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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.28938 of 2026

N.Perumal Petitioner(s)

Vs.

1.Inspector of Police
TIW Tambaram Police station,
Chennai.

2.The Licensing Authority Cum-
Regional Transport Officer,
Tambaram.
Chennai – 45. Respondent(s)

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to return the original driving license (DL No.TN21X-20060006605) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.Durai Gunasekaran for R1
Government Counsel (Crl.Side)
Mr.P.Siddarth for R2
Government Counsel

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ORDER

Mr.Durai Gunasekaran, learned Government Counsel (Crl.Side), accepts notice on behalf of the first respondent and Mr.P.Siddarth, learned Government Counsel, accepts notice on behalf of the second respondent.

2. The petitioner is before this Court seeking a direction to the second respondent to return the original driving license (DL.No.TN21X-20060006605) to the petitioner.

3. A criminal case has been registered against the petitioner in Crime No.0347 of 2026 for the offences punishable under Sections 106(1) & 281 of the Bharatiya Nyaya Sanhita, 2023, alleging that, due to his rash and negligent driving, an accident occurred on 19.06.2026 in which the pillion rider of a two-wheeler died on the spot. During the course of investigation, the first respondent seized the petitioner's driving licence and forwarded it to the second respondent.

4. The learned counsel for the petitioner submitted that the first 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

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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 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

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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 second respondent is directed to return the petitioner's original driving licence (DL.No.TN21X-20060006605) within a period of one week from the date of receipt of a copy of this order.

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.

23.07.2026

(2/2)

Index : Yes/No
Speaking order : Yes/No
dna

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To

1.The Inspector of Police
Oragadam Police station,
Kancheepuram District.

2.The Licensing Authority Cum-
Regional Transport Officer,
Sripermbadhur,
Kancheepuram District.

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HEMANT CHANDANGOUDAR.J.,

dna

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