



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No.4893 of 2022

Decided on 24th December 2025

Sh. Satpal and others

...Petitioners

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting? Yes

For the petitioners: Mr. T.S. Bhogal, Advocate.

For the respondents: Mr. Pushpinder Jaswal, Additional
Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioners have prayed
for the following relief:-

*"It is, therefore, respectfully prayed that this
petition may be allowed and this Hon'ble Court may
be pleased to strike down and quash the condition
requiring the owners of the auto rickshaws to drive
the vehicle themselves, as is being imposed by the
respondent authorities while granting the permits for
contract carriage (auto rickshaws).*

2. When this case was listed on 20.05.2025, this Court passed the following order:-

“The moot issue involved in this writ petition is whether the decision of the respondents in insisting that Permit in respect of contract carriage (Auto Rickshaw Permit) shall be granted only in favour of those who not only own the vehicle, but shall also be driving the vehicle themselves is sustainable. As per the petitioners, this condition is arbitrary, for the reason that there are exigencies and occasions which do not enable an owner of the Auto Rickshaw to ply the same himself. One of the owners of the Auto Rickshaw is stated to be suffering from Cancer, who requires money for his treatment and the income can only be generated by him if he engages someone to ply his Auto Rickshaw.

Learned counsel for the petitioners has drawn the attention of the Court to the documents appended with the petition and submitted that arbitrariness of the act of the respondents can be gauged from the fact that whereas in some of the Permits, a hand written condition has been imposed that the owner shall ride the vehicle himself, whereas, there is no such condition in other Permits.

Learned Additional Advocate General has referred to the reply and Annexure R-1 appended therewith, which is a Notice issued by State Transport Authority and has submitted that the reason, as to why this condition stands imposed, is that the intent of the respondents is to provide self employment to the interested persons who intend to ply Auto Rickshaws.

Having heard learned counsel for the petitioners as well as learned Additional Advocate General, this Court is of the considered view that imposition of condition that the owner of the Auto Rickshaw shall have to drive the same, itself appears to be arbitrary. This is for the reason that there can be more than one eventuality which may lead to a situation, whereas the owner of the Auto

Rickshaw may not be in a position to drive the vehicle himself. For example, a person who has been given the Permit to purchase the Auto Rickshaw with the condition that he shall have to drive the same himself, if he meets with an accident which renders him incapacitated to thereafter ply the Auto Rickshaw, cannot engage someone else to ply the same and earn livelihood.

Faced with this situation, learned Additional Advocate General submits that as the annexure appended with the reply relates to the year 1990, he may be granted some time to discuss the matter with the Authorities concerned, so that in case it is so needed, something is done to espouse the grievance of the petitioners. On his request, the matter is ordered to be listed after four weeks.

Let, affidavit of respondent No.1 be filed, as to how notice dated 07.08.1990 is justified in law and what measures the State intends to take to ensure that there is no arbitrary condition imposed while issuing contract carriage for the plying of the Auto Rickshaw. In the meanwhile, the petitioners to ensure that rejoinder to the reply is on record."

3. This was followed by the passing of the following order by this Court on 16.09.2025:-

"Though the affidavit filed by the respondents is not on record, however, learned Additional Advocate General has made available a copy thereof for the perusal of the Court. Having perused the content of this affidavit dated 04.09.2025, the Court is not satisfied with the same. Prima facie, this Court is of the considered view that the conditions which are being imposed by the respondents, not only violate Article 19 of the Constitution of India but reasons assigned therein cannot be said to be falling in the category of 'reasonable restrictions'. In case, the authorities apprehend that the grant of permits to ply a Three Wheeler without insisting upon the Three Wheeler being personally plied by the person to whom the permission is granted will be misused by

financially well off individuals, the State can impose a condition that not more than one Three Wheeler will be issued in the name of an applicant. Not only this, restriction which has been imposed by the State is otherwise also arbitrary because it does not take into its compass many practical situations, e.g. what if the owner of a three Wheeler loses his life and the widow is left with no option but to engage someone to ply the Three Wheeler to make her two ends meet. Another situation which can be contemplated is where such a person who has the Three Wheeler in his name is rendered incapacitated by any reason whatsoever from plying the three Wheeler. Reasonable restrictions are always welcome but restrictions which are unreasonable strike at the foundation of Articles 14 and 19 of the Constitution.

Faced with this situation, learned Additional Advocate General submits that the case be taken up after three weeks so that Authorities can be apprised of the observations of the Court and necessary amendments are incorporated in the policy. List on 15.10.2025."

4. On the last date of hearing, learned Additional Advocate General apprised the Court that now necessary instructions stood issued by the Secretary State Transport Authority to address and redress the issues, which were raised by the petitioners in the writ petition. The instructions read as under:-

"To

*All the Secretaries
Regional Transport Authorities in Himachal Pradesh.*

Dated: Shimla-171004.

Subject: *Implementation of the decision of the State Transport Authority regarding amendment of the STA condition dated 11.07.1990 (Item No. 3) Compliance of directions of the Hon'ble High Court in CWP No. 4893/2022 titled Satpal & others versus State of H.P.*

Sir/Madam.

Your attention is invited to the directions passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 4893 of 2022 titled as Satpal versus State of Himachal Pradesh, wherein the Hon'ble Court has expressed concern over the validity and practicability of the STA condition dated 11.07.1990 mandating that auto rickshaw permit holders must personally drive the vehicle.

In compliance with the aforesaid directions, the matter was placed before the Chairman, State Transport Authority, Himachal Pradesh, through circulation of agenda. After due deliberation, the Chairman, STA, has approved the following amendments to the STA condition dated 11.07.1990:-

A. Amendment to STA Condition dated 11.07.1990

1. Existing permit holders under the unemployed youth category, who become medically unfit, physically challenged, or in the event of their death, their widow/legal heirs, may be permitted to engage a driver possessing a valid driving licence for the applicable class of vehicle, in accordance with the Motor Vehicles Act and Rules.

2. Future applicants, who are unemployed youth but are medically unfit or physically challenged, may also apply for auto-rickshaw permits subject to the condition that they shall engage a driver possessing a valid driving licence for operating the auto-rickshaw.

These amendments have been made to ensure conformity with the constitutional principles under Articles 14 and 19 and to comply with the observations of the Hon'ble High Court.

B. Instructions for Implementation by All RTAS.

All Secretaries, Regional Transport Authorities shall:

- 1. Incorporate the above amended conditions in all future auto- rickshaw permit orders.*
- 2. Allow engagement of licensed drivers in the above-mentioned categories without delay.*
- 3. Ensure that the permit holder retains operational control of the auto-rickshaw and that no subletting, renting, or commercial transfer of the permit takes place.*
- 4. Maintain an up-to-date record of the engaged driver(s) and keep it available for inspection.*
- 5. Sensitize the Enforcement Wing to refrain from challaning vehicles solely on the ground that the permit holder is not personally driving, where engagement of a driver is permissible under the amended condition.*
- 6. Disseminate these instructions widely among applicants, permit holders, and field staff to avoid recurrence of litigation and ensure long-term compliance with the Court's directions.*

All the Secretaries RTAs shall furnish a compliance report to the Directorate of Transport, H.P. within 10 days, confirming adoption of the amended instructions and steps taken for field-level implementation.

You are requested to ensure strict and uniform compliance of the above directions in letter and spirit.

Yours faithfully.

*Secretary, State Transport
Authority Himachal Pradesh”*

5. Learned counsel for the petitioners submitted that in light of these instructions, the grievance of the petitioners

stands redressed.

6. Accordingly, In light of these developments by taking the same on record, this writ petition is disposed of.

7. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

December 24, 2025
(Vinod)

High Court of HP