



W.P.No.6094 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.6094 of 2025

S.Sivakumar

...Petitioner

-Vs-

1.The Regional Transport Officer,
Peelamedu,
Coimbatore District.

2.The Inspector of Police,
Karumathampatty,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to return the original driving licence No.TN 28Z19910000640 of the petitioner to him forthwith and pass such further orders.

For Petitioner : Mr.K.Hariharan

For R1 : Mr.N.Naveen Kumar
Government Advocate

For R2 : R.Kishore Kumar
Government Advocate



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ORDER

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With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to return the original driving license No.TN 28Z19910000640 of the petitioner to him forthwith.

3. The case of the petitioner is that on 04.01.2025 at about 11.00 AM, the petitioner was driving the bus bearing Regn.No.TN-30-N-1677 on the extreme left side of the road in a careful manner at very slow speed to go to Erode Bus Stand and when the bus was nearing Karumathampatty at that time, an auto Rickshaw negligently did a sudden brake while seeing the passenger/traveler to pick him. Due to the sudden halt in the road, the petitioner tried to stop his vehicle without causing any injuries to his passenger as well as to the passengers in the autorickshaw. The bus rammed into the backside of the autorickshaw and the one passenger who travelled in the autorickshaw fell down, sustained severe injuries and died on the spot. Thus the accident happened, and an F.I.R was registered at Karumathampatty



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Police Station, in Crime No.7/2025 under Sections 281 and 106 (1) and 125

(a) of BNS. On 06.01.2025, the driving license of the petitioner, which was seized by the 2nd respondent, was handed over to the 1st respondent. Thereafter, the petitioner continuously requested the 1st respondent to return his driving license. But the respondents declined to return it. Till date, the 1st respondent illegally retains his driving license. Hence, the present writ petition is filed.

4. Heard both sides and perused the materials available on record.

5. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No.21843 of 2021 dated 06.10.2021, and the relevant portions of the order are extracted hereunder:-

“4. The issue involved in the present writ petition is covered by the earlier order passed by this Court in W.P.(MD) No.8792 of 2021 dated 29.04.2021. The relevant portions of the order are extracted hereunder:-

? 6.The issue that is involved in the present writ petition is squarely covered by the earlier orders passed by this Court, wherein, this Court has consistently taken the view that, without passing orders under Section 19(1) of the Motor Vehicles Act, the original driving licence cannot be permanently impounded. It will be



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useful to extract one such order passed by this Court in W.P.(MD).No.3527 of 2020, dated 21.02.2020.

7. It is settled law that until the licence or any certificate issued by the competent authority is cancelled or suspended or revoked in the manner known to law, it is deemed to be in force. The impounding of licence will come only after passing of the order as per the relevant provisions of the statute, in this case, under Section 19 of the Motor Vehicles, Act, 1988.

8. In similar circumstances, a Division Bench of this Court, in P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul, reported in 201 Writ L.R.100, held that even before passing the order under Section 19 of the Motor Vehicles Act, 1988, if driving licence is impounded, it amounts to pre-determination of the issue and the authority has no jurisdiction to do so.

9. I do also respectfully agree with the views of the Division Bench of this Court and in the instant case, the respondents have no power to impound the driving licence of the petitioner and retain it with him. The petitioner is a driver and he is entitled to use the licence till it is legally cancelled or suspended.

10. In such circumstances, a direction is issued to the first respondent. The Regional Transport Officer, Trichy District, to return the original driving licence bearing D.L.No.TN5019920000594 to the petitioner forthwith, on receipt of a copy of this order.?

5. In view of the above, there shall be a direction to the first respondent to return the original Driving Licence No. TN2819950002495 to the petitioner forthwith on receipt of a copy of this order. With the above directions, this writ petition is disposed of. No costs.”



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6. In view of the above, the 1st respondent is directed to return the original driving license No.TN 28Z19910000640 to the petitioner forthwith on receipt of a copy of this order.

7. In the result, **this writ petition stands disposed of with the above observations and direction.** No costs.

21.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The Regional Transport Officer,
Peelamedu,
Coimbatore District.

2.The Inspector of Police,
Karumathampatty,
Coimbatore District.



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J.SATHYA NARAYANA PRASAD, J.

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