

(2026) 03 MP CK 0825

In the Madhya Pradesh High Court, Indore Bench

Case No : Writ Petition No. 47352 Of 2025

Nimar Bus Owners Association Through Its President Vaibhav
Singh Tomar

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 12-03-2026

Acts Referred:

Madhya Pradesh Motor Vehicles Rules, 1994 — Rule 77(1A)

Motor Vehicles Act, 1988 — Section 41, 41(7), 59, 64, 64(d)(a), 65, 72, 96, 211

Citation : (2026) 03 MP CK 0825

Hon'ble Judges : Vijay Kumar Shukla, J;Alok Awasthi, J

Bench : Division Bench

Advocate : A.S.Garg, Abhay Kumar Jain, Rahul Sethi, Pradyumna Kibe

Final Decision : Dismissed

Judgement

Vijay Kumar Shukla, J

1. The present petition has been filed by the bus owners through its President challenging the sub-Clause III of Sub Rule 1(A) of Rule 77 of the M.P Motor Vehicles Rules, 1994 as ultravires and also prayed for quashment of the Order dated 7/11/2025 passed by the respondent No.4 and circular dated 14/11/2025.

2. Sub-Rule 1-A of Rule 77 of the M.P Motor Vehicles Rules, 1994 is reproduced as under:-

(1-A) In order to ensure safe, secure and convenient transport services to the passengers, the permit granting authority while granting a stage carriage permit shall abide the following conditions, namely,--

(i) that no stage carriage permit shall be granted on interstate route to a vehicle which has completed 10 years from the manufacture year;

ii) that no stage carriage permit shall be granted for ordinary route within the State to a vehicle which has completed 15 years from the year of manufacture;

(iii) that no stage carriage permit shall be granted for any route to the vehicle which has completed 15 years from the year of manufacture;

(iv) that for long distance route of 75 K.M. in a single trip, the following category of vehicle with seating capacity shown against each shall be permitted to ply,--

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3. The aforesaid provisions provided that the permit granting authority shall apply the condition that no permit shall be granted for any route to the vehicle who has completed 15 years from the year of manufacture as inserted by notification No.E-1-6/2009/VIII dated 24/11/2010.

4. It is argued that by virtue of the said amendment, the State of M.P has fixed the life of vehicle which can be plied on the roads as Stage carriage vehicles between various routes. This inserted Rule notified by the State Government has been issued in purported exercise of powers under Section 65, 96 and 211 of Motor Vehicles Act, 1988(hereinafter to be referred as the Act). It is argued that the aforesaid Rules is ultravires and beyond the competence of the State Government as the provisions of the Act do not confer power to the State Government to prescribe life of vehicle.

5. Counsel for the appellant referred the provisions of Section 41 of the Act, the procedure is prescribed for registration to a Motor Vehicle. Sub-Section 7 of Section 41 provides that a certificate of registration issued under sub-Section (3), whether before or after the commencement of the Act, in respect of a motor vehicle shall subject to provisions contained in this Act be valid only for period of 15 years from the date of issue of such certificate as may be prescribed by the Central Government and shall be renewable. Section 59 of the Act confers power on the Central Government to fix the age validity of the Motor Vehicle. Section 64 confers power on the Central Government to make Rules. In sub Section d(a) of Section 64 of the Act, the power to frame Rules for providing the period of validity of a certificate for registration under sub-Section 7 of Section 41 of the Act is with the Central Government. Thus, power to fix a life of a vehicle for the Registration certificate is within the domain of the Central Government. He also referred the provisions of Section 65 of the Act which deals with the power of the State Government to make Rules which do not confer power to the State Government to frame Rules prescribing "life" of a vehicle. On the aforesaid premises, he argued that the notice dated 7/11/2025 and circular dated 14/11/2025 are without jurisdiction. To bolster his submission, counsel for the appellant relied on the judgment passed by the Chattisgarh High Court in the case of Dr. Sandeep Jain vs. State of Chattisgarh reported in AIR 2018 Chhatisgarh 158.

6. Per contra, counsel for the State argued that the provision "clause III" of sub Rule 1(A) of Rule 77 of the Motor Vehicle Rules, 1994 amended by notification dated 28/12/2015 and further notice dated 7/11/2025 are legal and valid. The Rule has been primarily challenged on the competency of the respondent No.1

for framing of such Rule. It would be beneficial to note that Rule 77(1A) was initially inserted vide amendment notification dated 24.11.2010, wherein an amendment vide notification dated 28.12.2015 for figure and word 20 years has been substituted as 15 Years in clause (iii). It is submitted that the appellant has not annexed the impugned notification alongwith this petition and has merely relied upon the notice dated 07.11.2025 and the circular dated 14.11.2025. From the above, it is evident that the impugned notification was promulgated in the year 2015 in the gazette, whereas the present petition has been filed only in the year 2025. Thus, after much acceptance of the rules tacitly by the appellant Association and correspondingly affected persons, the present challenge to the notification, cannot be maintained after such huge delay. On this count only the present petition deserves to be dismissed. The notification dated 24.11.2010 inserted in sub Rule 1-A of Rule 77 wherein first provided that the condition of 20 years of transport vehicle for stage carriage permit has been calculated/imposed from the date of its manufacturing. This amendment notification dated 24.11.2010 was initially put to challenge before this Court in Shaheed Khan v. State of M.P. reported in 2013 (4) MPLJ 439. The said petition was filed to challenge the competency of the State Government as well as enforcement of right of the transporters therein. In the said judgment, the Division Bench considering the submission made in the light of Section 59 of the Act, 1988 dismissed the petition holding that the State Government is well competent to prescribe the age in regard to Stage Carriage Permit and such would not violate Section 59 of the Act. The present petition being filed on the same ground i.e. competency of the State Government to issue the amendment notification thereby reducing the life of transport vehicle from 20 years to 15 years from the date of manufacturing on the ground of violation of Section 59 of the Act, deserves to be dismissed in the light of said judgment.

7. The validity of the aforesaid provision has already been examined by the Division Bench in the case of Shaheed Khan (supra) in which the provisions of the Act regarding the registration and grant of permit for Stage Carriage has been considered and it has been held that the power conferred by the Central Government under Section 59 of the Act is distinct than the power for grant of Stage Carriage permits which is granted in terms of the Section 72 and 96 of the Act. Therefore, the grant of Stage Carriage permit falls within the jurisdiction of the State Government in terms of the Section 72 & 96 of the Act. The relevant paras of the judgment passed in the case of Shaheed Khan (supra) reads as under:-

37. We, therefore, have no doubt in our minds that general rule making power relating to all aspects connected with the control of transport vehicle has been conferred upon the State Government under Section 96 of the Act including the power to specify and prescribe the conditions subject to which stage carriage permits and contract carriage permits can be granted and that such conditions may relate to matters regarding long routes, seating capacity, safety security and comfort of passengers as well as conditions of the roads and traffic conditions

which are all matters that are intricately related to transport vehicles and, therefore, it cannot, by any stretch of interpretation of the provisions, be held that the impugned rules are ultra vires the rule making powers conferred upon the State.

52. We now proceed to decide the issue as to whether prescription to the age of the vehicle for the purposes of grant of stage carriage permit by the impugned rules is directly in contravention of the provisions of section 59 of the Act which confers this power exclusively on the Central Government. The fallacy in the aforesaid arguments of the learned counsel for the petitioners becomes apparent when we read the provisions of Section 59 and 96 in their proper perspective. Section

59 is part of Chapter IV of the Act which deals with the field of registration of the motor vehicle and provides that the Central Government having regard to public safety, convenience and objections of this Act, by notification in the Official Gazette, specify the "life" of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirement of this Act and the rules made thereunder. The object and reasons for inserting section 59 of the Act as stated are to empower the Central Government to specify the "life" of a motor vehicle of any class or type beyond which the vehicle will have to be "kept off the roads" that is to say that it cannot thereafter be permitted to ply on the roads.

53. On the other hand, section 96 of the Act which is part of Chapter V of the Act deals with the field of control of transport vehicles and gives power to the State Government to frame rules for the purposes of carrying into effect the provisions of Chapter V which includes the power to prescribe conditions by framing rules subject to which stage carriage permits may be granted which is also clear from a perusal of section 72(2) and 72(2)(xxiv) and it is in the exercise of this power under Section 96 that the impugned rules have been framed which do not in any manner relate to registration of vehicles nor do they provide that the vehicle shall be taken off the road for all times to come as its road "life" shall come to an end. The rule only prescribes the age of the vehicle beyond which it cannot be permitted to be used as a stage carriage by providing that no stage carriage permit can be granted to a vehicle after it has attained a particular age looking to the safety and convenience of the travelling passengers. It is, therefore, clear that while Section 59 confers power on the Central Government to prescribe the "life" of a motor vehicle beyond which the vehicle would have to be kept off the roads, as its registration under Chapter IV shall come to an end or lapse. Section 96 is limited to prescribing conditions for grant of stage carriage permits under which it has the power to prescribe a condition regarding the "age" of the vehicle beyond which it cannot be used as a stage carriage permit with a view to ensure the safety and convenience of the passengers. It goes without saying that even though no stage carriage permit may be granted to a vehicle after a particular age, in view of the impugned rules such a vehicle may and can still be continued

to be used by the petitioners for all other purposes subject to any notification issued under Section 59. We are, therefore, of the considered opinion that the impugned rules are within the powers conferred upon the State by the Act and do not overlap or intrude into the powers conferred upon the Central Government by section 59 of the Act. We may with profit note that the High Court of Bombay in the case of Shiv Adhar Yadav Vs. State of Maharashtra and ors., AIR 2009 NOC 2159 (Bom.) and Chhatisgarh High Court in the case of M/s Balaji Travels Vs. State Transport Appellate Tribunal and another, 2008(11) MPJR-CG 78 have also taken a similar view.

57. We are, therefore, of the considered opinion that the impugned condition regarding age prescribed by the State Government by framing the impugned rules is not beyond the rule making power conferred upon the State and is also not in contravention of the provisions of Section 59 of the Act and that the State has the power to prescribe such a condition for the purpose of granting stage carriage permits and that such a condition is for the safety of the travelling passengers and the public at large, and in public interest as has been held by the Supreme Court and, therefore, the contention to the contrary of the petitioners deserves to be and is hereby rejected."

8. In the case of Shaheed Khan (supra) this Court has made a distinction in clear terms that the provision relating to prescription of "life" in 'registration' is different from a power to prescribe the age of the vehicle as a condition for permit and provision was held to be intravires.

9. This Court asked the counsel for the appellant that whether in the permit granted by the State to the members of the Association there was a condition of "life" of the vehicle ? On instruction, counsel for the appellant fairly stated that there was such condition in the permit itself.

10. Once, there is a condition in the permit itself, the appellant cannot ply the vehicle without permit though it may have a valid registration in respect of a Stage Carriage. Another Division Bench has considered the similar challenge and decided the same vide its judgment dated 5/2/2018 passed in the case of Tripathi Travels vs. State of M.P & Ors. (W.P No.2023/2018) after referring the judgment passed in the case of Shaheed Khan (supra), held that it is within the competence of the State Government and its authorities for incorporating a condition fixing the age of Stage Carriage Vehicle in a permit and the same is also within the purview of Section 72 and Section 96 of the Act, even if the Central Government has not fixed the age of the Motor Vehicle in the Registration certificate. Thus, prescription of life of a vehicle in Registration certificate is different from incorporation of a condition fixing the age of stage carriage vehicle in permit.

11. The counsel referred the judgment of the Chattisgarh High Court. However, two Division Benches of this Court have already considered the validity of the Rule in the case of Shaheed Khan (supra) and Tripathi Travels (supra) which are

binding on us as per law of precedent. In the light of the aforesaid discussion, the clause III of sub Rule 1(A) of Rule 77 of the Motor Vehicle Rules, 1994 is held intra vires and the order dated 7/11/2025 passed by the respondent No.4 and circular dated 14/11/2025 are legal and valid.

12. Accordingly, the petition is dismissed.

No order as to cost.