



WP No. 18148 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-05-2025

CORAM

THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN

WP No. 18148 of 2025 AND
WMP NO. 20324 OF 2025, WMP NO. 20321 OF 2025

S.Abdulhai

... Petitioner

Vs

The Regional Transport Officer
Motor Vehicles Inspector Licensing
Authority Transport Department
Chidambaram, Cuddalore District

... Respondentt

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent dated 29.04.2025 in his proceedings dated 29.04.2025 in TN91/2025/304 served on 03.05.2025, quash the same and consequently direct the respondent to return the petitioner original driving license no.TN31 19960000655 forthwith by considering petitioners representation dated 30.04.2025

For Petitioner : R.Prabakar

For Respondent: Mr.L.S.M.Hasan Faizal
Additional Government Pleader



WP No. 18148 of 2025

WEB COPY

ORDER

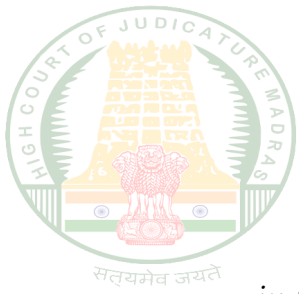
Heard both sides.

2. The petitioner is employed as a driver in a private stage carriage transport bus. The bus, which he was driving was involved in an accident on 14.04.2025. In this regard, Crime No.106 of 2025 was registered on the file of Chidambaram Taluk Police Station. The petitioner's original Driving Licence was also impounded by the respondent. Seeking return of the same, the petitioner has filed this writ petition. The petitioner has also challenged the suspension order dated 29.04.2025 passed by the respondent.

3. Learned counsel for the petitioner draws my attention to the order dated 27.04.2018 made in W.P.(MD) No.8738 of 2018. The factual matrix obtaining in this case and the said writ petition are similar. A learned Judge of this Court allowed the said writ petition on the following terms.

" 4. 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.

5. In similar circumstances, a Division Bench of this Court,



WP No. 18148 of 2025

WEB COPY

in Sethuraman vs. Regional Transport Officer reported in 2010 WLR 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.

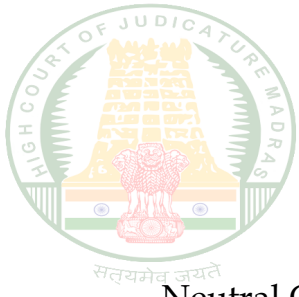
6. I do also respectfully agree with the views of the Division Bench of this Court and in the instant case, the respondent has no power to impound the driving licence of the petitioner and retain it with him. The petitioner is a driver and he is entitled to use the licence till it is legally cancelled or suspended.

7. In such circumstances, a direction is issued to the respondent - Regional Transport Officer, Thanjavur, Thanjavur District, to return the original driving licence bearing No.TN/46/DLR/0001901/2015 to the petitioner forthwith, on receipt of a copy of this order."

4. Adopting the very same approach, the proceedings impugned in the writ petition stands quashed. The respondent is directed to return the driving licence bearing No. TN31 19960000655 to the petitioner forthwith. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

15-05-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes



WP No. 18148 of 2025

Neutral Citation: Yes/No
KST

G.R.SWAMINATHAN J.

KST

To

1. The Regional Transport Officer
Motor Vehicles Inspector Licensing
Authority Transport Department
Chidambaram, Cuddalore District

WP No. 18148 of 2025



WEB COPY



WP No. 18148 of 2025

15-05-2025