



W.P.(MD)No.5280 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5280 of 2025

T.Edwin Jose

: Petitioner

Vs.

1. The Regional Transport Officer,
The Regional Transport Office,
Thirumangalam, Madurai District.

2. The Inspector of Police,
Thirumangalam Town Police,
Thirumangalam, Madurai District.
(Crime No.356/2024)

3. The Regional Transport Officer,
Regional Transport Office,
Poonamalle, Chennai – 600 056.
(*suo motu* impleaded by this order)

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to forthwith return the petitioners original driving license bearing No. TN20Y20120003995 to him within a time limit that may be fixed by this Court.

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 & R3

Mr.K.Gnanasekaran



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Government Advocate for R2

ORDER

This writ petition has been filed seeking for a direction to the first respondent to return the driving license bearing D.L.No. TN20Y20120003995, forthwith.

2. The learned Additional Government Pleader brought to the notice of this Court that following the seizure of the driving license, the same has now been handed over to the Regional Transport Officer, Poonamalle, Chennai. He requested this Court to implead the said authority as a respondent. In the light of this, “The Regional Transport Officer, Poonamalle, Chennai – 600 056” is hereby *suo-motu* impleaded as the third respondent.

3. Heard the learned counsel for the petitioner; the learned Additional Government Pleader, appearing on behalf of the first and third respondents and the learned Government Advocate, appearing on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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4.The petitioner, while driving his car bearing Registration No. TN 85 P 6031, lost control and veered onto the service road. As a result of this incident, an elderly person and a minor girl were injured and later, both succumbed to their injuries. In pursuant to the said accident, an FIR has been registered against the petitioner in Crime No.356 of 2024 on the file of the second respondent for the offence punishable under Sections 281 and 106(1) of BNS, 2023. Pursuant to the registration of the FIR, the driving licence of the petitioner was seized by the second respondent and handed over to the first respondent. Now, the petitioner was issued with show cause notice dated 16.09.2024 so as to why the driving licence could not be cancelled for the accident committed by the petitioner. Subsequently, the petitioner submitted an explanation and sought for return of the driving licence.

5. In this regard, it is relevant to extract the provision under Section 19(1) of the Motor Vehicles Act, 1988:

“19. Power of licensing authority to disqualify
from holding a driving licence or revoke such licence.—

(1) If a licensing authority is satisfied, after giving the



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holder of a driving licence an opportunity of being heard,
that he—

(a) is a habitual criminal or a habitual drunkard; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(c) is using or has used a motor vehicle in the commission of a cognizable offence; or

(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or

(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation; or

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of



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section 22; or

(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care, it may, for reasons to be recorded in writing, make an order—

(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or

(ii) revoke any such licence.”

6. Thus, it is clear that the licensing authority has no power to revoke any license or disqualify the person for a specified period from holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence, if any of the contingencies (a) to (h) of Section 19 (1) of the Motor Vehicles Act, 1988 arise. This power can be invoked only for the reasons stated to be on record in writing.



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7. In the case on hand, the petitioner had committed the accident, due to which, a case has been registered against the petitioner. Therefore, no circumstance warrants to revoke or suspend the licence, when the criminal case is pending at the FIR stage. If the petitioner is convicted by the criminal Court, then such circumstance would arise to pass orders to revoke or suspend the licence, that too after giving an opportunity of hearing to the petitioner. Therefore, the third respondent has no authority to retain the licence when the criminal case is pending at the FIR stage.

8. In view of the above, the third respondent is directed to return the original driving licence of the petitioner bearing D.L.No. TN20Y20120003995 to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

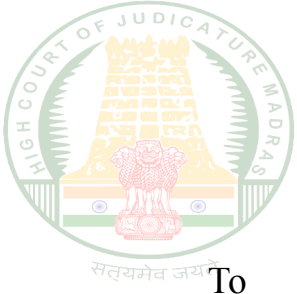
9. With the above direction, this writ petition is allowed. No costs.

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Index : Yes / No

Internet : Yes / No

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To

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VIVEK KUMAR SINGH, J.

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