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W.P.No.24198 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.24198 of 2025

M. Vijayakumar

...Petitioner

Vs

1. Inspector of police,
T-2, Chrompet TIW Chitlapakkam Police Station,
Chennai - 64.

2. The Licensing Authority cum-
Regional Transport Officer,
Kundrathur, Chennai – 69.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to return the original driving licence(DL.No.TN74 19960000652) to the petitioner forthwith and pass orders.

For Petitioner : Mr.K. Hariharan

For Respondent- 1 : Mr.J. Subbiah
Government Advocate(Crl side)

For Respondent-2 : Mr. M. Shajakhan
Special Government Pleader

ORDER

Mr.J. Subbiah, Government Advocate(Crl side) takes notice for the first respondent. Mr.M.Shajakhan, Special Government Pleader takes notice for the second respondent.



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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed seeking for a Writ of Mandamus directing the second respondent herein to return the original driving licence(DL.No.TN74 19960000652) to the petitioner forthwith.

4. The petitioner is a driver in the Metropolitan Transport Corporation, Chennai. On 11.06.2025 the petitioner bus met with a fatal accident in which a pedestrian died. The first respondent registered a criminal case against the petitioner in Crime No.216 of 2025 under Section 106(1) & 281 of BNS. At the time of registering the FIR the first respondent collected the driving licence of the petitioner and forwarded the same to the second respondent. Aggrieved by the seizure of the original driving licence of the petitioner by the second respondent, the petitioner has filed the above writ petition for the above relief.



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5. The learned counsel for the petitioner relying on the division Bench Judgment of this Court in the case of ***P. Sethuraman Vs The Licensing Authority, The Regional Transport Office, Dindigul in W.A.(MD) No.364 of 2009 dated 30.07.2009*** submitted that unless the concerned individual was convicted by the Criminal Court, the respondent had no right to seize the original driving licence. The relevant portion of the Judgment is extracted hereunder:

11. The respondent has, in the impugned order, preconcluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accident Claims Tribunal went into the issue. Even to invoke Section 19(1)(c), it is necessary to show that the Motor Vehicle is used in the commission of a cognizable offence. Without making a specific averment regarding the same, the order suspending the Driving Licence cannot be taken to be passed after due application in mind.

12. In view of the above, the Writ Appeal is allowed, the order of the learned Judge is set aside and the Writ Petition is allowed. The Respondent is directed to return Driving Licence of the appellant, within a week of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Act, arises later or if any of the Rules as prescribed by the Central Government in



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pursuance of Section 19(1)(f) are vitiated. No costs. Consequently, the connected miscellaneous petition is closed.

6. I am of the view that the aforesaid Judgment applies to the facts of the present case. Therefore, a direction is issued to the second respondent to return the driving licence of the appellant within a period of one week from the date of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) are violated.

7. This writ petition is accordingly allowed. However, there shall be no order as to costs.

07.07.2025

smn

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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To.

1. Inspector of police,
T-2, Chrompet TIW Chitlapakkam Police Station,
Chennai - 64.

2. The Licensing Authority cum-
Regional Transport Officer,
Kundrathur, Chennai – 69.

3. The Public Prosecutor,
High Court of Madras



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N.MALA,J.

Smn

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