

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.5939-P/2018

JUDGMENT

Date of hearing.....19.02.2019.....

Petitioner By: Mr. Noor Alam Khan, Advocate.

Respondents: By Mr. Sikandar Rashid, Advocate, for NHA,
Mr. Javed Ali Yousafzai, Assistant Attorney
General along with Irfan Anwar, representative
of Motorway Police.

QALANDAR ALI KHAN, J.- Asmatullah son of Naimat Ullah resident of Kakshal, Mohallah Muslim Abad No.3, Peshawar (petitioner) invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayers:-

“a. Direct the respondents to properly fence and protect with fence the motorways thoroughly in order to protect every kind of unexpected dangers to human life.

b. Direct the respondents to legislate and frame rules/regulations for penalizing the drivers/vehicles users in case of

throwing any dirt or any used substance on the motorways.

c. Direct the respondents to keep vigilant eyes over those vehicle's drivers who cross the limits by over speeding and create dangers to himself as well as other vehicles.

d. Direct the respondents to stop any unauthorized entry in the motorway.

e. Any other remedy which deems fit by the Hon'ble Court may also be granted in favour of the petitioner."

2. Being a citizen of Pakistan and claiming to be working for public welfare in different sectors, and aggrieved of lack of cleanliness on the motorway, a mega project for development of the country, besides removal of fences from different places thus opening the motorway for free movement of animals causing risk to humans lives and also other violation of rules and regulations, together with inaction on the part of the Government/concerned quarters to curb such glaring violation of safety rules on the motorway, the petitioner filed the instant writ petition thereby seeking the relief as mentioned hereinabove.

3. Today, Irfan Anwar, representative of Motorway Police alongwith Mr. Sikandar Rashid, Advocate, on behalf of NHA and Mr. Javed Ali, AAG, appeared for the respondents; and apprised the Court about standard safety measures adopted for commuters using the motorway, including enactment of laws, installation of cameras for monitoring smooth movement of the traffic, round the clock patrolling by the motorway police and all other steps taken by the NHA to maintain the motorway and ensure smooth and orderly traffic by ensuring not only adherence to law/rules but also enhancing safety of the commuters on the motorway. The respondents also informed the Court about stringent and effective steps being taken against violators of laws on the subject of road safety, which have contributed to reducing the ratio of accidents and traffic violations on motorway as compared to such incidents on ordinary roads in the country.

4. If the object of the writ petition was to highlight the need of appropriate measures for ensuring safety of users of motorways by Government through effective steps, the writ petition has, probably, achieved its object. However, before parting with the judgment/order, we deem it appropriate to once again

urge the concerned authorities in the Federal Government, National Highways Authority (NHA) and Motorway Police to not only themselves strictly abide by the laws/rules; but also ensure strict compliance with laws/rules in letter and spirit; and keeping a vigilant eye on those who tend to flout such laws and rules with impunity, as in that case they may expose themselves to actions in law for loss caused to human life and property owing to negligence in performance of duty on their part. Needless to say that the taxes collected at the toll plaza contribute to the salaries of all officers/officials of the concerned department, therefore, they owe to the nation that such like national assets are maintained/sustained at all costs as a national duty.

5. The writ petition is disposed of, accordingly, in the above stated terms.

Announced
19-02-2019

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(D.B) *Hon'ble Mr. Justice Rooh-ul-Amin Khan.*
Hon'ble Mr. Justice Qalandar Ali Khan.

(M.Iqbal)

