



CWP-24293-2025

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

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CWP-24293-2025

Date of Decision :28.08.2025

M/s Attri Bus Service

..Petitioner

Versus

State of Haryana & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 20.05.2025 (Annexure P/11) passed by respondent No.2-DTO-cum-Secretary Regional Transport Authority, Panchkula by which, the prayer of the petitioner to extend his route to Saha to Shahbad from Panchkula to Saha (Panchkula, Kot, Barwala, Mauli, Shah Azadpur, Patrehri, Saha) which was the route that was granted vide permit No.HR2021-SC-0054A, has been declined on the ground that to the petitioner the same is not permissible keeping in view the terms and conditions of the Stage Carriage Scheme, 2016 under which scheme the permit was allotted.

2. Learned Senior counsel appearing on behalf of the petitioner argues that the power to amend the said scheme of 2016 exists with the State keeping in view Section 102 of the Motor Vehicles Act, 1988 (for short, '1988 Act') hence, the reason given by the State while declining the request

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of the petitioner to extend his route by stating that the same is not permissible under law, is incorrect and the impugned order dated 20.05.2025 (Annexure P/11) is liable to be set aside on this ground itself.

3. Learned Senior counsel appearing for the petitioner submits that though it is open for the respondents to say that though, the power to amend the said scheme of 2016 exists with State but, the fact that State is not inclined to do so is another aspect which would be in consonance with Section 102 of the 1988 Act as even the language of the said provisions stipulates that the State has power to amend a scheme, if it deems necessary to do so.

4. We have heard learned Senior counsel for the petitioner and have gone through the record with his able assistance.

5. It may be noticed that the allotment of a permit to the petitioner was done as per the Stage Carriage Scheme, 2016 (for short, '2016 Scheme') which scheme was notified on 17.02.2017. It is worthwhile to take note of clause 2(iv) of the said scheme of 2016, which stipulates that variations in the route as per the provisions of the 1988 Act shall become the part of the schedule and the starting and terminating point of the route shall not be altered in case of variation and no extension or curtailment in the route shall be allowed. Relevant provision is as under:-

2(iv) Variation in the route as per provisions of Motor Vehicles Act, 1988 shall become part of the Schedule. The termini (starting and terminating points of the route) shall be not be altered in case of variation, No extension or curtailment shall be allowed in the routes."

6. The above noted provision have been stipulated in the 2016 Scheme have been conceded by the learned Senior counsel for the petitioner



while addressing the arguments.

7. It may be noticed that Section 102 of the 1988 Act gives the power to the State to cancel or modify a scheme which has been approved but, whether the said action needs to be taken or not is in the discretion of the State. Once while exercising the said discretion, in order to have uniformity qua all the route permits allowed as per the 2016 Scheme that the starting and terminating points while granting the permits will not be altered, declining the request of the petitioner that his route should be extended so as to mitigate the hardship of the passengers by not choosing to amend the said scheme, has rightly been declined by the authorities concerned keeping in view the self imposed embargo imposed by the State itself under 2016 Scheme.

8. Once, there is a self imposed embargo imposed by State upon itself while refusing to amend the said scheme of 2016 so as to alter the starting and finishing point of the routes already notified under 2016 Scheme, this Court will not interfere in the said self imposed embargo of the State.

9. Further argument of the learned Senior counsel for the petitioner is that in the impugned order, the said reason has not been given that they will not like to come out of the said self imposed embargo rather perusal of the impugned order shows that the same has been passed due to incompetency to amend the 2016 scheme.

10. It may be noticed that the incompetency noticed in the impugned order by the learned Senior counsel for the petitioner is actually self imposed embargo of the State as per the stipulation in 2016 scheme. The said impugned order has to be interpreted in a manner keeping in view the

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totality of the facts and circumstances and the impugned order dated 20.05.2025 (Annexure P/11) cannot be read in isolation by ignoring the provisions of the said scheme of 2016 and provisions of 1988 Act, by which State has imposed self embargo upon itself to amend said scheme.

12. Further, it may be noticed that in the interest of the passengers, the State if it deems necessary can modify the scheme so as to reduce the hardship of general public despite the self imposed embargo in 2016 scheme keeping in view the Section 102 of the 1988 Act but, the same is to be done on the basis of the hardship faced by the general public and not on a claim which is being raised by a permit holder to get the extension of a particular route.

13. In the present case, the petitioner who has already been granted a route under 2016 scheme only has a right to operate on the said route but, the State will be at liberty that in case under the public interest or after considering all the facts in case any such request is received from the general public or the representative of the general public, the necessary action can be taken to amend the scheme and ease the hardship faced by general public despite self imposed embargo under 2016 scheme.

14. At this stage, learned Senior counsel for the petitioner submits that a resolution has been passed by the Gram Panchayat concerned for the extension of the route.

15. It may be noticed that the Gram Panchayats are either before this Court and nor have filed any application for the modification of the route before the authorities concerned for their consideration in interest of general public.

16. Keeping in view the totality of the facts and circumstances of

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the present case, the relief as prayed for, cannot be granted to the petitioner as the petitioner only has a right to operate on the route which was allotted to him under the 2016 Scheme wherein, it has been already clarified that the starting and the ending point will not be altered under any circumstances and the present petition is accordingly dismissed.

17. Civil miscellaneous application pending, if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No