

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13417 of 2026
Date of Decision: 08.10.2026

Anand Moudgil

.....Petitioner

Versus

**The Chairman, State Transport Authority,
H.P**

.....Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?

For the petitioner: Mr.Anand Moudgil, Advocate.

For the respondent: Mr.Anup Rattan, Advocate General along with Mr. Ramakant Sharma and Mr. Sushant Keperate, Additional Advocates General and Mr. Rajat Chauhan, Assistant Advocate General.

Ajay Mohan Goel, J.*(Oral)*

By way of this petition, the petitioner has, inter alia prayed for the following reliefs:

- (A) Issue a writ of Certiorari, quashing the decision under Item No.1 of the Proceedings dated 01.07.2006 (Annexure P-6), whereby the STA resolved to refer the petitioner's applications to the State Government for a " Legal opinion"- being without jurisdiction and ultra vires Section 71 and de hors Chapter V, per Singhara Singh, Anantha Transports, and B. Rajagopala Naidu;
- (B) Issue a writ of Certiorari, or a declaration, quashing Notification dated 07.08.2025 (Annexure P-7) as non est and ultra vires Section 68 (2), the parent Notification dated 29.05.2023 (Annexure P-2) having been quashed and all subsequent actions flowing therefrom falling with it- sublato fundamento cadit opus – per State of Punjab v. Davinder Pal

Singh Bhullar, (2011) 14 SCC, 770, besides exceeding the statutory limit of four members;

- (C) Issue a writ of Mandamus, directing the respondent to decide the petitioner's 11 applications strictly under Sections 71, 72, 91) and 80(2), independently and uninfluenced by any executive opinion, on the material already on record, per Mithilesh Garg, Singhara Singh, Ajantha Transports, B. Rajagopala Naidu, and Psancham Chand v. State of H.P, (2008) 7 SCC 117;
- (D) Declare that the STA has no power under the Act to defer adjudication by seeking executive opinion, per B. Rajagopala Naidu and Pancham Chand (Paras 22,23,24);"

2. Mr. Anand Moudgil drew the attention of the Court to the impugned order (Annexure P-6), which are proceedings of the State Transport Authority dated 06.07.2006 qua the proceedings of the meeting of the State Transport Authority held on 01.07.2026. By referring to the proceedings, in terms where of, the case of the petitioner was dealt with, the petitioner pointed out that what the State Transport Authority did in the matter was that after formulating the legal issues, which stood raised by the present petitioner, rather than answering them, it resolved to refer the matter to the State Government for obtaining a legal opinion on the issues involved.

3. Petitioner submitted that the State Transport Authority being a Statutory Authority has to pass an appropriate order on the application of the petitioner to the best of its wisdom, in terms of the statutory provision of the Motor Vehicles Act. He submits that the Authority could not have had referred the matter for the legal opinion of the State Government as has been done in the present case and the order is therefore bad.

4. On the other hand, learned Advocate General submitted that there was no infirmity with the order passed by the Authority for the reason that after having legal opinion on the issue, needful will be done by the Authority.

5. Having heard the petitioner and also learned Advocate General, we are of the considered view that this petition needs to be allowed on one short point and that is that in the light of the statutory provisions, it is obligatory upon the State/Regional Transport Authority to pass appropriate orders on the applications of the parties as per its wisdom in the light of the statutory provisions and legal precedents.

6. The authority herein would have been well advised to have passed a final order itself upon the application in terms of the statutory provisions, which governs the grant of the stage carriage permits rather than seeking opinion.

7. Accordingly, in light of the above observations, we dispose of this petition by observing that the State Transport Authority shall pass appropriate order on the application of the petitioner seeking stage carriage permits without waiting for any legal opinion etc, as per the statute and legal pronouncement thereupon on or before 30.11.2026. Pending application(s), if any, shall also stand disposed of.

**(Ajay Mohan Goel),
Judge**

**(Yogesh Jaswal),
Judge**

October 08, 2026
(meera)