



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

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THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 32232 of 2025

1. A.S.Kumar

S/o.Sadayapethar, 50-a, Navithankottai,
Mettur Dam, Salem District

Petitioner(s)

Vs

1. Inspector Of Police

Annur Police Station, Coimbatore
District

2.The Licensing Authority Cum

Regional Transport Officer,
Mettupalayam, Coimbatore District

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India praying
for issuance of a writ of mandamus directing the 2nd respondent herein to return
the original driving licence (DL.No.TN27-Y-19970000335) to the petitioner
forthwith



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For Petitioner(s): Mr.K.Hariharan
H.Vallabh Narayan

For Respondent: Dr.C.E.Pratap, GA[CrI.Side]
for R1
Mrs.C.Meeera Arumugam, AGP
for R2

ORDER

(1) M\Dr.C.E.Pratap, learned Government Advocate [CrI.Side] accepts notice on behalf of the 1st respondent and Mrs.C.Meera Arumugam, learned Additional Government Pleader accepts notice on behalf of the 2nd respondent. With the consent of the learned counsels on either side, the main writ petition is taken up for final disposal at the admission stage itself.

(2) The writ petition is filed for a mandamus directing the 2nd respondent to return the original driving licence of the petitioner forthwith.

(3) The petitioner is a driver of Tamil Nadu State Transport Corporation. While so, on 17.07.2025, when the petitioner was driving the Transport Corporation Bus, a major accident occurred in which a motorcyclist died. The petitioner states that the 1st respondent therefore registered a criminal case in Cr.No.360/2025 for the offences under Sections 106[1] and 281 of BNS. The



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petitioner further states that the 1st respondent while registering the FIR, collected the driving licence of the petitioner and forwarded the same to the

2nd respondent to take action for cancellation of the driving licence. The petitioner further states that as the petitioner's original licence was seized by the 1st respondent, the Management of the Transport Corporation refused to give the petitioner any duty and therefore, the petitioner was left without employment. The petitioner, under the aforesaid circumstances, having no alternate remedy, filed the above writ petition for the aforesaid relief.

(4) The learned counsel for the petitioner submits that under identical facts, this Court, relying on the judgment of a Division Bench of this Court, allowed a writ petition in WP.No.24198/2025 vide order dated 07.07.2025.

(5) Heard the learned counsels on either side and also perused the materials placed on record.

(6) As rightly pointed out by the learned counsel for the petitioner, on the identical facts, this Court in WP.No.24198/2025 has held as follows:-

"5.The learned counsel for the petitioner relying on the Division Bench Judgment of this Court in the case of



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P.Sethuraman Vs. The Licensing Authority, the Regional Transport Office, Dindigul in WA[MD].No.364/2009 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 Single 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 violated. No



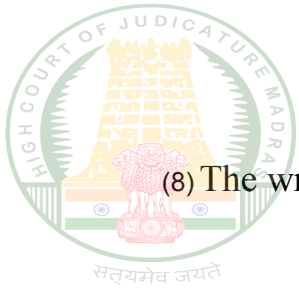
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costs. Consequently, the connected miscellaneous petition is closed."

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 2nd 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) Following the aforesaid order, a direction is issued to the 2nd respondent herein to return the petitioner's original driving licence 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.



(8) The writ petition is accordingly **allowed**. No costs.

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AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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District

2. The Licensing Authority Cum

Regional Transport Officer,

Mettupalayam, Coimbatore District



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N.MALA J.

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