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W.P.No.14559 of 2025



DATED: 17.06.2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14559 of 2025

S.Karunakaran,
Son of Srinivasan,
Aged 49 Years,
No.32, West Street, Avvai Nagar,
Choolaimedu, Chennai - 600 094.

...Petitioner

Vs

1.The Inspector of Police,
Traffic Investigation Wing (TIW),
K-10, Koyambedu Police Station,
Koyambedu, Chennai - 600 107.

2.The Regional Transport Officer,
Regional Transport Officer,
Poonamallee, Chennai - 600 056.

... 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 second respondent to return the Petitioner's original Driving License bearing DL No.TN32 19950000643 forthwith and pass such further orders.



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For Petitioner: M/s.J.Lakshmi Narayanan

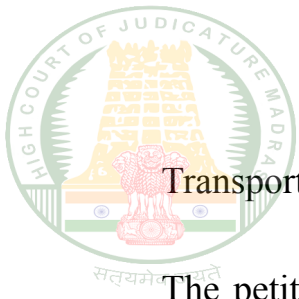
For Respondents: Mr.V.Subbiah,
Government Advocate for R1

M/s.P.Aishwarya,
Government Advocate for R2

ORDER

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to return the petitioner's original driving license bearing DL No. TN32 19950000643 forthwith.

2. The case of the petitioner is that the petitioner is employed as a Driver Cum Conductor with the State Express Transport Corporation, Tamil Nadu. On 04.04.2025, while driving the bus from Koyembedu to Bengaluru, a fatal accident occurred involving a two-wheeler, resulting in the death of a pillion rider. A case was registered against the petitioner under Sections 106(1) and 281 of the BNS, and the investigation is still pending. Following the FIR, the petitioner's original driving license was collected and forwarded to the Regional



Transport Officer (RTO), Poonamallee, with a recommendation for cancellation.

The petitioner was also temporarily suspended from service and now requires the license to resume his job. Despite submitting a representation dated 12.04.2025, requesting the return of his license, no action has been taken.

3. The learned counsel for the petitioner relying on the order of this Hon'ble Court in W.P.(MD).No.8792 of 2021 dated 29.04.2021 submitted that unless the authority legally suspends or cancels the license by following the due process of law, he cannot retain it.

4. Heard both sides and perused the materials available on record. With the consent of both counsels the main writ petition is taken up for disposal.

5. It is seen that identical issue came up for consideration before this Court in W.P.No.21843 of 2021. The relevant portions of the order dated 06.10.2021 in W.P.No.21843 of 2021 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 receipt of a copy of this order.”

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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 similarity of facts and law with the above case, the second respondent is directed to return the original driving license bearing DL No.TN32 19950000643 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.

17.06.2025

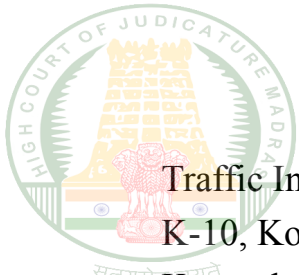
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Index: Yes/No

Speaking/Non-speaking order

To

1.The Inspector of Police,



Traffic Investigation Wing (TIW),
K-10, Koyambedu Police Station,
Koyambedu, Chennai - 600 107.

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2.The Regional Transport Officer,
Regional Transport Officer, Poonamallee,
Chennai - 600 056.

N. MALA, J.

dpq/cda

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