

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE RAHMAT HUSSAIN JAFFERI

MR. JUSTICE GHULAM RABBANI

H.R.C. No. 10-K of 2007

(Complaint by Mst. Shagufta)

In Attendance: Nemo

On Court's Notice: Mr. Abdul Fateh Malik, Addl. A.G Sindh
Mr. Khuram Gulzar, DIGP (Traffic)
Mr. Abdul Salam Kbatin, Supt Legal Branch CEO

Date of Hearing: 23.12.2009

ORDER

Notice issued to the petitioner has not been served. Notice be also issued to Chief Secretary, Government of Sindh, Chairman, All Pakistan Oil Tankers Association, City District Government, KPT and Cantonment Board, Clifton. Adjourned to 30.12.2009.

Karachi

23rd December, 2009

Arshed

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In the Supreme Court of Pakistan
(Original Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali
Mr. Justice Khilji Arif Hussain
Mr. Justice Rehnat Hussain Jafferri

Human Right Case No.10-K of 2007
(Complaint by Mst. Shagufta)

For the petitioner: Nemo.
On Court notice: Mr. Abdul Fateh Malik,
Additional Advocate General, Sindh
Mr. Khurram Gulzar, DIGP (Traffic)
Mrs. Zeenat Ahmed, C.E.O.(C.B.C).
Date of hearing: 30.12.2009

Order

Anwar Zaheer Jamali, J –Executive Officer, Clifton Cantonment Board, Karachi is present in Court. She states that the area, regarding which grievance has been voiced in this case, does not fall within the territorial limits of Clifton Cantonment Board.

2. In view of such categorical statement, notice of this human right case issued to Clifton Cantonment Board is withdrawn.

3. Let notice of this petition be issued to other concerned authorities named in order dated 23.12.2009, for a date to be fixed in the next Session. It is expected that during the intervening period, DIGP (Traffic), City District Government and the Chief Secretary, Government of Sindh will examine the grievance of the petitioner at

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their own level, and come forward with some concrete proposal for redressing her grievance.

4. Copy of this order along with copy of complaint made by the petitioner be sent to them immediately.

Karachi the
30th December, 2009

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IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

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PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.

MR. JUSTICE RAHMAT HUSSAIN JAFFERI

MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K FO 2007

(Complaint by Mst. Sughra)

On Court Notice	Mr. Yousaf Leghari, A.G. Sindh
For K.P.T.	Mr. Haroon Azhar Rizvi, ASC Mr. Imam Bux Baloch, Dy. C.E. Mr. Khurram Gulzar, D.I.G. Traffic Mr. Ali Mardan Abbasi,
For C.D.G.K.	Nemo
For Oil Tankers Association	Nemo
For Cantonment Board	Nemo
Date of hearing	2.2.2010.

ORDER

No one has appeared on behalf of City District Government Karachi. Issue process for the City District Government Karachi. In the meantime a report be also placed on record. Learned Advocate General Sindh is present. He states that steps are being taken to remove the grievance of the complainant. However, according to him this matter pertains to the jurisdiction of the City Government. Adjourned to a date in office during the next session.

Mr. Leghari
12/02/10
Karachi
2nd February, 2010

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

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Present

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Ghulam Rabbani

HUMAN RIGHT CASE NO. 10-K OF 2007

(complaint by Mst. Shagufta for removal of
Unauthorized incroachment)

On Court notice : Mr. Mohib Ali, SSP Traffic.
For KPT : Mr. Khalique Ahmed, ASC.
Date of hearing : 08.03.2010.

ORDER

Issue notice to the Administrator, City District Government, Karachi to appear in person and submit report showing the steps/measures taken for removing the oil tankers, being parked in residential area of Clifton Block-I, Karachi.

Adjourned to 11th March 2010.

Karachi,
08.03.2010.

Irshad /^{*}

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08/03/10

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.

MR. JUSTICE CH. IJAZ AHMED

MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007

(Complaint by Ms. Shagufta for removal of unauthorized encroachment)

Complainants	Syed Furqan Ali, VP (SARA) Mr. Jawad Naseem
On Court Notice	Mr. Anwar Mansoor Khan, Attorney General for Pakistan Mr. Umar Hayat Sandho, DAG Mr. M. Sarwar Awan, Addl. A.G. Sindh
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC
For KPT	Mr. Khalique Ahmad, ASC Ms. Nasreen Haque, Chair person Mr. Peirvaiz Younasi, G.M. Mr. Rashid Yahya Usman, Manager Mr. Zia Ahmad Siddiqui, Assistant Estate Manager
For Traffic Police	Mr. Mohib Ali, SSP
For Oil Tanker's Association	Syed Ainullah Agha, President Mir Muhammad Yousaf Shahani, Chairman Syed Atanullah Hashmi, VC
Date of hearing	11.3.2010

ORDER

At the request of learned Additional Advocate General and the private parties/representatives of Oil Tanker Association case is adjourned for tomorrow, i.e. 12th March, 2010 as there is likelihood of disposal of the matter amicably outside the Court

Karachi

11th March, 2010

(Zulfiqar)

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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.
MR. JUSTICE CH. IJAZ AHMED
MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007

(Complaint by Ms. Shagufta for removal of unauthorized encroachment)

Complainants	Syed Furqan Ali, VP (SARA) Mr. Jawad Naseem
On Court Notice Sindh	Mr. M. Sarwar Awan, Addl. A.G.
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC
For KPT	Mr. Khalique Ahmad, ASC Ms. Nasreen Haque, Chairperson Mr. Pervaiz Younsi, G.M Mr. Zia Ahmad Siddiqui, Assistant Estate Manager
For Land Utilization Deptt.	Mr. Shahzar Shafiq, Secretary Land Utilization
For Traffic Police	Mr. Mohib Ali, SSP
For Oil Tanker's Association	Syed Ainullah Agha, President Mir Muhammad Yousaf Shahani, Chairman Syed Ataullah Hushmi, VC Mr. Bakhtawar Khan, Chairman Haji M. Azam Khan, General Secretary
Date of hearing	12.3.2010

ORDER

This petition has been moved by one of the citizens/inhabitants of the area. It is complained that on account of unauthorized parking of Oil Tankers in the residential area it is causing environmental hazards. Notices were issued to the concerned authorities, Association of the Oil Tankers Owners and to KPT. They

discussed the problem with each other outside the Court but failed to resolve the issue by consensus. According to the Chairperson of KPT the Association of the Oil Tankers Owners had adopted non-cooperative attitude and they had already made encroachments on plot Nos. 44, 51, 58, 14 & 15 where they had installed workshops, Tandoor/Ovens, etc. which is dangerous, particularly now a days, in the wake of the Terrorism. On the other hand, the representatives of the Association denied this statement and claimed that they had always cooperated with the authorities but the problem came up only when despite commitments made time and again to accommodate them, the authorities always backed out in the end. They stated that the suggestions given by both sides for accommodating each other could be materialized by settling the same amicably by holding meetings.

2. During the course of proceedings, it also came to light that the situation has aggravated and the inhabitants of area have been made victim of environmental hazards because the tankers approaching the oil terminals for filling the fuel have to wait, at times, for two to three days turn back as no other specific place for their stay has been allocated by the provincial authorities. On this Mr. Manzoor Ahmad, learned counsel appearing for the City District Government, under instructions, stated that the issue could be resolved if the Provincial Government provides them a piece of land equal to about 200 acres outside the Karachi City which could be developed with roads and other facilities so the Oil Tankers could wait over there, come to terminals, in a disciplined manner, for filling fuel on a short notice and thereby the load of the parking in the residential area as well as Keamari could be reduced. Mr. Shahzar Shamoon, Secretary Land Utilization Department, Karachi, is

also present. He states that a request is also to be made for a piece of land for doing the needful and that such exercise is quite possible and with consultation of all the stack-holders including the Association of the Tankers Owners and the City Government a plot of the land will be allocated in Zulfiqarabad to be transferred in the name of the City Government and City Government may develop the same enabling the tankers to park over there instead of waiting for their turn in the vicinity of Keamari and other places.

3. From above two issues have emerged:

- (i) The accommodation has to be provided by the Chairperson KPT to the Oil Tankers for purpose of temporary parking near the terminals of the oil companies instead of keeping them waiting by parking the tankers in the residential area.
- (ii) Provincial Government has to provide a piece of land for parking of the Oil Tankers outside the City where they can wait till they get the signal to reach at the terminal for purpose of filling the tanks from Oil companies.

4. The Chairperson KPT is present and has stated that matter shall be negotiated to accommodate the Oil Tankers through their Association amicably after holding meeting with them in respect of plot numbers which have been given by the representatives of the Tankers Owners Association. Similarly on behalf of Provincial Government learned Additional Advocate General Punjab and Secretary Transport and Mr. Manzoor Ahmad, ASC representing the City District

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Government have stated that the controversy shall be resolved amicably within a period of seven days. To finalize the matter and to put up the report matter is adjourned to 22.3.2010 in Chambers.

Recd. from
Q. T. J.

Karachi
12th March, 2010
(Zulfiqar)

20/3/10
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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

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PRESENT:
MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007
(Complaint by Ms. Shagufta for removal of
unauthorized encroachment)

For Complainant	Nemo
On Court Notice	Mr. M. Sarwar Awan, Addl. A.G.
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC
For KPT	Mr. Khalique Ahmad, ASC Syed Faisal Ayaz, Law Officer Ms. Nasreen Haque, Chairperson Mr. Ahmad Perwaiz Younasi, G.M
For Land Utilization Deptt.	Mr. Shahzar Sathmoon, Secretary Land Utilization
For Traffic Police	Mr. Mohib Ali, SSP
For Oil Tankers Owners Association	Mir Muhammad Yousaf Shahani, Chairman Syed Ataullah Hashmi, VC Mr. Bakhtawar Khan, Chairman Edible Oil Haji M. Akram Khan, General Secretary
Date of hearing	22.3.2010

ORDER

Chairperson KPT has submitted statement containing the report as regards the issue in question. She has stated before me agreeing that KPT would earmark plot Nos. 14, 15, 44, 51 and 58 for use as waiting bay of the tankers; however, she states that in the behalf final decision is to be taken by the Board of KPT being the competent authority in this behalf. She has assured that she shall place the matter before the Board in its meeting scheduled for 25th March, 2010 to have the matter

finalized. The representatives of the Oil Tankers Owners Association have agreed to the above and have undertaken that they shall abide by the rules and regulation strictly and that they shall remove all the encroachments available within the Oil Insulation Area within the terms to be settled between themselves and the KPT.

2. On the last date of hearing the Secretary to Government of Sindh Land Utilization Department had assured that Government would allocate/ earmark an area of 200 acres in Zulfiqarabad. But, today he has stated that the said land is under dispute with Pakistan Steel Mill, therefore, it would not be possible at present to allocate / earmark the said land for parking of the oil tankers. On the other hand the representatives of the Oil Tankers Owners Association present in Court stated that Pakistan Steel Mill does not have any right as regards the said land it is not that land under dispute and the Government can allocate/ earmark that land without any rhyme or reason. In support they have stated that the Oil Tankers Owners Association used to park their vehicles on the said land and at that time Pakistan Steel Mill had not raised any objection.

3. Learned Additional Advocate General has stated that an area of 58 acres near Edhi Village within jurisdiction of Darsano Chano Union Council could be earmarked for the purpose. According to him, some infrastructure is already available on that land. The representatives of Oil Tankers Owners Association present in Court have, however, expressed their unwillingness to accept the proposal.

4. Since the Secretary Land Utilization had, on the last date of hearing, made assurance noted above, he is required to verify the revenue record and furnish, on this point, his report on the next date of

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hearing. For this matter hearing is adjourned to 29th March, 2010 at 2.00p.m. on which date KPT authorities/Chairperson shall also come prepared with decision of their Board in order to resolve the matter finally.

Karachi
22nd March, 2010
(Zulfiqar)

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24/3/10

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

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PRESENT:
MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007
(Complaint by Ms. Shagufta for removal of
unauthorized encroachment)

For Complainant	Nemo
On Court Notice	Mr. M. Sarwar Awan, Addl. A.G.
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC
For KPT	Mr. Khalique Ahmad, ASC Syed Faisal Aijaz, Law Officer Ms. Nasreen Haque, Chairperson Mr. Jamil Yousofi, Trustee Mr. Ahmad Pevaiz Younasi, G.M
For Land Utilization Deptt.	Mr. Shahzar Samoon, Secretary Land Utilization Mr. Asadullah Abbasi, Mukhtiarkar Bin Qasim Liaison, Karachi Mr. Ayub Marri EDO Malir IV Zone
For Traffic Police	Mr. Mohib Ali, SSP Mr. Naeem Shaikh, SSP, TPO, Keamari Mr. Razaqat Ali Mughal, S.I.
For Oil Tankers Owners Associations	Mir Muhammad Yousuf Shahwani, Chairman. Syed Ataullah Hashmi, Office Secretary Mr. Bakhtawar Khan, Chairman Edible Oil Haji M. Akram Khan, General Secretary Haji Muhammad Afzal Mehsood, Chairman APC/EOA
Date of hearing	29.3.2010

ORDER

Chairperson KPT has filed statement and with it she has
submitted a copy of Resolution No. 371 of KPT Board. The copies of

these documents have also been supplied to the representatives of the Oil Tankers Owners Associations.

2. Chairperson KPT has stated that a road runs through Plot No.14 admeasuring 16050 sq.m., plot No.15 admeasuring 2100 sq.m. and plot Nos. 44, 51 & 58 which admeasure 19338 sq.m, 12019 sq.m and 15628 sq.m respectively, (Total area 65,135 sq.m). She states that the matter of earmarking/allocation of these plots was considered by the Board of Trustees in their meeting held on 25.3.2010 where it was observed that in case these plots lying on two sides of roads are earmarked/allocated, it shall reduce the accessibility and maneuverability of parking tankers, increase security hazards doubling the security and monitoring requirement, Close Circuit Camera (CCTV) recording, etc. therefore, in order to resolve the issue the Board of Trustees of KPT decided that for secured parking of oil tankers an additional area comprising Plot Nos. 43-A, 50-A, and 57-A which are adjacent to three plots viz. Plots No. 44, 51 and 58 forming a compact piece of land be earmarked/allocated to avoid security hazards. Besides, she states that by earmarking/allocating adjacent three plots, the parking area shall be increased by 3,365 sq.m, where the owners/drivers of Oil Tankers may conveniently park their vehicles within one large area for effective security managements and to prevent and combat any hazard more effectively, as advised by Security Experts both from Police, Armed Forces and the Naval Intelligence. The representatives of Oil Tankers Owners Association have expressed their willingness to agree to this proposal, however, they have requested that some time be allowed to them to go through the documents which they have received today and then make a final decision.

2. Secretary to Govt. of Sindh, Land Utilization Department has undertaken that the Government of Sindh shall transfer 200 acres out of NC. No.125 in Deh Kotirero and from NC 305 in Deh Joreji which lies on the North East side of Zulfiqarabad just adjacent Oil Terminal (ZOT). Also, he has assured that 50 acres more situated in Deh Hub, Tapo Manghopir Gaddap Town shall, after proper demarcation of land, be transferred soon to City District Government for the purpose of parking of Oil Tankers. He assured that the needful on their part shall be done as expeditiously as possible on formal application by City District Government Karachi. On consultation with the EDO Transport, CDGK, Mr. Manzoor Ahmad, learned counsel representing the CDGK undertakes that the City District Government Karachi shall formerly apply for transfer of the above mentioned area without any loss of time. To this proposition the representatives of the Oil Tankers Associations present today have readily agreed. The needful be done without loss of time and the compliance report be placed before me in Chamber.

3. As regards question of earmarking / allocation of plots in KPT Zone, the matter is adjourned to 31st March, 2010 when the learned counsel for CDGK shall also appear.

Karachi
29th March, 2010
(Zulfiqar)

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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007
(Complaint by Ms. Shagufta for removal of
unauthorized encroachment)

For the Effectees	Mr. Zia Awan, ASC Syed Furquan Ali Mr. Jawad Naseem
On Court Notice	Mr. M. Sarwar Awan, Addl. A.G.
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC
For KPT	Mr. Khaliq Ahmad, ASC Syed Faisal Aijaz, Law Officer Mr. Jamil Yousaf, Trustee Mr. Ahmad Perwaiz Younasi, G.M.
For Land Utilization Deptt.	Nemo
For Traffic Police	Mr. Mohib Ali, SSP Mr. Naeem Shaikh, SSP, TPO, Keamari Mr. Razaqat Ali Mughal, S.I.
For Oil Tankers Owners Associations	Mir Muhammad Yousuf Shahwani, Chairman Syed Ataullah Hashmi, Office Secretary Mr. Bakhtawar Khan, Chairman Edible Oil Syed Ainullah Agha, President OTCA
Date of hearing	31.3.2010

ORDER

On the last date of hearing the Chairperson of KPT stated that the Board of KPT had decided that for secured parking of oil tankers an additional area comprising Plot Nos. 43-A, 50-A, and 57-A adjacent to Plots No. 44, 51 and 58, which shall form a compact piece of land, be

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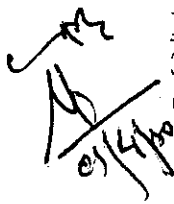
earmarked/allocated to avoid security hazards. In that, the Chairperson KPT had clarified that the proposed earmarking/allocation of the land in a compact piece of land shall increase the parking area by 3,365 sq.m, where the owners/drivers of Oil Tankers may conveniently park their vehicles within one large area for effective security managements and to prevent and combat any hazard more effectively. The representatives of Oil Tankers Owners Associations, by then, had expressed their willingness to agree to the proposal when floated even then, they sought time to go through the documents which they had received from other side to enable them to make a final decision. It may be noted that these documents included the sketch showing the afore-referred six plots in a compact piece with an area of 69000 sq.m. approximately, mentioned therein. Today they have taken exception to the proposed earmarking/allocation of compact piece of increased land and have stated that they are more interested to have, for the purpose, plot Nos. 14 & 15 which are across the road on other side of plot Nos. 44, 51 & 58. They have stressed that earmarking of those two plots along with other three plots can resolve their issue. This, according to them, is said after having consultation with all the members/drivers who are concerned with the parking of oil tankers. Nevertheless, they have, again, sought some more time to consider the proposal of KPT Board contained in their resolution whether it shall be to their convenience etc. They have further stated that, in the meantime, also they will have a dialogue with KPT authorities.

2. Mr. Manzoor Ahmad learned counsel for the City District Government Karachi, on being enquired about the progress, has assured that the formal application for transfer of 200 acres of land in the

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surroundings of Zulfqarabad and 50 acres in the Hub area shall be presented before the concerned authorities by tomorrow, positively.

3. By consent adjourned to 8th April, 2010 on which date Chairperson KPT and those persons who are present today shall be in attendance.

Handwritten signature and date '01/4/10'.

Karachi
31st March, 2010
(Zulfqar)

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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007
(Complaint by Ms. Shagufta for removal of
unauthorized encroachment)

For the Effectees	Mr. Zia Awan, ASC Syed Furquan Ali Mr. Jawad Naseem
On Court Notice	Mr. M. Sarwar Awan, Addl. A.G.
For City Distt. Govt.	Mr. Manzoor Alunad, ASC
For KPT	Mr. Khaliq Alunad, ASC Syed Faisal Aijaz, Law Officer Mr. Jamil Yousaf, Trustee Mr. Ahmad Pervaiz Younasi, G.M Mr. Shaik Osmany, ASC.
For Land Utilization Deptt.	Nemo
For Traffic Police	Mr. Mohib Ali, SSP Mr. Naeem Shaikh, SSP, TPO, Keamari
For Oil Tankers Owners Associations	Mir Muhammad Yousuf Shahwani, Chairman Syed Atullah Hashmi, Office Secretary Mr. Bakhtawar Khan, Chairman Edible Oil Syed Ainullah Agha, President OTCA
Date of hearing	8.4.2010

ORDER

Chairman K.P.T state that already a proposal has been placed on record that K.P.T. is willing to earmark/allocate plots bearing Nos. 44, 51, 58 alongwith 3 other plots viz. 43-A, 50-A, 57-A which are

adjacent to the first mentioned plots (total area 69,000 square meters) . According to her, these 6 plots form a compact blocks where transporters can conveniently park more vehicles avoiding security hazards. The representatives of several associations who, on the last date of hearing, were allowed more time, at their request, to consider the proposal of K.P.T contained in their resolution No.371, state that after having meetings/consultations amongst themselves and Transporters they feel difficulties in agreeing to the above mentioned proposal. They state that their problems will be solved only when they get plots bearing Nos. 14 and 15 which lie across the road.

2. Needless to observe that the Secretary to Government of Sindh, Land Utilization Department, has already undertaken that the Government of Sindh shall transfer 200 acres out of NC No.125 in Deh Kotirero and from NC 305 in Deh Joreji which lie on the North East side of Zulfiqarabad just adjacent Oil Terminal (ZOT). Also, he has assured that 50 acres more situated in Deh Hub, Tapo Manghopir Gaddap Town shall, after proper demarcation of land, be transferred soon to City District Government for the purpose of parking of Oil Tankers and that the needful on their part would be done as expeditiously as possible on formal application by City District Government Karachi. It shall be noteworthy to mention that the area of plot Nos. 44, 51 and 58 added by other two plots viz. 14 and 15 in which transporters are interested shall be 65,000 square meters as against proposed area of 69000 square meters in compact block.

3. Be that as it may, in order to solve the problem finally another opportunity is allowed to all parties to come up with concrete and appropriate solution on the next date of hearing. In the given

circumstances, hearing is adjourned for tomorrow, viz. 9.4.2010 when the matter, after getting permission from Hon'ble Chief Justice of Pakistan be placed in the Court when all parties present today shall appear..

Karachi

8.4.2010

(Saeed Aslam)

8/4/10

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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAWWAD S. KHAWAJA
MR. JUSTICE GHULAM RABBANI

HUMAN RIGHTS CASE NO. 10-K OF 2007
(Complaint by Ms. Shagufta for removal of
unauthorized encroachment)

For the Effectees	Mr. Zia Ahmad Awan, ASC Syed Furquan Ali
For City Distt. Govt.	Mr. Manzoor Ahmad, ASC Mr. Ayub Mari, DDO Revenue. Mr. Ghulam Hyder Chandio, DDO.
For KPT	Mr. M. Shaiq Usmani, ASC. Mr. Khaliq Ahmad, ASC Syed Faisal Aijaz, Law Officer Mr. Ahmad Per vaiz Younasi, G.M Mrs. Nasreen Haq, Chairperson KPT.
For Land Utilization Deptt.	Mr. Shahzada Shamoon, Secy. Land.
For Traffic Police	Mr. Mohib Ali, SSP Mr. Naeem Shaikh, SSP, TPO, Keamari Mr. Tariq Razaq, TPO/SP Clifton.
For Oil Tankers Owners Associations	Mir Muhammad Yousuf Shahwani, Chairman Syed Ataulah Hashmi, Office Secretary Mr. Bakhtawar Khan, Chairman Edible Oil
Date of hearing	9.4.2010

ORDER


This Human Rights Case has been going on for sometime now. After lengthy hearings undertaken by my learned brother Ghulam Rabbani J., the issues involved in the case have been narrowed down. As an interim measure, till finalization of terms between the KPT and the various oil companies, whose names have been provided to us, the following arrangement is to be adhered to:-

- i) KPT shall make available 69,000 square meters of land for parking of oil tankers as per site plan submitted by the KPT. The said 69,000 square meters are comprised in plots Nos. 44, 51, 58, 43-A, 50-A and 57-A at the Keamari Oil Installation Area.
- ii) The oil tankers owners and operators, shall only use the above area for the purpose of parking and shall not park their tankers on public thoroughfares surrounding the Shireen Jinnah Colony across the road from the area mentioned above.
- iii) The KPT shall, as an interim arrangement, charge parking fees from the oil companies who are the lessees of the KPT and have been provided areas for storage. The interim rate per tanker shall be charged at Rs.276/- per day. This amount shall be altered/modified after consultation and negotiations between the KPT and its lessee oil companies.
- iv) The encroachments which have been raised by the operators of the oil tankers or their association (s), shall be removed by them. If this is not done by the said operators and their association (s), KPT shall be entitled to do so. The representatives of the oil tanker owners/operators and their Associations assure the Court that they shall forthwith commence removal of encroachments from Keamari Oil Installation Area. In any event, as ordered, KPT shall be entitled to remove these encroachments. If there is any impediment, in such removal, KPT shall be entitled to approach this Court.

- v) The representatives of the oil tanker owners/operators have assured the Court that they will render the fullest possible assistance to the traffic Police for the purpose of providing easy access to the residents of the adjacent locality. Furthermore, if necessary the traffic Police shall be entitled to avail assistance from the Superintendent of Police (Operations), for the said purpose.
- vi) This interim arrangement shall be put into place within 30 days.

The matter shall be listed for hearing on 10.5.2010, either at Karachi, and if no Bench is available at Karachi, then at Islamabad. The KPT shall notify the 36 oil companies which are lessees of KPT, about this arrangement and of the next date of hearing, so that they can appear in the case.

2. The traffic Police shall ensure that even during this period of 30 days, which has been specified for the implementation of the above arrangement, they shall make sure that reasonable access is available to the residents of the adjacent localities


Karachi
9.4.2010
(Ejaz Goraya)
15/4/10