

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-269 of 2025

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Syed Shafique Ahmed Shah advocate for petitioner.

Date of hearing & decision: 17.03.2025.

ORDER

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner has prayed as under:-

- a. That this Honourable High Court may be pleased to direct the respondents No.3 to 5 to remove all the illegal encroachments upon forest land made by the private respondents as well as other land grabbers in Khybrani Forest District Matiari in compliance of the Order dated 28.01.2020 passed in C.P. No.52 of 2018 by the Honorable Supreme Court with intimation to this Honorable Court;*
- b. That Honourable High Court may be pleased to direct that official respondents No.3 to 5 to ensure that no land of the forest department is under encroachment of any person and no trees of forest be cut in future further the respondent No.3 to 5 may be directed to submit such report before this Honorable Court;*
- c. Any other relief.....*
- d. Costs.....*

2. The learned counsel for the petitioner contends that the private respondents, allegedly in collusion with the local police, are unlawfully engaged in cutting down trees in Khybrani Forest and have purportedly cultivated the land in violation of environmental and legal provisions. He submits that such

actions, if proven to be true, would constitute a serious breach of the law and an encroachment upon protected forest land. However, he asserts that despite repeated complaints, no effective action has been taken by the relevant authorities to curb these activities. In such circumstances, he prays for an impartial inquiry into the matter, the removal of any unauthorized encroachments, and the implementation of necessary measures to prevent further illegal activities in the area.

3. In the present petition, the grievance of the petitioner pertains to the unauthorized encroachment upon forest land by the private respondents, who have allegedly cultivated the land illegally and engaged in unlawful tree cutting. The petitioner has asserted that such actions constitute a blatant violation of the directives issued by the Honorable Supreme Court in C.P. No.52 of 2018, which has mandated the removal of all illegal encroachments from forest lands. The forest land, if it is being illegally cultivated, must not be continued for personal gain.

4. Forests constitute an indispensable component of the natural environment, serving a pivotal role in maintaining ecological equilibrium. They regulate climatic patterns, contribute to atmospheric stability, and support an extensive array of flora and fauna, thereby preserving biodiversity and enabling the coexistence of multiple species within their natural

ecosystems. Moreover, forests act as a natural barrier against soil erosion by anchoring the earth with their root systems, thus mitigating the adverse effects of heavy rainfall and wind. The ecological significance of forests extends well beyond aesthetic value; they provide critical habitats for a multitude of animal, avian, and insect species, and are instrumental in sustaining the intricate balance of ecosystems. Forests function as the planet's lungs—absorbing carbon dioxide and releasing oxygen—thus playing a vital role in counteracting the deleterious impacts of greenhouse gases and ensuring the survival of human and non-human life alike. However, the rampant and unlawful felling of trees and encroachment upon forest lands pose a grave threat to environmental integrity. These acts not only contravene environmental statutes and forestry regulations but also lead to severe degradation of natural resources. The unauthorised clearing of forest cover results in habitat destruction, ecological imbalance, and a heightened frequency of climate-related disasters such as flooding, drought, and temperature anomalies. Such activities undermine both national and international commitments to environmental conservation, including the principles enshrined in the Sustainable Development Goals (SDGs) and the precautionary principle recognised in environmental jurisprudence. Immediate and decisive legal action is thus imperative to curtail illegal deforestation and to preserve forest ecosystems for current and future generations.

5. It is particularly significant to emphasise that forests serve as a vital natural defence against the adverse impacts of climate change. Through the process of carbon sequestration, forests absorb harmful greenhouse gases—most notably carbon dioxide—from the atmosphere, thereby mitigating air pollution and curbing the progression of global warming. In this regard, they function not merely as environmental assets, but as essential instruments in the global strategy to combat climate instability. Should the current trajectory of deforestation persist unchecked, the repercussions for the planet will be profound and irreversible. The continued depletion of forest cover will accelerate climatic fluctuations, elevate global temperatures, and substantially heighten the frequency and severity of natural calamities such as floods, droughts, and landslides. These environmental disruptions will not only degrade the quality of life for present inhabitants but will also endanger the ecological security of future generations. Accordingly, the preservation of forest ecosystems transcends statutory obligation; it is a collective moral and social duty incumbent upon all members of society. While the primary onus lies with the State to enforce forestry laws and uphold environmental protection mandates under national and international frameworks, every citizen bears a corresponding responsibility to act as a steward of nature. The principle of *intergenerational equity*, widely recognised in environmental jurisprudence, underscores the imperative of

conserving natural resources for those yet unborn. In essence, safeguarding forest lands is not merely a matter of legal compliance but a profound ethical commitment to sustainable living and ecological justice.

6. In light of the gravity of the situation, it is imperative that immediate and decisive action be taken to halt the unlawful occupation of forest lands and to arrest the alarming trend of deforestation. Trees are indispensable for the preservation of environmental equilibrium, and their unwarranted removal results in irreversible harm to ecosystems, biodiversity, and climatic stability. To this end, rigorous statutory measures must be enforced to prevent the unauthorised felling of trees and to prohibit encroachments upon protected forest areas. The relevant authorities are duty-bound to exercise their powers under the applicable forest and environmental laws—including, where applicable, the Forest Act, 1927, and other provincial enactments—to identify, investigate, and remove all illegal encroachments forthwith. The doctrine of *public trust*, which mandates that the State act as a trustee of natural resources for the benefit of present and future generations, squarely applies in such matters. Moreover, remedial measures must not be confined merely to the removal of encroachments. A comprehensive plan for ecological restoration ought to be devised and implemented, which includes large-scale afforestation and reforestation initiatives, soil rehabilitation, and the reestablishment of

indigenous plant species. It is essential that the rehabilitated land is restored, as far as possible, to its original condition so that it may continue to serve its environmental purpose. In addition, periodic monitoring, community engagement, and awareness campaigns should be introduced to ensure long-term protection of forest resources. Environmental degradation caused by inaction or administrative indifference cannot be justified, and the enforcement of forest protection must be approached not only as a legal mandate but as a national imperative.

7. In order to forestall the recurrence of such transgressions, it is essential that comprehensive public awareness initiatives be introduced to educate the citizenry on the critical importance of forest conservation and the far-reaching consequences of deforestation. Sensitising communities—particularly those residing in or around forest areas—regarding the ecological, climatic, and socio-economic significance of forests is vital to fostering a culture of environmental responsibility and sustainable resource management. These programmes should be designed to inform the public of not only the environmental costs of deforestation but also the legal repercussions associated with illegal logging and encroachments, as provided under forest protection laws and environmental regulations. Community-based participation, educational campaigns in schools and colleges, and collaboration with civil society organisations can serve as effective instruments

in disseminating this awareness. The preservation of forest resources is not merely an environmental goal; it is a legal and moral imperative grounded in the principles of sustainable development and intergenerational equity. Unless robust and timely measures—both punitive and preventive—are implemented, the continued degradation of forests will inevitably result in irreversible ecological harm, endangering not only biodiversity but the very survival of future generations. Accordingly, a multi-pronged strategy is required: legal enforcement, ecological restoration, and civic engagement must work in unison to ensure that forests are protected, rehabilitated, and sustained. Failure to act decisively at this juncture will result in long-term consequences that no legislative or remedial action may later cure.

8. In light of the foregoing discussion, it is incumbent upon the petitioner to initiate the appropriate legal recourse by submitting a formal, written representation to the competent authority within the Forest Department. The said application should clearly articulate the grievance, outlining all relevant facts and supporting material to enable the Department to consider the matter judiciously. Upon receipt of the petitioner's representation, the designated authority is under a legal and administrative obligation to examine the matter in its entirety, assess the factual and legal dimensions of the grievance, and render a reasoned decision in accordance with the applicable

statutory provisions, rules, and principles of natural justice. The entire process of inquiry, consideration, and resolution should be concluded expeditiously and, in any event, not later than thirty (30) days from the date of receipt of the application, so as to ensure timely redress and to prevent administrative inertia. Such prompt adjudication is consistent with the principle of *nemo debet esse sine remedio*—that no person shall be left without a remedy—and affirms the constitutional expectation that executive authorities must act fairly, transparently, and within a reasonable timeframe. Timely intervention by the Forest Department will not only uphold the rule of law but also reinforce public confidence in the efficacy of institutional mechanisms for environmental governance.

9. It is anticipated that the competent authorities shall adhere strictly to the prescribed legal procedures and discharge their statutory duties with due diligence and impartiality. The enforcement of environmental laws must not be allowed to suffer from bureaucratic inertia or administrative complacency. The responsible officers are duty-bound to act promptly and decisively, without unwarranted delay, in order to initiate and implement necessary corrective measures to address environmental violations and protect public resources. The preservation of forested areas and ecological integrity constitutes not only a legal mandate but a constitutional obligation, as enshrined under Article 9 and Article 14 of the Constitution of

the Islamic Republic of Pakistan, which guarantee the right to life and dignity—rights that are inherently linked with a clean and healthy environment. Any failure to act expeditiously in this regard would amount to dereliction of duty and may attract legal consequences. Therefore, it is imperative that immediate and effective steps be taken to safeguard forest lands, rehabilitate degraded ecosystems, and prevent any further environmental degradation. Swift and transparent enforcement of environmental laws by the government will not only reinforce the rule of law but also ensure the sustainable management of natural resources for the collective welfare of both present and future generations. This aligns with the jurisprudential principle of *intergenerational equity*, which obligates the present generation to preserve the environment in trust for those yet to come.

10. The petition stands disposed of along with pending application(s) in the above terms.

JUDGE

JUDGE