



W.P.No.27210 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.27210 of 2026

T.Sivan

S/o.Thiruman

... Petitioner

vs.

1. The Regional Transport Officer
Tiruppur North
Tiruppur.
2. The Motor Vehicle Inspector
Avinashi
Transport Department
Kaikattiputhur, Perumanallur Main Road
Kalangari, Avinashi
Tiruppur District – 641 654.
3. The Inspector of Police
Thirumurugan Poondi Police Station
Tiruppur City
(Crime No.233/2026)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the 1st respondent to forthwith return the petitioner's original driving license bearing No.TN-33Y20020000461 to the petitioner.

Page Nos.1/6



WEB COPY



W.P.No.27210 of 2026

For Petitioner : Mr.K.Hariharan
For Respondents : Mr.M.Sivavarthan
Government Counsel, for R1 and R2
Mr.Durai Gunasekaran
Government Counsel, for R3

ORDER

Mr. M. Sivavarthan, learned Government Counsel, accepts notice for respondents 1 and 2. Mr.Durai Gunasekaran, learned Government Counsel, accepts notice for the third respondent.

2. The petitioner has filed this writ petition seeking a direction to the first respondent to return his original driving licence bearing No. TN-33Y20020000461.

3. A criminal case has been registered against the petitioner in Crime No.233 of 2026 for the offences punishable under Sections 281, 125(a) and 106(1) of the Bharatiya Nyaya Sanhita, 2023, alleging that, due to his rash and negligent driving, an accident occurred on 08.05.2026 in which the pillion rider of a two-wheeler died on the spot. During the course of investigation, the third respondent seized the petitioner's driving licence and forwarded it to the



W.P.No.27210 of 2026

first respondent.

WEB COPY

4. The learned counsel for the petitioner submitted that the third respondent has no statutory authority to seize the driving licence and that such power can be exercised only in accordance with the provisions of the Motor Vehicles Act, 1988. In support of this contention, reliance was placed on the decision of this Court in ***K.Senthilkumar Vs. Inspector of Police, Tirupur District and others***, reported in ***MANU/TN/0133/2023***.

5. The learned Government Counsel, on instructions, submitted that the driving licence was seized by invoking the provisions of Section 19 of the Motor Vehicles Act, 1988, and therefore the action cannot be said to be without statutory authority.

6. Heard the learned counsel appearing on either side.

7. This Court, in ***K.Senthilkumar Vs. Inspector of Police, Tirupur District and others***, after considering the scope of Sections 19(1A) and 206 of the Motor Vehicles Act, 1988, held that the power of the police to seize a driving licence is limited to the circumstances specifically enumerated under Section 206 of the Act. It was further held that seizure of a driving licence is

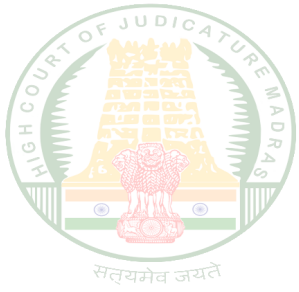


W.P.No.27210 of 2026

not automatic and can be resorted to only after recording reasons in writing

showing that the statutory requirements are satisfied. The Court also held that proceedings under Section 19 of the Act can be initiated by the Licensing Authority on the basis of a report submitted by the police, after giving the licence holder an opportunity of being heard, and that mere registration of an FIR for offences outside the Motor Vehicles Act does not, by itself, confer power on the police to seize the driving licence. Accordingly, the learned Single Judge held that the seizure of the driving licence in that case was without authority of law and directed its return, while reserving liberty to the Licensing Authority to proceed under Section 19 of the Act in accordance with law.

8. The principles laid down in the above decision squarely apply to the facts of the present case. Accordingly, the first respondent is directed to return the petitioner's original driving licence bearing No. TN-33Y20020000461 within a period of one week from the date of receipt of a copy of this order.



W.P.No.27210 of 2026

9. It is, however, open to the respondents to initiate appropriate proceedings against the petitioner in accordance with the provisions of the Motor Vehicles Act, 1988. No costs.

14.07.2026

Speaking / Non-speaking order
Neutral Citation : Yes / No
Index : Yes / No

mk

To

1. The Regional Transport Officer
Tiruppur North
Tiruppur.
2. The Motor Vehicle Inspector
Avinashi
Transport Department
Kaikattiputhur, Perumanallur Main Road
Kalangari, Avinashi
Tiruppur District – 641 654.
3. The Inspector of Police
Thirumurugan Poondi Police Station
Tiruppur City
(Crime No.233/2026)



WEB COPY



W.P.No.27210 of 2026

HEMANT CHANDANGOUDAR, J.,

mk

W.P.No.27210 of 2026

14.07.2026

Page Nos.6/6