

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-2394 of 2010, 1249 of 2017 & 7275 of 2018

Date	Order with signature of Judge
-------------	--------------------------------------

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Agha Faisal

Date of hearing 15.11.2018

Mr. Abdul Rehman advocate for the petitioners in C.P. No.D-1249 of 2017.

Ms. Rahat Baig advocate for the petitioner in C.P. No.D-7275 of 2018.

Mr. Ayaz Ahmed Ansari advocate for the petitioner in C.P. No.D-2394 of 2010.

Mr. Sohail H.K. Rana advocate for the respondent No.5.

Mr. Mukesh Kumar Karara and Mr. Khan Muhammad Bangash advocates for respondent No.12

Mr. Khalid Mehmood Siddiqui advocate for the DHA.

Ms. Fouzia Sikandar, Law Officer, Transfer Department, Government of Sindh.

Mr. Sameer Ghazanfar and Ms. Azra Muqem advocates for the KMC along with Ms. Maheen advocate.

Mr. Adnan Ahmed advocate holding brief for Agha Zafar Ahmed advocate.

Mr. Miran Muhammad Shah, Addl. A.G. along with M/s. Shamsheer A. Khan Azeemi and Rukhsana Mehnaz Durrani, State Counsels.

Mr. M. Zahid Khan, Assistant Attorney General.

Mr. Waseem Akhtar, Mayor Karachi.

Mr. S.M. Taha, Chief Engineer, KMC.

Mr. Iftikar Shahwanai, Commissioner Karachi.

Mr. M. Akhtar Ghouri, Secretary Transport, Mass Transit Department, Government of Sindh.

Mr. Sami ur Rehman, General Manager, NHA, Karachi.

Mr. Ghulam Hussain, Deputy Director, Legal, NHA.

Mr. Javed Ali Mahar, DIG Traffic, Karachi along with Inspector Muhammad Idrees and Inspector Muhammad Tufail.

Inspector Khawar Shah, Incharge Prosecution Traffic, Karachi.

Dr. Najeeb Ahmed, SSP Traffic, West, Karachi.

Mr. Aizaz Ahmed Hashmi, SSP Traffic, Korangi, Karachi.

Mr. Munawar advocate holding brief for Mr. Khalid Javed advocate respondent No.15.

Mr. Asif Mehmood, Chairman of respondent No.10.

Mr. Justice Muhammad Ali Mazhar: On Court motion notice, Mayor Karachi, Commissioner Karachi, Secretary Transport, General Manager, NHA and DIG Traffic are present.

2. The Secretary Transport has submitted an interim report. He addressed us that the routes of heavy vehicles are passing through the city having destination via Super Highway, National Highway and RCD Highway which have been defined and notified by Traffic Police Department in consultation with Traffic Engineering Bureau, KMC, Cantonment Boards, DHA and KPT. He made much emphasis to enforce and designate the routes movement of heavy vehicles with time restrictions. He informed us that the Board of Revenue had allocated 500 acres of land adjacent to Northern Bypass for Development of Truck Terminal with ancillary facilities in 2008 and in this regard he submits that the Local Government may take initiatives for development of facilities to ensure long term solution of the issue. So far as the movement of oil tankers, he stated that KMC has developed Oil Tankers Terminal at Zulfiqarabad. The Oil Tankers presently being parked at Shireen Jinnah Colony needs to be shifted to Zulfiqarabad Oil Tankers Terminal but the Oil Tankers have not been shifted to the said Terminal. He further proposed that the Commissioner Karachi may play his role to develop the operational plan with Oil Marketing Companies and Oil Tankers Operators. With regard to intercity buses, he pointed out that the intercity buses are entering into Karachi via three gateways i.e. Super Highway, National Highway and RCD Highway. The buses owners have established unauthorized terminals at more than 30 locations in the city so there is a need to develop intercity bus terminals along with each gateway. According

to him, the defunct City District Government Karachi had developed intercity bus terminal in 2007 alongside RCD Highway with state of art facilities such as passengers waiting area, workshops, restaurants, drivers retiring areas, booking offices for bus operators, tuck shops etc to ensure operation of all Baluchistan Bound Buses from the terminal but despite that the buses are operating from outside the terminal area. He further addressed that Board of Revenue had earmarked 100 acres land in closed proximity of Super Highway/Northern Bypass and the possession of land was handed over to the KMC. At this juncture, Mayor Karachi denied to have received possession of any such land. The Secretary Transport made much stress to develop Intercity Bus Terminal at such location which may cater the need of all Super Highway Bound Buses. According to him, there is need of at least 20 acres land for development of the Intercity Bus Terminal National Highway to stop unauthorized Terminals situated in the city with regard to National Highway Bound Buses.

3. In our considerate view, the best meaningful outcome and resolution of the problems and the issues highlighted in the main petition and the connected petition can only be resolved in an excellent manner once all relevant governmental authorities sit together and after hearing the point of view of the stakeholders develop a viable plan for its strict and austere implementation. On the basis of aforesaid suggestions, the Mayor Karachi and Commissioner Karachi requested for one month's time so that may hold meetings in the meanwhile with all other relevant governmental departments and the stake holders then submit a route plan to this court for its proper implementation.

4. The request for time seems to be reasonable which we are allowing but on this clear direction that on the next date, the compliance report should be submitted to this court. The Mayor Karachi, Commissioner Karachi, Secretary Transport, Government of Sindh, Secretary Local Government, Government of Sindh, General Manager NHA, DIG Traffic, Karachi shall hold meetings to sort out all issues raised in the above petitions. The meeting shall be chaired by the Mayor Karachi. In the meetings, the Committee shall call all stakeholders on publication of notices through print and electronic media with specific timeline to approach to the committee and submit proposal, if any. The Committee shall also issue notice to the Member Board of Revenue, Land Utilization Department to participate in the meeting and provide assistance with regard to the allotment of land for bus terminals.

5. All respondents (different associations including the associations of Transporters and Dumpers) will be given notice to ensure the presence of their representative in the meeting and submit their proposal. The learned counsel for the petitioners may also attend the meetings. The Committee will also issue notices to the Oil Marketing Companies to ensure the attendance of their authorized representative in the meeting.

6. The Mayor Karachi and the Commissioner Karachi, both have assured us that they will call the meeting within ten days and final action plan shall be submitted within one month. By consent the matter is adjourned to 14.12.2018 at 11:00 a.m. Office is directed to place copy of this order in petitions listed above.

7. The parties present in court and their counsel in one voice stated that the issue of Zulfiquarabad Terminal is pending in the hon'ble Supreme Court in HRC No. 10-K of 2007 and some other connected matters. Since the matter on this specific issue is sub judice before apex court therefore we cannot issue any directions for Zulfiquarabad Terminal.

N.B. Office is directed to transmit copy of this order to the Mayor Karachi, Commissioner Karachi, Secretary Transport, Government of Sindh, Secretary Local Government, Government of Sindh, General Manager NHA, DIG Traffic, Karachi, Member Board of Review, Land Utilization Department, Advocate General Sindh and counsel for petitioners.

Judge

Judge