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WP.No.7275 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.7275 of 2025

and

WMP.Nos.8089 & 8090 of 2025

P.Rajendran,
S/o Paul Mony,
No.30, Chelliammaon Koil Street,
Old Perugalathur, Chengalpet District.

Petitioner(s)

Vs

1.The Inspector of Police,
R-4 Pondy Bazaar,
Traffic Investigation Wing,
T.Nagar Chennai South,
Chennai 600 017.

2.The Regional Transport Officer,
Licensing Authority,
Office of the Regional Transport Authority,
RTO - Chennai South,
Thiruvanmiyur, Chennai 41.

Respondent(s)



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 Certiorarified Mandamus, calling for the records pertaining to the order dated 19.02.2025 passed by the second respondent in Show Cause order No.TN 07/2025/366 quash the same and consequently direct the second respondent to return forthwith petitioners original license bearing No.TN 10 19960000618 without any endorsement and thus render justice.

For Petitioner: Mr.S.Sakthivel

For Respondents: Mr.R.Kishore Kumar,
Government Advocate for R1

Mr.E.Veda Bagath Singh,
Special Government Pleader for R2

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 19.02.2025 passed by the second respondent in Show Cause Order No.TN 07/2025/366 quash the same and consequently direct the second respondent to return forthwith petitioner's original license bearing No.TN 10 19960000618 without any endorsement.



2. The petitioner, employed as a driver with the Tamil Nadu State Transport Corporation (Chennai) Ltd. since 2009, was involved in an unfortunate incident on 05.02.2025 while operating bus No.TN 01 N 9154 on Route No.11G. Near Eldams Road signal in Teynampet, a two-wheeler rider fell near the rear side of the bus and later succumbed to injuries. An FIR was registered under FIR No. 40/2025 for alleged offences under Sections 281 and 106(1) of the BNS. Subsequently, the petitioner's original driving license was seized by the police and handed over to the respondent.

3. Learned counsel appearing for the petitioner submits that the petitioner was not responsible for the accident and was not found guilty of any offence. He submits that the registration of an FIR alone, which is still under investigation, cannot justify the seizure of his driving license. He submits that the petitioner has not violated any of the grounds specified under Sections 19(1)(a) to (h), particularly (d) and (f), of the Motor Vehicles Act, 1988. The seizure of his license, without due process, has unjustly affected his livelihood.



4. In support of his contention, the learned counsel would then place reliance on the following orders passed by this Court:

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- a) In W.P.No.23103 of 2021 (P.K.Elavarasu Vs. The Regional Transport Authority, Office of the Regional Transport Authority, Chennai North West, Chennai -102).
- b) In W.P.No.28325 of 2021 (S.Balakrishnan Vs. The Regional Transport Officer, Office of the Regional Transport Authority, Government of Tamil Nadu, Sholinganallur Zone, Chennai – 600 041).
- c) In W.P.No.20508 of 2023 (G.Kumar Vs. The Inspector of Police, Thiruvalem Police Station, Vellore and 2 others).

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

6. The issue that is involved in the present writ petition is squarely covered by the earlier Division Bench judgment of this Court in the case of **P.Sethuraman Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Officer, Dindigul** in 2010 Writ Law Reporter 100. The relevant portions in the judgment are extracted hereunder:



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“5. Section 19(1) of the Motor Vehicles Act, 1988, empowers the Licensing Authority to disqualify a person for holding or obtaining any driving licence for a specified period or to revoke any such licence. Similarly, a Court which convicts a person for an offence under the Act, is empowered by Section 20(1) to disqualify such person from holding a driving licence for a specified period. Section 21 makes a driving licence become suspended, if the holder of the licence had been previously convicted of an offence punishable under Section 184 and a case had been registered against him on the allegation of causing the death or grievous injury to one or more persons by dangerous driving. Section 22 empowers the Court to cancel or suspend the driving licence, upon conviction of a person for an offence under Section 184.

8. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub Section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing.

9. But in the case on hand, the licence of the appellant was impounded or retained by the police immediately after the accident. Thereafter, the respondent issued the show cause notice under Section 19(1) of the Act, after getting a report from the police. Therefore the impounding of the licence has actually preceded the issue of show cause notice.

10. Apart from the above, there is no allegation, either in the notice or in the order impugned in the writ petition, that the appellant is a habitual criminal or habitual drunkard, so as to attract Clause (a) of Section 19(1) of the Act. Similarly, neither the show cause notice nor the order impugned in the writ petition, imputes the appellant with any of the ingredients necessary under Clauses (b) to (h) of Sub Section (1) of Section 19 of the Act. Except stating that as per the report of the Inspector of Police, the appellant was guilty of rash and negligent driving, the impugned order does not indicate the category in Clauses (a) to (h) of Section 19(1), under which the case of the appellant would fall.



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11. The respondent has, in the impugned order, preconcluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accident Claims Tribunal went into the issue. Even to invoke Section 19(1)(c), it is necessary to show that the Motor Vehicle is used in the commission of a cognizable offence. Without making a specific averment regarding the same, the order suspending the driving licence cannot be taken to be passed after due application of mind.”

7. The ratio in the said judgment is squarely applicable to the facts of the present case. Applying the said ratio, the impugned order dated 19.02.2025 passed by the second respondent in Show Cause order No.TN 07/2025/366 is liable to be set aside accordingly the same is hereby set aside. The second respondent is directed to return the petitioner's original license bearing No.TN 10 19960000618 without any endorsement within a period of two weeks from the date of receipt of a copy of this order.

In the result, **the writ petition stands allowed with the above observations and directions.** No costs. Consequently, connected miscellaneous petitions are closed.

17-04-2025

cda

Index:Yes/No

Speaking/Non-speaking order

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To

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J.SATHYA NARAYANA PRASAD J.

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