

کیا وزیر معدنیات ارشاد فرمائیں گے کہ:-

سوال

جواب

(ا) آیا یہ درست ہے کہ صوبائی حکومت نے مختلف ٹھیکداروں کو بشمول ریور سوات کے منزلز اور مائنز کے کانوں کو ٹھیکے پر دیا ہے ؟

(ب) اگر (ا) کا جواب اثبات میں ہو تو خوازہ خیلہ تحصیل کی مائنز کو کتنے بلاکس میں اور کس بنیادوں پر تقسیم کیا گیا ہے نیز اس سلسلے میں خوازہ خیلہ تا ٹپسین روڈ گاؤں بابو کے مقام پر مین شاہرہ پر قومی پہاڑ بھی ٹھیکے پر دیا گیا ہے مکمل تفصیل فراہم کی جائے۔

جی ہاں! یہ درست ہے۔ تاہم معزز پشاور ہائی کورٹ کی جانب سے دریائے سوات پر ہر قسم کی کان کنی پر پابندی لگائی گئی ہے۔ پشاور ہائی کورٹ کا فیصلہ لف ہے۔

(ب) عدالت عالیہ کے فیصلہ کی روشنی میں تحصیل خوازہ خیلہ کے مائنز کو کسی بلاکس میں تقسیم نہیں کیا گیا ہے اور نہ ہی خوازہ خیلہ تا ٹپسین روڈ (گاؤں بابو) کے مقام مین شاہرہ پر قومی پہاڑ کو ٹھیکہ پر دیا گیا ہے۔

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET



Date of Order of Proceedings	Order of other Proceedings with Signature of Judge
1	2
04.03.2021	<p>WP No. 348 of 2011 with CM N.99 & COC No.137-P of 2014, CM No. 610 & 611 & CM No. 980-P of 2014</p> <p>Present: Clerk of counsel for the petitioner.</p> <p>Syed Qaiser Ali Shah AAG along with M/s Zaheer-ul-Islam, Commissioner Malakand division, Junaid Khan, Deputy Commissioner Swat, Sohail Khan Deputy Commissioner Malakand, Muhammad Nisar, TMA Matta, Amjad Ali, TMA, Babbu Zia and Bakht Siraj, TMA, Kabal, Swat.</p> <p>M/S Muhammad Asghar Khan Kundi and Rashid-ul-Haq Qazi, advocates, for GDA.</p> <p>Mr. Farman Ullah Khattak, advocate, for Tourism Department.</p> <p>Sardar Aman Khan, advocate, for added respondents.</p> <p>*****</p> <p>Earlier, on 26.01.2021, keeping in view the submissions of the petitioner in the connected WP No. 952-P of 2018 in respect of extraction of stones from the river bed of River Swat, we had directed for the personal attendance of the worthy Commissioner Malakand Division, Deputy Commissioners Swat and Malakand to let us know as to what action they have taken against the marble factories operating by the side of the river Swat and also the hotels who throw their</p>

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(DB) Hon'ble Mr. Justice Qaiser Rashid Khan, CJ
Hon'ble Mr. Justice S.M. Attique Shah, J

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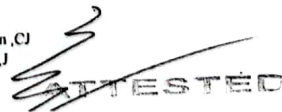
refuse in the river thereby spoiling the otherwise clean water and that is how they are before the court. The worthy Commissioner states that pursuant to the directions of this court, action has been taken against some marble factories as well as 102 hotels. However, he refers to WP No. 169-M of 2021 whereby an interim order has been extended in favour of some individuals. As such, the said writ petition is withdrawn from Hon'ble Mingora Bench (Dar-ul-Quza) at Swat to this court and be clubbed with the present petitions.

We have been informed by the worthy Commissioner that various leases have been given to the lessees by the Mines and Mineral Department, Government of Khyber Pakhtunkhwa. We wonder as to in what manner such leases were doled out to those persons who have not only destroyed the beauty of river Swat but in the process has turned it into a stream. It appears that the Tourism Department has also messed up the situation as they are merely interested in attracting tourists and in the process causing irreparable damage to the picturesque Swat Valley.

Accordingly, we nominate Syed Zaheer-ul-Islam, the worthy Deputy Commissioner Malakand Division as Focal Person to take all the necessary steps for the protection of the River Swat from being damaged in any manner by the so-called lease holders

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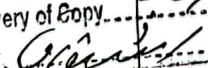

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or for the matter the hoteliers. He shall feel free to take the assistance of any agency for the execution of the directions of this court.

We have been informed that over the period, River Swat is no more in its original shape on account of floods in the year 2010 which inundated several parts of Malakand Division and also due to the illegal activities of the power crushers. In this respect the worthy Commissioner states that a proper rehabilitation exercise be undertaken being the need of the hour. Accordingly, the learned AAG is directed to contact the Secretary Irrigation Government of Khyber Pakhtunkhwa to immediately make a survey of the River Swat and to hold in-depth meetings with all the stakeholders to devise a plan/strategy on war footing for the early rehabilitation of River Swat. The necessary report be shared with the court by the next date of hearing. Adjourned to 30.03.2011.


CHIEF JUSTICE

JUDGE

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