

Jai Maa Shoolini Niji Bus Sanchalak Sangh, Solan Vs. State of HP and Ors.

CWP No.2716 of 2026

09.03.2026 Present: Mr. Ajay Sharma, Sr. Advocate with Mr. Atharv Sharma, Advocate, for the Petitioner.

Mr. L.N.Sharma, Additional Advocate General for the respondents.

CWP No.2716/2026 & CMP No.3802/2026

Notice. Mr. L.N.Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. Petitioner's grievance concerns office letters/ orders issued by the respondents regarding publication of 422 routes statedly surrendered by HRTC and inviting applications from private operators for allotment thereof.

For the petitioner, attention has been invited to decision rendered on 18.05.2016, in *CWP No. 7295 of 2012 (Ajay Parihar Vs. State of HP and Ors.)*, wherein respondents were directed to ensure grant of route permits strictly as per procedure prescribed under the Motor Vehicles Act, 1988 (the Act in short) and Himachal Pradesh Motor Vehicle Rules, 1999 (the Rules in short).

Learned Senior Counsel submitted that

respondents are not adhering to the statutory provisions:-

(a) Learned Senior Counsel for the petitioner pointed out that respondents are convening the meetings of Regional Transport Authorities (RTAs) in breach of Rules 57, 58 & 60 of the Rules; That clear cut ten days' notice as mandated under the aforesaid Rules is not being given. In this regard, reference was made to page 357 of the paper-book, wherein under a press note dated 02.03.2026, the meeting of Regional Transport Authority was proposed to be convened on 11.03.2026.

b) Specific attention was invited to office letter dated 02.06.2025 (Annexure P-6), issued by the Director Transport, Himachal Pradesh, to all the Regional Transport Officers in the State on the subject 'publication of routes surrendered by HRTC'. The office letter conveys approval of the Government for publication of 422 surrendered stage carriage routes by HRTC for re-allotment in favour of private persons in relaxation of 60:40 conditions as per Clause 6.1 of the Transport Policy, 2014. Applications have been invited

invoking Section 68 (3) (ca) of the Act. It was pointed out that allotment of 422 routes, allegedly surrendered by HRTC, have been proposed to be allotted to the private operators by inviting their applications under Section 68(3)(ca) of the Act, whereas Section 68 (3) (ca) of the Act actually pertains to formulation of routes and not for allotment of surrendered routes.

c) Learned Senior Counsel submitted that there have been no formulation of the stage carriage routes. In absence of formulation of routes, there cannot be any question of allotment of said routes to the private operators. It was further submitted that the so called 422 surrendered routes were actually not the formulated routes. HRTC had been running on temporary permits on most of these 422 surrendered routes. In case the routes had been formulated and were in existence and the same had been surrendered by the HRTC, then the applications would have been invited by the respondents under Sections 70, 71 & 80 the Act. Instead of inviting applications for allotment of so called HRTC surrendered

422 routes from private operators under Section 68 (3) (ca) of the Act, the respondents were required to formulate the routes in the first instance.

d) It was also submitted that even assuming for arguments sake that HRTC had been running on 422 routes and the same had been surrendered, then in accordance with law, the procedure prescribed under Rule 80 had to be followed, necessitating cancellation of these routes and further leading to formulation of routes. Reference was also made to page 365 of the paper-book, which is an information supplied by the respondents under the Right to Information Act to the effect that HRTC had never deposited any of its route permits with the respondent's office.

e) One more contention raised was that the so called surrendered routes, as listed alongwith Annexure P-6 dated 02.06.2025, have appeared again in the notification issued by the respondent-Transport Department on 20.01.2026 issued under Section 107 read with Section 99 of the Act & Rule 124 of the Rules

for nationalizing the permits on the aforesaid routes for State Transport Undertakings.

3. Learned Senior Counsel states that RTA is now proceeding ahead with the aforesaid agenda in its meetings, which would cause grave injustice and prejudice to the petitioner.

From the notifications, office letters, office orders on record, at this stage the publication of 422 routes statedly surrendered by HRTC, the process initiated by the respondents for re-allotment of these routes in favour of the private operators under Section 68 (3) (ca) of the Act read with H.P. Motor Vehicles Rules, prima-facie, does not appear to be in consonance with facts and legal position emerging from perusal of the documents on record. Section 68 (3) (ca) of the Act pertains to formulation of routes. That being the position, applications for re-allotment of 422 so called surrendered routes could not have been invited under Section 68 (3) (ca) of the Act, as in that situation, it has been presumed that routes have not been formulated. In case the routes had been surrendered, then HRTC was

required to deposit the permits of so called surrendered routes. This situation also does not emerge from the record, rather the information supplied under the Right to Information Act, is that no such permit was deposited by the HRTC. Further assuming that 422 surrendered routes had actually been surrendered, in that situation, there was no requirement for the respondents for taking recourse to Section 68 (3) (ca) of the Act. In that eventuality, allotment of routes could have been under different provisions.

4. In view of above, prima facie, case exists in petitioner's favour as also the balance of convenience. The petitioner has made out a case for grant of interim relief at this stage. Hence, it is ordered that the Regional Transport Authorities will not conduct any meeting on the agenda of allotment of 422 routes, allegedly surrendered by HRTC as referred to at Annexure P-6, dated 02.06.2025, till the next date of hearing.

Reply be filed within two weeks.

List on **23.03.2026.**

CMP No.3803 of 2026

The application is disposed of with direction to the applicant to file English translation of the documents in issue before the next date of hearing.

Jyotsna Rewal Dua
Judge

March 9, 2026
(*R.Atal*)