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W.P.No.25770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25770 of 2024

K.Logeswaran

... Petitioner

Vs

1. Inspector of Police,
Sunguvarchatram Police Station,
Kanchipuram District.

2. The Licensing Authority cum-
Regional Transport Officer,
Sriperambadhur,
Kanchipuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent herein to return the original driving license (DL.No.TN 21 19970002042) to the petitioner forthwith.

For Petitioner	: Mr.K.Hariharan
For R1	: Mr.A.Gopinath Government Advocate (Crl.side)
For R2	: Mr.N.Naveen Kumar Government Advocate



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ORDER

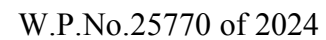
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This writ petition has been filed for direction directing the second respondent herein to return the original driving license (DL.No.TN 21 19970002042) to the petitioner forthwith.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is a Driver of Metropolitan Transport Corporation, Chennai. While being so, on 23.08.2024, when the petitioner was driving the bus, a motor cycle rider overtook the bus in the left hand side and lost his control. Therefore, he fell down, due to which the pillion rider of the two wheeler struck in the rear side wheel of the bus and sustained severe injuries and died in the hospital.

4. Pursuant to the said accident, the first respondent registered FIR in Crime No.455 of 2024 for the offences punishable under Sections 281, 125(a) and 106(1) of Bharatiya Nyaya Sanhita. It is pending for investigation. Pursuant to the registration of FIR, the petitioner was formally arrested and released on bail. However, the original license was



5. It is a settled law that on the basis of the registration of FIR, particularly in BNS offence, the Police Officer cannot have power to seize the license. If at all any action is contemplated under Section 19, they may forward a report to the concerned Regional Transport Authority to take action under Section 19 of the Motor Vehicles Act. The Licensing Authority as per the provisions under Section 19 of the Motor Vehicles Act, after giving an opportunity to the holder of the license may pass an order as contemplated under Section 19 of the Motor Vehicles Act. Therefore, the seizure of license is not valid in the eye of law. Further, the second respondent can invoke the provisions under Section 19(1) of the Motor Vehicles Act, only after giving an opportunity of being heard to the holder of license.



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6. In the case on hand, admittedly it was an accident. The petitioner did not use his license or vehicle to commit any offence. Due to accident, the pillion rider of the two wheeler died due to which, the license of the petitioner was seized by the first respondent and forwarded the same to the second respondent. Only after conviction in the criminal case, the second respondent can initiate proceedings under Section 19 of the Motor Vehicles Act.

7. In view of the above, the first respondent is directed to return the driving license vide DL.No.TN 21 19970002042 to the petitioner, forthwith.

8. Accordingly, this writ petition stands allowed. No costs.

03.09.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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To

1. Inspector of Police,
Sunguvarchatram Police Station,
Kanchipuram District.
2. The Licensing Authority cum-
Regional Transport Officer,
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G.K.ILANTHIRAIYAN. J.

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