



W.P.No.29477 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.07.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.29477 of 2026

E.Kathiresan
S/o.Elumalai

... Petitioner

vs.

The Regional Transport Officer and
Licensing Authority
Coimbatore Central
Dr.Balasundaram Road
Coimbatore – 641 018.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 20.07.2026 passed by the respondent in File No.36190/B4/2026 disqualifying the petitioner's original Driving License for a period from 13.07.2026 to 12.08.2026 and consequently, direct the respondent to return forthwith his original driving license bearing Number TN32Z19900000141, without any endorsement and within a specified time.

For Petitioner : Ms.G.K.Dharshini

For Respondent : Mr.M.Sivavarthanan
Government Counsel

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ORDER

WEB COPY Mr. M. Sivavarthan, learned Government Counsel, accepts notice for the respondent.

2. The petitioner has called in question the order dated 20.06.2026 passed by the respondent, whereby he has been disqualified from holding a driving licence for the period from 13.07.2026 to 12.08.2026.

3. The petitioner is a bus driver. A criminal case has been registered against him in Crime No.289 of 2026 for offences punishable under Sections 281 and 106(1) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”), on the allegation that he drove the vehicle in a rash and negligent manner, resulting in a fatal accident. During the course of investigation, the Investigating Officer seized the petitioner’s driving licence and forwarded the same to the respondent–Licensing Authority for initiating proceedings for disqualification or revocation of the licence. Thereafter, the respondent, purportedly in exercise of the power under Section 19(1-A) of the Motor Vehicles Act, 1988 (“MV Act”), passed the impugned order.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondent.

5. The learned Government Counsel would contend that the act attributed to the petitioner constitutes an offence under Section 184(f) of the MV Act. It is submitted that the petitioner was afforded an opportunity of hearing and that, upon being satisfied that he had committed the said offence, the respondent was justified in passing the impugned order under Section 19(1-A) of the MV Act.

6. The question that arises for consideration is whether the respondent could have invoked Section 19(1-A) of the MV Act in the facts of the present case.

7. Section 19(1-A) of the MV Act provides that where a driving licence has been forwarded to the Licensing Authority under sub-section (4) of Section 206, the Licensing Authority, after giving the holder of the driving licence an opportunity of being heard, may either discharge him or, for detailed reasons to be recorded in writing, make an order disqualifying such person from holding or obtaining any licence to drive all or any class or



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description of vehicles specified in the licence—

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- (a) for a first offence, for a period of three months; and
- (b) for a second or subsequent offence, by revoking the driving licence.

8. Section 206(4) of the MV Act provides that a police officer or any other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of Sections 183, 184, 185, 189, 190, 194-C, 194-D or 194-E of the MV Act, seize the driving licence held by such driver and forward it to the Licensing Authority for disqualification or revocation proceedings under Section 19.

9. A conjoint reading of Sections 19(1-A) and 206(4) of the MV Act makes it clear that the jurisdiction of the Licensing Authority under Section 19(1-A) is attracted when the driving licence is seized and forwarded under Section 206(4) on the ground that the driver is believed to have committed one or more of the offences specifically enumerated therein. Thus, the forwarding of the licence under Section 206(4) in relation to an offence specified therein



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is the statutory foundation for exercise of power under Section 19(1-A).

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10. The coordinate bench of this court , vide order dated 07.02.2023 in W.P.No.3393 of 2023, has held that the seizure of the licence to take action under Section 19 is not a mandatory. Irrespective of licence being surrendered or produced before the authorities, the action can be initiated by the authorities under Section 19 on the report submitted by the police. Therefore, this Court is of the view that merely on the basis of the FIR registered, particularly in the other IPC offences, the police officer cannot have power to seize the licence. If at all any action is contemplated under Section 19, they may forward a report to the concerned RTA to take action under Section 19 of the Act. On such report the Licensing Authority is satisfied any of the contingencies in clauses 1(a) to (h) of Section 19 and sub-clause 1A of the Act and after giving an opportunity to the holder of the licence may pass an order as contemplated in Section 19 of the Act. Therefore, the Police Officer has no authority to seize the driving license, and he can only forward a report to the Respondent for taking action under Section 19(1) of MV Act.



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11. In the present case, the material on record indicates that the petitioner's driving licence was seized and forwarded to the respondent in connection with Crime No.289 of 2026 registered for offences punishable under Sections 281 and 106(1) of the BNS. Neither of these offences finds place in Section 206(4) of the MV Act. There is also nothing on record to indicate that, at the time of seizure and forwarding of the licence, the Investigating Officer had invoked Section 184 of the MV Act or recorded that he had reason to believe that the petitioner had committed an offence under any of the provisions enumerated in Section 206(4). Therefore , the seizure of license by the Police Officer is vitiated for want of authority .

12. It is true that the respondent now contends that the conduct alleged against the petitioner would also constitute an offence under Section 184(f) of the MV Act. However, the existence of the jurisdictional requirement under Section 206(4) cannot be supplied subsequently by the Licensing Authority. For exercise of power under Section 19(1-A), the licence must have been seized and forwarded in the manner contemplated under Section 206(4). In the absence of material demonstrating that the licence was so seized and forwarded for an offence specified in Section 206(4), the respondent could not



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have assumed jurisdiction under Section 19(1-A) merely by subsequently treating the alleged conduct as falling under Section 184 of the MV Act.

13. There is yet another infirmity in the impugned order. The petitioner had submitted a detailed explanation to the show-cause notice disputing the allegations and the proposed action. Section 19(1-A) expressly requires the Licensing Authority to afford an opportunity of hearing and, if it proposes to disqualify the licence holder, to record detailed reasons in writing. The requirement of recording reasons necessarily entails consideration of the explanation offered by the licence holder.

14. A perusal of the impugned order does not disclose any consideration of the objections raised by the petitioner. Nor does it assign reasons as to why those objections were unacceptable or on what material the respondent arrived at the conclusion that the petitioner had committed an offence under Section 184(f) of the MV Act. A mere conclusion that the petitioner had committed the offence, without dealing with his explanation and without recording reasons supporting such conclusion, does not satisfy the statutory requirement under Section 19(1-A).



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15. Therefore, the impugned order cannot be sustained on two grounds. Firstly, the jurisdictional requirement for invoking Section 19(1-A), namely seizure and forwarding of the driving licence under Section 206(4) in relation to an offence specified therein, is not shown to have been satisfied. Secondly, the impugned order does not disclose consideration of the petitioner's explanation or the detailed reasons contemplated under Section 19(1-A) of the MV Act.

16. Accordingly, the Writ Petition is allowed and the impugned order dated 20.06.2026 passed by the respondent is hereby quashed. The respondent is directed to return the petitioner's driving licence forthwith.

17. It is, however, made clear that this order shall not preclude the competent authority from taking such action as may be permissible in law against the petitioner, if the statutory requirements for initiation of such proceedings are otherwise satisfied. No costs.

27.07.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

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Note: Upload forthwith

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The Regional Transport Officer and
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HEMANT CHANDANGOUDAR, J.,

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