

Att: Director HR 051-9219516

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Rahmat Hussain Jafferri
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 District Govt: Mr. Manzoor Ahmad, ASC
 Mr. Ayub Mari, DDO, Revenue
 Mr. Ghulam Hyder Chandio, DDO

For KPT: Mr. M. Shaiq Usmani, ASC
 Mr. Khalique Ahmad, ASC
 Syed Faisal Ajjaz, Law Officer
 Mr. Ahmad Pervaiz Younasi, G.M

For Traffic Police: Mr. Mohib Ali, SSP
 Mr. Nacem Sheikh, SSP, TPO Keamari
 Mr. Tariq Razzaq, TPO/SP Clifton

For Land Utilization Dept: Mr. Shahzada Shamoan, Secy. Land
 Mr. Zulfiqar Ali Nizami, Dy. Secy.
 Mr. A.Q. Javed, S.O.

For Oil Tankers Owners: Mir Muhammad Yousaf Shahwani, Chairman
 Syed Attaullah Hashmi, Sr. V.P
 Mr. Bakhtawar Khan, Chairman Edible Oil

Date of hearing: 20.5.2010

ORDER

Learned counsel states that KPT has already agreed to provide parking space to the oil tankers and progress for shifting of the tankers by leveling the land has already commenced but the rate of parking fee is left to be decided/settled with the petroleum companies as per the directions of this Court. According to him negotiation between the oil companies and KPT were initiated but on the rate of parking fee consensus could not be developed between them. In view of his such statement we direct that notice be issued to the oil companies, names of which are mentioned in the list already furnished, to appear before the Court.

2. The inhabitants of Shireen Jinah Colony state that instead of providing relief the drivers of the oil tankers had parked their vehicles in the colony for the last one month,

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which is creating difficulties to them. On this the representatives of the oil tankers state that as presently no place of parking is available, they are compelled to park their vehicles either near the seashore or in the adjacent areas. However, they are directed to remove the vehicles immediately and take them towards the area outside the colony where they were earlier parking the vehicles near the sea. In the meanwhile the Government of Sindh may examine to allocate them space for parking the vehicles outside the area of KPT, waiting for their turn of filling oil, diesel etc. The Secretary Revenue Department states that he has received information that the summary has been approved by the Worthy Chief Minister for allocating space to the tankers in the areas of Zulfiqarabad and Mochca, however, details of which he will be submitting on the next date of hearing.

3. As this matter being of urgent nature is required to be disposed of expeditiously, hearing is adjourned to 21st May, 2010 at Sr. No.1.

Islamabad, the
20th May, 2010
M/sar/*

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20/5/10

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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. Khaliq Ahmad, ASC Ms. Nasreen Haque, Chairperson Mr. Pervaiz Younasi, G.M Mr. Zia Ahmad Siddiqui, Assistant Estate Manager
For Land Utilization Deptt.	Mr. Shahzar Shmoon, 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 Hashmi, 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 out side 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 waive 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 out side 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 Shamoan, 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.

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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

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.

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Karachi
12th March, 2010
(Zulfiqar)