

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

225

CWP-23542-2012

Date of Decision : October 27, 2025

ASHOK KUMAR

-PETITIONER

V/S

**STATE TRANSPORT APPELLATE TRIBUNAL, PUNJAB AND
ORS.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.S. Bawa, Advocate
for the petitioner.

Mr. T.P.S. Walia, A.A.G., Punjab.

Mr. Raj Kaushik, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Upon an application submitted by the petitioner, the respondent No.2- Secretary, Regional Transport Authority, Patiala, in exercise of the powers conferred upon him by the State Transport Commissioner, Punjab, passed an order dated 17.05.2011, thereby allowing the regular curtailment of the petitioner's one stage carriage permit with four return trips daily on Kahneke-Pakho Kalan via Dhaula, Ghunas, Tapa, Tajoke route from Tapa via Dhilwan Mour Ugoke.

2. The order (*supra*) was assailed by the respondent No.3, a private individual, through filing Revision No. 43 of 2012 before the respondent No.1- State Transport Appellate Tribunal, Punjab. Vide order dated 04.10.2012, the Tribunal observed that when the curtailment is of 13.2

kms from the total length of 23.8 kms, then 60% of the original route goes without providing the traveling facility and it would defeat the purpose of granting of permit on the route Kahneke-Pakho Kalan. The Tribunal further observed that such curtailment would cause inconvenience to the commuting public, and that, the approval granted by the S.T.C. was issued without adequate consideration of the actual circumstances. Consequently, the order dated 17.05.2011 was set aside, and the petitioner was directed to immediately ply the bus on the original route. Aggrieved by the Tribunal's order dated 04.10.2012, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner, relying on the survey report, which formed the basis of the S.T.C.'s decision, submits that the said report indicates a significant increase in passenger traffic on the proposed extension, thereby warranting additional bus services. The survey report further records that, if the proposed curtailment were to be allowed, no inconvenience would be caused to the travelling public along the curtailed portion, as adequate transport facilities are available for them. However, the Tribunal failed to properly consider these factors while setting aside the S.T.C.'s order dated 17.05.2011.

4. *Per contra*, learned counsel for the respondent No. 3 contends that the impugned order has been passed in the public interest, as the S.T.C. failed to adequately assess the hardship likely to be faced by residents along the curtailed stretch. It is submitted that there was no substantive evidence before the S.T.C. to establish that adequate bus services were available on the curtailed portion or that there was increased passenger demand on the proposed extension.

5. The Court has heard the submissions advanced by learned counsel for the parties and carefully examined the record.

6. The survey report, which is undisputed and annexed as Annexure P-1 to the present writ petition, forms the foundational basis for the S.T.C.'s order. The relevant extract thereof is reproduced hereunder:-

11.	<i>General impression regarding adequacy or otherwise of services</i>	<i>During survey it has been observed that due to all round development in the State over the years, there is substantial growth in the rush of passengers on the proposed extension thereby warranting the addition of more bus services.</i>
		<i>Moreover, in case the proposed curtailment is allowed, it would not cause any inconvenience to the travelling public on the curtailment portion as sufficient bus service is available for them.</i>

7. A perusal of the order dated 17.05.2011 passed by the S.T.C. reveals that it was based on the survey report and supported by cogent reasoning. In contrast, the Tribunal interfered with the said order without substantial basis. As no evidence has been placed on record to discredit the survey report, the impugned order warrants interference.

8. It is fairly conceded by learned counsel for the respondent No.3 that where the total route length does not exceed 24 km, curtailment up to 60% of the original route can be permitted by appropriate modification of the route permit.

9. In summa, this Court holds that the impugned order dated 04.10.2012 passed by the respondent No. 1 rests on mere presumptions, whereas the order dated 17.05.2011 passed by the S.T.C. is founded on a duly conducted survey possessing evidentiary value. Accordingly, the

present writ petition is **allowed**. The impugned order passed by the respondent No. 1 is hereby set aside, and the order issued by the S.T.C. is upheld.

October 27, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No