

**ORDER SHEET****IN THE LAHORE HIGH COURT LAHORE  
JUDICIAL DEPARTMENT**

Case No:

WP No. 23510-2012

Versus

M/s. Olive Grill Restaurant

Province of Pb etc.

S. No. of order/  
ProceedingDate of order/  
ProceedingOrder with signature of Judge, and that of  
parties' counsel, where necessary.

05.11.2012. Mr. Muhammad Shahzad Shaukat, Advocate for petitioner.  
Mr. Ahmad Rauf, Addl: A.G. alongwith Mr. Noor-ul-Amin  
Mengol, DCO, Lahore.  
Mr. Muhammad Abdullah Amin, Advocate for applicant in CM  
No.3708-2012.  
Malik Muhammad Munsif Awan, Advocate for applicant in CM  
No. 3950-2012.

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**CM Nos. 3708 & 3950-2012**

Learned counsel seek permission for  
impleadment of the applicants as respondents in  
these proceedings to assist the Court on the  
health hazard posed by *Sheesha* activities.  
Allowed subject to all just and legal exceptions.

CMs disposed of.**Main Case.**

2. The respondents have placed on  
record a notification dated 03.11.2012 which  
refers to Section 18 and 39(U) of the Punjab  
Local Government Ordinance, 2001 ("**PLGO**") for  
defining the expression "*public place*". It is also  
claimed that under the notification dated

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09.10.2006 by the Health Ministry of the Federal Government, the authority for enforcement of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 ("**Ordinance**") has been delegated to the Provincial Government. In turn, the Provincial Government has delegated the subject of environmental control and pollution to the District Government under Section 14 of the PLGO read with Section 35 thereof.

3. Learned counsel for the petitioner challenges that the activity of smoking falls within the subject of environment. He asserts that the power of enforcement of the Ordinance lies with the Provincial Government but questions how that power has been delegated to the District Government.

4. Both sides are not prepared with their case on this point. Come up for hearing on the authority of the District Government to enforce the Ordinance. It is on record that the Home Department of the Provincial Government has by

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letter dated 18.08.2012 requested the District Administration to ensure implementation of the Ordinance strictly according to its terms and not in excess thereof.

5. Consequently, the action taken by the District Government prima-facie is not restrained until the next date of hearing. Relist on 26.11.2012. 6

Sd/- UMAR ATA BANDIAL  
CHIEF JUSTICE

Naveed\*  
07/11/12

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