IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 10th OF SEPTEMBER, 2026

WRIT PETITION No. 12718 of 2026

NISHA GURJAR

Versus

UNION OF INDIA AND OTHERS

Appearance:

Shri Sanjeev Kumar Mishra - Advocate for the petitioner.

Shri Praveen Kumar Newaskar learned Dy. Solicitor General for respondent Union of India.

Ms. Smriti Sharma - Counsel for the State.

ORDER

Per. Justice Vivek Agarwal

This petition is filed in the nature of Public Interest Litigation raising three questions; (i) that e-rickshaws which were introduced over roads for the last 10 yers are being plied without there being any Rules to regulate their movements. It is submitted that no Rules have been framed for plying of e-rickshaws and that is causing lot of congestion and anarchy on the road. Third issue is that free plying of e-rickshaws without there being any Rules and Regulations causes prejudice to the other vehicle owners who are permit holders and are paying hefty fees to the State to obtain a permit for plying their automobiles.

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2. Shri Praveen Kumar Newaskar, learned Deputy Solicitor General for Union of India and Ms. Smriti Sharma, learned counsel for State agree that State policy is to be followed by Union of India because this menace of e-rickshaws plying on road and choaking the traffic and they being plied in violation of any Rules and Regulations because generally there are no permits and licenses to ply them, nor there is any regulation of routes on which they are to be plied is a national problem.

3. Shri Praveen Kumar Newaskar is directed to in turn direct his client, i.e., Secretary, Ministry of Road Transport and Highways Transport to frame a policy in regard to plying of e-rickshaws including regulation of their numbers on a road in a particular city including issuance of rout permits so as to facilitate their even movement in a locality decongesting the roads within a period of 60 days. The Union of India shall circulate the policy so framed within 60 days to all the State Governments including State of Madhya Pradesh and as far as State of Madhya Pradesh is concerned in consultation with the Transport Commissioner, it will take a call and if any modifications are required taking into consideration geographical and demographical considerations obtaining in the State of Madhya Pradesh shall within further period of 30 days make such changes so to suit the local conditions and notify a comprehensive policy not later than 120 days from today to be followed by all the owners of e-rickshaws and e-vehicles being run in the form of transport vehicle.

4. In above terms, petition is disposed of with liberty in favour of the petitioner that if in 120 days Union of India and State Government fail to

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implement a comprehensive policy then he will be free to move an application for revival of this Writ Petition.

5. We place on record appreciation for the services rendered by Shri Sanjeev Kumar Mishra, learned counsel for the petitioner in raising a most pertinent issue in regard to road safety and smooth clearance of traffic on public roads.

6. At this stage a very important input has been given by Shri Manas Mani Verma, learned Govt. Advocate at Jabalpur that some models of e-rickshaws are not stable vehicles, i.e., they have a tendency to topple under very small and irrelevant considerations like short turning etc. We expect that Union of India will also frame a policy to regulate structuring of e-rickshaws in such a manner that they are provided with better maintenance of centre of gravity so that they may not easily turn turtle.

7. We request Shri Newaskar to request the Union of India to take this aspect also into consideration while framing the policy.

8. We place on record our special thanks to Shri Manas Mani Verma for showing indulgence in a matter of public interest.

(VIVEK AGARWAL)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE

VJ

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