



W.P.No.10554 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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**CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

Writ Petition No.10554 of 2025

R.Jaganathan

... Petitioner

Vs.

The Regional Transport Officer,
O/o. Regional Transport Office,
Krishnagiri Region,
Krishnagiri District,
Krishnagiri.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to release petitioner's driving license vide Driving License No.TN-29-19960002552 under the custody of the respondent based on petitioner's representation in person, dated 25.01.2025 made to the respondent.

For Petitioner : Mr.T.Dhanasekaran

For Respondent : M/s.R.L.Karthika,
Government Advocate

ORDER

The petitioner has filed this petition to direct the respondents to direct



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the respondent to release petitioner's driving license vide Driving License No.TN-29-19960002552 under the custody of the respondent based on petitioner's representation in person, dated 25.01.2025 made to the respondent.

2. The case of the petitioner is that he is a driver employed with TNSTC Salem Division, was involved in a fatal road accident on 14.01.2025 while driving a bus (Reg.No.TN-29-N-3208), which collided with a two-wheeler (Reg.No.TN-24-BE-6050), resulting in the death of three persons. A case was registered against him in Crime No. 15/2025 by the Bhargur Police. Following the accident, the petitioner's driving license (NoTN-29-19960002552) was seized by his employer and handed over to the respondent. The petitioner claims the accident occurred due to negligence of the two-wheeler rider, a fact allegedly confirmed by the Motor Vehicle inspector. Despite his representation dated 25.01.2025 seeking the return of his license, it remains with the respondent, rendering him unable to work and affecting his livelihood. He now seeks a writ of Mandamus to direct the respondent to release his driving license.



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

4. 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 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,



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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.”?

5. In view of the above, the respondent is directed to return the original driving license No.TN-29-19960002552 to the petitioner forthwith



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on receipt of a copy of this order.

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

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:
The Regional Transport Officer,
O/o. Regional Transport Office,
Krishnagiri Region,
Krishnagiri District,
Krishnagiri.



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J.SATHYA NARAYANA PRASAD,J.

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