Application for restraining police harassment, on behalf of Peoples Lines Welfare Association through its President, Gul Saeed Afridi
- C.M.A.91-K/2018: Application for Intervener on behalf of Shireen Jinnah Shopkeeper Welfare Society through its president Munawar Hussain

In attendance: Mr. Zamir Hussain Ghumro, A.G. Sindh
Mr. Wasim Akhtar, Mayor Karachi
Dr. Saif-ur-Rehman, Metropolitan Commissioner, KMC
Mr. Sameer Ghazanfar, ASC for KMC
Mr. Khaleeq Ahmed, ASC for KPT
Mr. Abdul Rehman, ASC for Oil Companies Advisory Committee
Dr. Saeed Qureshi, Focal Person for Chief Secy.
Mr. M. Yousaf Shahwani, Chairman Oil Tankers Association

Mr. Gul Saeed Afridi
Raja Shakoor Ahmed
(For Peoples Line Welfare Association)

Mr. Zia Ahmed Awan, ASC
Mr. Ghulam Rasool Mangi, AOR
Syed Jamil Ahmed, ASC
Mr. Mazhar Ali B. Chohan, AOR

Date of hearing: 20.6.2018

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ORDER

Mr. Muhammad Yousaf Shahwani, Chairman Oil Tankers Association expressed certain reservations in the morning and complained that Zulfiqarabad Oil Terminal is not yet complete for the purposes of shifting and proper operation. However, we constituted a Committee comprising of Mr. Wasim Akhtar, Mayor of Karachi, Mr. Zia Ahmed Awan, ASC, Dr. Syed Saif-ur-Rehman, Metropolitan Commissioner, KMC and Mr. Muhammad Yousaf Shahwani, Chairman, Oil Tankers Association. They have all visited the site and submitted a consensual report to this Court which is made part of the order and is scanned as below:-

VISIT REPORT ON ZOT [ZULFIQARABAD OIL TERMINAL]

On the directives of Hon'able Supreme Court of Pakistan, we visited ZOT [Zulfiqarabad Oil Terminal] today [20.06.2018]. We observed the facilities already developed which was explained by the Project staff.

There are written reports prepared by KMC which are mostly established on the ground and in the reports they have also shown few remaining works of minor nature which are pending due to lack of funds.

On Site we were accompanied by Mayor Karachi alongwith full Team of KMC, representatives of Oil Tankers Association and Shopkeepers Association.

We observed that :

1. There is parking space available for 1300 oil tankers.
2. There is construction made by PSO and refurbished by KMC for the facilities to handle the load management and for issuance of token for filling of tankers.
3. 138 bathrooms are ready in all aspects.
4. Office facilities are present.
5. Retiring sheds are also ready for drivers and other staff.
6. There are two big cafeterias ready to use.
7. Masjid alongwith Wazo-khana are ready to use.
8. Underground and over-head water tanks are ready.
9. K-Electric Sub Station alongwith PMT with provision of poles in parking area is ready.
10. Boundary wall completed.
11. Entry / Exit Gate is available.
12. Barriers in Parking Areas are available.
13. Carpeted roads are intact.
14. Paver-block works completed on 32 acres.
15. Water connection available from main KWSB line with Pump Room.
16. Construction of septic tanks for sewerage system is completed.
17. Two watch towers at entrance are completed.

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Following minor works still need to be done that could be completed in couple of weeks:

1. Space for Commercial Bank Offices
2. Space for Rangers Post
3. Space for Police Post
4. Fire Hydrant / Petrol Pumps
5. Sewerage system [already proposed in 2nd Phase]
6. Lights at parking area

During the visit we observed that there is a need to provide financial assistance to KMC to complete rest of work of the said Project in shortest possible time [Financial Statement is attached with this Report].

There is another observation to run this Project smoothly for successful operation, there is need of an operational committee headed by PD ZOT having the representation of all stakeholders viz Police, Rangers, Traffic Police, Home Department, Oil Marketing Companies, Registered Oil Tankers Association, Shopkeepers Association.

Since this Project is pending since 2007 there is need to take timeline from the Departments which are having responsibilities to develop this Project.

We observed that there is not a single tanker parked inside the parking place but we observed that hundreds of tankers parked outside the Terminal.

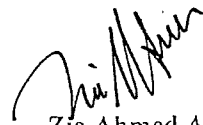
The positive approach taken by the Tankers Association that they are ready to move in Parking Terminal. However, outlaws who are not cooperating to park their tankers inside the ZOT [Zulfiqarabad Oil Terminal] would be dealt as per law.

Submitted Please.

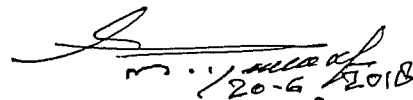


Wasim Akhtar
[Mayor Karachi]

20/06/2018
Dr. Syed Saif ur Rehman
[Metropolitan Commissioner KMC]



Zia Ahmed Awan
[Advocate]



Mr. Muhammad Yousuf Shahwani
[Tankers Association]

Thus on account of the above, a direction is issued to the Oil Tankers Association to shift to the new terminal within a period of four days from today, i.e. by 24.6.2018. The remaining works which are minor in nature shall be undertaken by the concerned authorities on a fast track basis to ensure provision of complete facilities which are lacking for the time being.

2. As far as 50 acres of land for Balochistan Oil Tankers is concerned, we direct the Board of Revenue to hand over the land to KMC

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within a period of three days which should be leveled and made appropriate for the purposes of parking tankers on such land.

3. Let this order be placed on the website of this Court for all and sundry to comply with.

4. Re-list.

Karachi, the
20th of June, 2018
Waqas Naseer

22/6/18