



CWP-20220-2025

-1-

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

119

CWP-20220-2025

Date of Decision :21.07.2025

Anand Moudgil

...Petitioner

Versus

**The Statutory Body State Transport Authority U.T.,
Chandigarh**

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Petitioner in person (joined through video conferencing).

Mr. Sumeet Jain, Advocate with
Mr. Himanshu Malik, Advocate for respondent-U.T. Chd.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the order dated 27.06.2025 (Annexure P/3) passed by the Chandigarh Administration with regard to the claim of the petitioner for the grant of stage carriage permit to operate vehicles from the Punjab and Haryana High Court, Chandigarh to Fazilka and Bhatinda, which claim has been rejected and is causing prejudice.

2. The petitioner had filed a writ petition being CWP-10493-2025 claiming the benefit of grant of a separate stage carriage permit, which writ petition was disposed of vide order dated 09.04.2025 of this Court directing the Transport Authorities of the Chandigarh to consider the said claim of the petitioner and pass an appropriate speaking order.



3. In pursuance to the said direction of this Court, impugned order dated 27.06.2025 (Annexure P/3) has been passed by the Chairman State Transport Authority-cum-Secretary Transport Chandigarh Administration, whereby, the claim of the grant of stage carriage permit of the petitioner has been rejected, which order is under challenge in the present petition.

4. Petitioner, who appears in person argues that the petitioner has indefeasible right to operate the buses from Punjab and Haryana High Court, Chandigarh to the different cities of the State of Punjab including Fazilka and Bhatinda but the petitioner is not being granted the permission by the Chandigarh Administration for the said purpose. Petitioner submits that the said claim of the petitioner has been declined on the ground that there is a reciprocal agreement between U.T. Chandigarh Administration and Government of Punjab dated 04.06.2008 which was notified on 09.6.2008 and 73 permits have already been allowed and no permit was granted to any private operator hence, no further permit was allowed. Petitioner further submits that once, there is a liberalisation of policy that whosoever demands the permit, has to be given the same, and the State is bound to consider the claim regarding the grant of permit by ignoring the fact that large number of permits have already been granted by the U.T. Administration.

5. Keeping in view the advance copy served, Mr. Sumeet Jain, Advocate with Mr. Himanshu Malik, Advocate appeared for respondent-Chandigarh Administration and submits that once, 73 permits have already been granted by the respondent-Chandigarh Administration on reciprocal agreement dated 04.06.2008, no further permit needs to be granted and the claim regarding the grant of the permit of the petitioner has rightly been



CWP-20220-2025

-3-

rejected.

6. Learned counsel for the respondents further submits that the stage carriage permit can only be claimed by the petitioner under Section 69 of the Motor Vehicles Act, 1988 (hereinafter referred to as '1988 Act') and he has to apply in the State where he ordinarily resides and in case he has a permit, he can only apply for operating the vehicle under the reciprocal agreement 2008. Whereas, in the present case, the petitioner is claiming the issuance of stage carriage permits by the Chandigarh Administration, which is not permissible keeping in view the proviso to Section 69 of the 1988 Act.

7. I have heard the petitioner as well as learned counsel for the respondents and have gone through the record with their able assistance.

8. The first question which is paramaterial is whether the petitioner can claim Stage carriage permit from U.T. Administration for operating the vehicle from Punjab and Haryana High Court, Chandigarh to the different cities of State of Punjab. Section 69 of the 1988 Act, which deals with the provisions of application for permits is as under:-

69. General provision as to applications for permits:-

(1) Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles:

Provided that if it is proposed to use the vehicle or vehicles in two or more regions lying within the same State, the application shall be made to the Regional Transport Authority of the region in which the major portion of the proposed route or area lies, and in case the portion of the proposed route or area in each of the regions is approximately equal, to the Regional Transport Authority of the region in which it is proposed to keep the vehicle or vehicles:



Provided further that if it is proposed to use the vehicle or vehicles in two or more regions lying in different States, the application shall be made to the Regional Transport Authority of the region in which the applicant resides or has his principal place of business.

[\(2\)](#)Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.”

9. A bare perusal of the above proviso would show that the permits can only be applied at the place where the applicant resides or has his principal place of business. The petitioner, who appears in person concedes that neither he resides in Chandigarh nor he has principal place of business in Chandigarh. That being so, claim of the petitioner that his application for the grant of stage carriage permit has not been accepted by the U.T. Chandigarh contrary to the provisions of 1988 Act and hence, cannot be accepted. Stage carriage permits can only be claimed by the petitioner from the State of Punjab where he resides or has his principal place of business and not from U.T. Chandigarh.

10. Even otherwise, in case, the petitioner has a permit to operate vehicles given by the State of Punjab, he can claim the benefit of reciprocal arrangement 2008 that too at the discretion of the Chandigarh Administration to ensure that only adequate number of vehicles are allowed to enter in Chandigarh so that normal traffic is not disturbed. Once, the

**CWP-20220-2025****-5-**

Chandigarh Administration has made it clear that keeping in view 73 permits are already allowed under the reciprocal scheme 2008 and as the passengers are not having problem to commute to different cities of State of Punjab, the petitioner cannot claim permit under the reciprocal scheme 2008 as a matter of right under the liberalisation scheme. The said reciprocal arrangement can only be allowed in case, the same is needed for the convenience of the passengers and to ensure that no passenger suffers problem on any route to commute but once, the particular competent authority comes to the conclusion that enough permits have already been granted on a particular route under reciprocal agreement, the claim of grant of permit cannot be raised under the reciprocal arrangement as a matter of right.

11. Further, nothing evident has been shown to this Court that the declining of the claim of the petitioner for the grant of permit is contrary to the reciprocal arrangement 2008, which has been entered into between the U.T. Chandigarh and the State of Punjab. Further, the petitioner has not impleaded the State of Punjab as party to the present petition for claiming the benefit of reciprocal arrangement 2008.

12. Keeping in view the facts and circumstances recorded hereinabove, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

July 21, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No