

IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH  
AT SHIMLA

C.W.P. No.: of 2018

In the matter of:

People for Responsible Governance (PeRGo)

..... Petitioner

Versus

Union of India through Secretary (Road Transport &  
Highways) & Others

..... Respondents

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PETITIONER

Through Counsel

Place: Shimla

Dated: May 14, 2018

Rajnish Maniktala  
Advocate

Ballesh Chauhan  
Advocate

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**Chronological List of Events**

Date/ Year	Events
20.6.2014	Times of India reports the use of waste Plastic in road construction in Madhya Pradesh utilizing 200 tonnes of waste for 3000kms of roads annually
30.6.2016	The Guardian reports that 21000 kms of roads have been constructed in India using waste plastic and half of them are in Tamil Nadu.
28.3.2018	Times of India reports use of Waste Plastics in road construction in Pune based on technology of CSIR-Central Road Research Institute
14.5.2018	Present petition is being filed.

**PETITIONER**

Through Counsel

Place: Shimla

Dated: May 14, 2018

Rajnish Maniktala  
Advocate

Rakesh Chauhan  
Advocate

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In the matter of:

People for Responsible Governance, Himprasth Bhawan,  
Bemloe, SHIMLA-171 001 (H.P.) through Its Secretary,  
Shri Ashok Kumar

..... Petitioner

Versus

1. Union of India through Its Secretary, Ministry of Road Transport & Highways, Transport Bhawan, 1, Parliament Street, New Delhi-110001
2. State of Himachal Pradesh through Principal Secretary (Environment), Himachal Pradesh Secretariat, SHIMLA-171 002 (H.P.)
3. State of Himachal Pradesh through Principal Secretary (PWD), Himachal Pradesh Secretariat, SHIMLA-171002 (H.P.)
4. Central Pollution Control Board through Its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
5. Himachal Pradesh Pollution Control Board through Its Member Secretary, Him Parivesh Bhawan, New Shimla, SHIMLA-171 009 (H.P.)
6. Central Road Research Institute through Its Director, Delhi - Mathura Road, Post Office - CRRI, New Delhi 110025

..... Respondents

CIVIL WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF APPROPRIATE WRIT ORDER OR DIRECTION TO THE FOLLOWING EFFECTS:

- (i) That the respondent Nos. 2,3 & 5 may be directed to adopt the process of use of waste plastics in construction of roads in the state of Himachal Pradesh.
- (ii) That the respondent Nos. 1, 4 & 6 may be directed to transmit necessary technology to respondent Nos. 2, 3 & 5 for use of plastic waste in construction of roads.
- (iii) That the respondent Nos. 2 & 3 may be directed to construct the roads in the state of Himachal Pradesh using the plastic waste in accordance with the technology so transmitted.
- (iv) That the respondents may be directed to produce entire record pertaining to the case before this Hon'ble Court.
- (v) Any other order deemed just and proper may also be passed in the facts and circumstances stated hereinabove in favour of the petitioner.

PETITIONER

Through Counsel

Place: Shimla

Dated: May 14, 2018

Rajnish Maniktala  
Advocate

Rakesh Chauhan  
Advocate

**Respectfully Sheweth:**

1. That the present Petition is being in public interest. The petitioner happens to be a Society registered under the provisions of Himachal Pradesh Societies Registration Act. The present Petition is being filed through its Secretary, who has been authorized to do so by virtue of resolution dated 09.05.2018, a copy whereof is being placed on record as Annexure P-1. It is one of the objectives of the petitioner Society to take steps in furtherance of fundamental duties enshrined under Article 51A of Constitution of India. Since the present petition involves scientific use of waste plastic in construction of roads, it shall go a long way towards preserving the environment, the petitioner as such is entitled to file and maintain the present Writ Petition.
  
2. That as already submitted the issue raised in the present centers around the use of plastic waste in construction of roads. A number of such ventures have already taken place across the world and India as well. Some of such instances as reported by the Newspapers, "The Guardian" are being reproduced below:
  - (i) The Central Pollution Control Board has reported more than 21,000 miles of plastic roads have been constructed in India and roughly half of them happen to be in the state of Tamilnadu.
  
  - (j) North America uses the polymer added asphalt. 35% of the total global roads using plastics are in North America.
  
  - (ii) Illinois uses with plastic to build high traffic truck roads.

- (iii) Washington State uses plastic in road construction, for noise reduction and in Ontario, Canada, the plastics are used to prevent the road from cracking after a harsh winter.
- (iv) The plastics are widely used for road construction in Middle East because the plastic roads do not melt unless the temperature goes beyond 66°C.
- (v) Dr. R. Vasudevan, a Chemistry Professor, Thiagaraj College of Engineering in Madurai has patented the process of using plastics along with tar for road construction in the year 2006.
- (vi) Indian Government has announced that the plastic roads would be default method of construction for most city streets.

A copy of the News report is being annexed herewith and is marked as Annexure P-2.

3. That the Public Works Department, Pune is using a study by CSIR - Central Road Research Institute, for constructing the roads from plastic waste and tar. A copy of the report published in the Times of India is being placed on record as Annexure P-3.
4. That similarly, Madhya Pradesh Rural Development Department is also using waste plastic for road construction. As a pilot project, a road from the capital of the State was constructed up to Pipaliya. The Department has planned to construct 3000 kilometers of road per year, which will use at least 200 tonnes of plastic waste. A copy of the report is being annexed herewith and is marked as Annexure P-4.
5. That the use of waste plastic in road construction will not only reduce the problem of waste disposal but at the same time the problem of disposal of plastic shall be reduced considerably. This would be towards furtherance

of fundamental duties and Right to Life as enshrined under Articles 51A and Article 21 of the Constitution of India.

6. That the petitioner has not filed any other petition in the Hon'ble Supreme Court of India or any other Court for the same cause of action and he has no other alternative efficacious remedy for the redressal of his grievances except this Writ Petition under Article-226 of Constitution of India.

It is, therefore respectfully prayed that the Civil Writ Petition may be allowed and an appropriate writ order or direction may issued to the following effects:

- (i) That the respondent Nos. 2,3 & 5 may be directed to adopt the process of use of waste plastics in construction of roads in the state of Himachal Pradesh.
- (ii) That the respondent Nos. 1, 4 & 6 may be directed to transmit necessary technology to respondent Nos. 2, 3 & 5 for use of plastic waste in construction of roads.
- (iii) That the respondent Nos. 2 & 3 may be directed to construct the roads in the state of Himachal Pradesh using the plastic waste in accordance with the technology so transmitted.
- (iv) That the respondents may be directed to produce entire record pertaining to the case before this Hon'ble Court.
- (v) Any other order deemed just and proper may also be passed in the facts and circumstances stated hereinabove in favour of the petitioner.

PETITIONER

Through Counsel

Place: Shimla

Dated: May 14, 2018

Bajrishi Maniktala  
Advocate

Rakesh Chauhan  
Advocate



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**Affidavit**

I, Ashok Kumar, aged 35 years, Son of Shri Loharu Ram, Occupation - Advocate, H.P. High Court, Shimla, Resident of Village - Shepur, Post Office - Binga, Tehsil - Dharampur, District - Mandi, (H.P.), Secretary People for Responsible Governance (PeRGo), Himprasth Bhawan, Bemloe, SHIMLA-171 001 (H.P.), do hereby state on solemn affirmation that I am competent to file the present Writ Petition, which has been drafted at instance and under my instructions. I have gone through it and that the contents of Paragraphs 1 to 6 are true to my personal knowledge and from official records. No part of it is false and nothing material has been concealed therefrom.

I solemnly swear/ affirm that this Affidavit is true, no part of it is false and nothing has been concealed therein.

Verified at Shimla on this 14<sup>th</sup> day of May 2018.

DEPONENT

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH  
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**Through Counsel**

Place: Shimla

Dated: May 14, 2018

Rajnish Maniktala

Advocate

Rakesh Chauhan

Advocate

Resolution

It has been resolved that by the General Body of the Society in its meeting held on 12.5.2018 that a Public Interest Litigation be filed in Himachal Pradesh High Court Shimla raising the issue of use of waste plastic in road building. The Secretary of the Society, Mr. Ashok Sharma has been authorized to file the Petition and do the needful that is required for pursuing the petition.

  
Treasurer

