



W.P.No.13877 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.13877 of 2025

K.Arul Murugan

... Petitioner

Vs.

1.The Regional Transport Officer,
Tindivanam,
Villupuram District.

2.The Inspector of Police,
Marakkanam,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing first respondent to return the original driving license No: TN31U19950000034 of the petitioner to him forthwith.

For Petitioner : Mr.K.Hariharan

For Respondent 1 : M/s.P.Aishwarya,
Government Advocate

For Respondent 2 : Mr.R.Kishorekumar,
Government Advocate



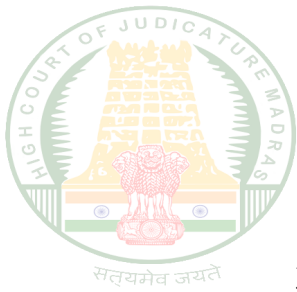
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ORDER

The petitioner has filed this petition to direct the first respondent to return the original driving license No: TN31U19950000034 of the petitioner to him forthwith.

2. The case of the petitioner is that on 30.03.2025, at around 10.15 a.m., the petitioner was driving a bus bearing Registration No.TN-01-AN-4335 along the extreme left side of ECR Road, from Thirunallar to Chennai road, slowly and carefully. Near Marakkanam Theerthavari road, a two-wheeler bearing registration No. PY-02-W-2976, ridden rashly and negligently by one Raghavan with Dinesh as the pillion rider collided with the bus, resulting in the death of Dinesh on spot. FIR was registered in Crime No.110/2025 at Marakkanam Police Station under Section 281, 125(a), and 106(1) of the Bharathiya Nyaya Sanhitha. The petitioner's driving license seized by the second respondent, was handed over to the first respondent on 01.04.2025. Despite repeated requests, the license has not been returned till date. Hence, this writ petition.



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3. Heard the learned counsel on either side 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 202, 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



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this Court, in P.Sethuramn 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 first respondent is directed to return the original driving license No: TN31U19950000034 to the petitioner forthwith 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:

1.The Regional Transport Officer,
Tindivanam,
Villupuram District.

2.The Inspector of Police,
Marakkanam,
Villupuram District.



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J.SATHYA NARAYANA PRASAD,J.

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