



W.P.No.11488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11488 of 2025

M.Sundaran

...Petitioner

-Vs-

1.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.

2.The Licensing Authority cum-
Regional Transport Officer,
Gobichettipalayam,
Erode 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 2nd respondent to return the original driving licence (DL.No.TN 36Z20080000615 to the petitioner forthwith and pass such further orders.

For Petitioner : Mr.K.Hariharan

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

For R2 : Mrs.R.L.Karthika,
Government Advocate



W.P.No.11488 of 2025

ORDER

WEB COPY

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 to return the original driving licence (DL.No.TN36Z20080000615 to the petitioner forthwith.

3. The case of the petitioner is that he is a Driver of the Tamil Nadu State Transport Corporation Coimbatore. On 22.02.2025, when the petitioner was on duty, a fatal accident occurred and a passenger died. The 1st respondent registered a case in Crime No.82 of 2025 under Sections 106(1) and 281 of BNS. The 1st respondent collected the original driving licence of the petitioner and sent the same to the 2nd respondent to take action against the petitioner's driving licence. Since the criminal case is in the FIR stage, the 2nd respondent has not taken any action against the driving licence. On 25.02.2025, the petitioner sent a representation to the 2nd respondent to return the licence but till date, the licence has not been returned to the petitioner. Hence, the present writ petition is filed.

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



W.P.No.11488 of 2025

WEB COPY

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 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



WEB COPY



W.P.No.11488 of 2025

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.”

6. In view of the above, the 2nd respondent is directed to return the original driving license (DL.No.TN36Z20080000615 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.

28.03.2025

cda

Index : Yes/No

Speaking/Non Speaking order



W.P.No.11488 of 2025

WEB COPY

To

- 1.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.
- 2.The Licensing Authority cum-
Regional Transport Officer,
Gobichettipalayam,
Erode District.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.11488 of 2025

W.P.No.11488 of 2025

28.03.2025