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W.P.No.8489 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.8489 of 2025

C.Kubendran

S/o.Chinnasamy, 2/178 West Street,
Ammamuthanpatti, Usilampatti Taluk,
Madurai District.

Petitioner(s)

Vs

1. Inspector Police
Dharapuram Police Station, Tiruppur
District.

2.The Licensing Authority Cum
Regional Transport Officer,
Dharapuram, Tiruppur District.

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 Mandamus, directing the 2nd respondent herein to return the original driving licence (DL No. TN05 20100017741) to the petitioner, forthwith.



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For Petitioner : Mr.K.Hariharan
For R1 : Mr.A.Kishore Kumar,
Government Advocate
For R2 : Mr.M.Rajendiran,
Additional Government Pleader

ORDER

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 2nd respondent herein to return the original driving licence (DL.No.TN 0520100017741) to the petitioner, forthwith.

3. The case of the petitioner is that on 16.02.2025 while on duty, when the petitioner was driving the bus bearing Regn.No.TN-38-N-3296 a pedestrian suddenly crossed Dharapuram – Oddanchatram bypass road, and a fatal accident occurred, due to which a pedestrian died. The accident occurred mainly due to negligence of the pedestrian. Pursuant to the accident, the 1st respondent



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registered a case against the petitioner in Crime No.71 of 2025 under Sections 106(1) & 281 of BNS and sent the FIR to the Judicial Magistrate Court, Dharapuram. The 1st respondent, while registering the FIR, collected the original driving licence of the petitioner and retained the same in the police station. On 19.02.2025, the 1st respondent sent the petitioner's original driving licence to the 2nd respondent and recommended to cancel his driving licence for rash and negligent driving. The 2nd respondent has also received his driving licence. On 24.02.2025, the petitioner gave a letter to the 2nd respondent to return the original driving licence, but till date the 2nd respondent has not returned the same to the petitioner. Hence, the 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



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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 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



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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.”

6. In view of the above, the 2nd respondent is directed to return the original driving licence DL.No.TN 0520100017741 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.

12-03-2025

cda

To

1. Inspector Police
Dharapuram Police Station, Tiruppur
District.

2. The Licensing Authority Cum
Regional Transport Officer,
Dharapuram, Tiruppur District.



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J.SATHYA NARAYANA PRASAD J.

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