



WEB COPY

WP No. 48660 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-12-2025**

CORAM

**THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN**

**WP No. 48660 of 2025**

M.Palanivel

Petitioner(s)

Vs.

1. The Inspector of Police  
T2 T1W Chrompet Police Station,  
Chennai-64.

2.The Licensing Authority Cum  
Regional Transport Officer,  
Tambaram, Chennai-45

Respondent(s)

**PRAYER**

directing the 2<sup>nd</sup> Respondent herein to return the original driving license (DL No.TN21 19990002465) to the petitioner forthwith.

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

For Respondent(s): Mr.M.Shajahan, SGP (R2)  
Mr.V.Meghanathan, GA, (R1)

**O R D E R**

Heard Mr. K.Hariharan for the petitioner and Mr.V.Meghanathan for the 1<sup>st</sup> respondent and Mr. M.Shajahan for the 2<sup>nd</sup> respondent.



2. The petitioner is a driver with the Metropolitan Transport Corporation.

The petitioner was driving vehicle bearing No. TN01-AN-5062. While the vehicle was plying near the Tambaram GST Road, the petitioner alleges that a motor-cyclist dashed against the bus and fell down and passed away in the accident.

3. Taking note of the fatality of the accident, the 1<sup>st</sup> respondent registered a case in Crime No. 334 of 2025. The FIR was registered under Sections 106 and 281 of Bharatiya Nyaya Sanhita of 2023.

4. During the course of the investigation, the petitioner surrendered his original license to the 1<sup>st</sup> respondent. On 14.10.2025, the 1<sup>st</sup> respondent sent the license to the 2<sup>nd</sup> respondent to initiate action. The 2<sup>nd</sup> respondent issued a show cause notice on 24.10.2025 calling upon the petitioner as to why action should not be taken for his alleged negligent act of driving. The petitioner gave a response on 03.11.2025. Despite the receipt of the response, the license of the petitioner seems to have been suspended.

5. Mr. Hariharan relying upon the judgment of the Division Bench of this Court in *P.Sethuraman -vs- Licensing Authority* reported in **2010 WLR Page No.100** pleads that in case of a fatal accident, action with regard to the license of the driver of the offending vehicle can be initiated only after the criminal



proceedings have been concluded. He states that in this case nothing further has progressed beyond the filing of the FIR.

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6.Mr.V.Meghanathan appearing for the 1<sup>st</sup> respondent states that immediately after the registration of the FIR, the concerned Station Officer has initiated an investigation and the same is pending. He accepts that the license was received by the 1<sup>st</sup> respondent and forwarded to the 2<sup>nd</sup> respondent for appropriate action.

7.Mr.M.Shajahan appearing for 2<sup>nd</sup> respondent states that a request was made by the 1<sup>st</sup> respondent on 16.10.2025 enclosing the FIR. The 2<sup>nd</sup> respondent had perused the same and concluded that the petitioner is facing a criminal proceedings under Section 281, 125(a) and 106(b) of Bharatiya Nyaya Sanhita of 2023. In terms of the Motor Vehicles Act and the Rules made thereunder, as the 2<sup>nd</sup> respondent is the Licensing Authority, he had issued a show cause notice to the petitioner. The petitioner also submitted his reply. The 2<sup>nd</sup> respondent, after perusal of the reply, did not find any merits in the reply and consequently, passed an order revoking /suspending the license of the petitioner from 16.10.2025 to 15.01.2026. On the strength of these proceedings, Mr.M.Shajahan urges that the writ petition deserves dismissal.



8. I have carefully considered the submission of both sides and also I have gone through the records.

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9. As early as in 2010, a Division Bench of this Court in ***P.Sethuraman -vs- Licensing Authority*** reported in ***2010 WLR Page No.100*** has held as follows:-

*“8. A bare reading of Section 19(1) shows that the Licensing Authority has the power to revoke any licence or disqualify a person for a specified period from holding or obtaining a driving licence, if any of the contingencies prescribed in Clauses (a) to (h) of Sub Section (1) of Section 19 arises. Moreover, the power under Section 19(1) can be invoked only after giving an opportunity of being heard to the holder of the licence and for reasons to be recorded in writing.*

*9. But in the case on hand, the licence of the appellant was impounded or retained by the police immediately after the accident. Thereafter, the respondent issued the show cause notice under Section 19(1) of the Act, after getting a report from the police. Therefore the impounding of the licence has actually preceded the issue of show cause notice.*

*10. Apart from the above, there is no allegation, either in the notice or in the order impugned in the writ petition, that the appellant is a habitual criminal or habitual drunkard, so as to attract Clause (a) of Section 19(1) of the Act. Similarly, neither the show cause notice nor the order impugned in the writ petition, imputes the appellant with any of the ingredients necessary under*



*Clauses (b) to (h) of Sub Section (1) of Section 19 of the Act. Except stating that as per the report of the Inspector of Police, the appellant was guilty of rash and negligent driving, the impugned order does not indicate the category in Clauses (a) to (h) of Section 19(1), under which the case of the appellant would fall.”*

10.A perusal of the same shows that the guilt of the petitioner has to be concluded first, and only thereafter, the proceedings can be initiated. The guilt of the petitioner can be conclusively arrived at only post the criminal proceedings.

11.The petitioner does not fall within the category of 19-(a) of the Motor Vehicles Act. A conclusive determination can be arrived at, as pointed out by the Bench, only post the criminal proceedings. That being the position as laid down by the Division Bench, I am not in a position to sustain the order passed by the 2<sup>nd</sup> respondent in proceedings No. 74241/B3/2025 dated 10.11.2025. The proceedings are quashed.

12.There shall be a direction to the 2<sup>nd</sup> respondent to return the original license of the petitioner forthwith.

13.Immediately on passing the order, Mr.M.Shajahan has produced the driving license of the writ petitioner and Mr.Hariharan has received the same



and has duly acknowledged the receipt. As the grievance of the petitioner has been addressed, no further orders are necessary.

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14.The writ petition is allowed. No costs.

12-12-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

*Maya*

To

1.The Inspector Of Police  
T2 T1W Chrompet Police Station, Chennai-64.

2.The Licensing Authority Cum Regional  
Transport Officer,  
Tambaram, Chennai-45



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**V.LAKSHMINARAYANAN J.**

*Maya*

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