

W.P No. 31071 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP No. 31071 of 2025

N. Vignesh
S/o. Nagappan

...Petitioner

Vs

1. Inspector of Police,
Periyanaickanpalayam Police Station,
Coimbatore District.

2.The Licensing Authority-Cum-
Regional Transport Officer,
Mettupalayam,
Coimbatore District.

..Respondents

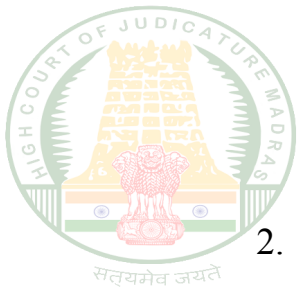
Writ Petition is filed under Article 226 of Constitution of India for issuance of writ of mandamus, directing the 2nd respondent to return the original driving license (DL No. TN-4020120003638) to the petitioner forthwith.

For Petitioner: Mr. K. Hariharan

For Respondents: Dr.C.E. Pratap, GA(Crl.side) – R1
Mr.V.Manoharan, AGP - R2

ORDER

This Writ Petition is filed seeking for a writ of mandamus, directing the 2nd respondent to return the original driving license (DL No. TN-4020120003638) to the petitioner forthwith.



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2. By consent of both parties, this writ petition is taken up for final

WEB disposal at the stage of admission itself.

3. The petitioner states that he is a private bus driver, and that on 07.07.2025, while he was on duty, one of the passengers suddenly stood up from his seat in the moving bus, lost his balance, fell down, and died. The petitioner states that the said accident occurred solely due to the negligence of the deceased passenger, and that he was not responsible for the same. However, a case was registered against him in Crime No. 398 of 2025 under Sections 106(1) and 281 of the BNS. The petitioner states that while registering the case against him, the 1st respondent seized his original driving licence and forwarded the same to the 2nd respondent. Owing to such seizure, the petitioner's management refused to assign him duty, rendering him unemployed. Aggrieved by the seizure of his original driving licence by the 2nd respondent, the petitioner filed the present writ petition seeking the aforesaid relief.

4. 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 petitioner was convicted by the competent Criminal Court, the respondent could not predetermine the issue and seize the petitioner's original driving licence. The learned counsel hence prayed



that the writ petition be allowed.

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5. I heard both counsels and perused the records.

6. The facts are undisputed and hence, to avoid prolixity, the same are not traversed. The Hon'ble Division 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***, held as follows:-

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

7. The facts in the aforesaid Division Bench judgment are identical and hence, the judgment squarely applies to this case. Hence, following the aforesaid judgment, a direction is issued to the second respondent to return the



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driving licence of the petitioner within a period of one week from the date of

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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.

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

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Index : Yes/No
Internet : Yes/No
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To

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Coimbatore District.

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N. MALA, J.

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