



W.P.(MD)No.5652 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5652 of 2025

K.Moovendran

... Petitioner

-VS-

1.The Regional Transport Officer,
The Regional Transport Office,
Madurai (South) Zone, Madurai.

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukottai, Madurai District.
(Crime No.492/2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to forthwith return the petitioners original driving license bearing No.TN 59 19900000356 to him within a time limit that may be fixed by this Court.

For Petitioner

: Mr.N.Pragalathan

For R1

: Mr.C.Venkateshkumar
Special Government Pleader

For R2

: Mr.K.Gnanasekaran
Government Advocate (Criminal side)



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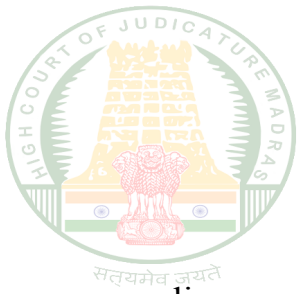
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ORDER

This writ petition has been filed seeking a direction to the first respondent to return the driving licence of the petitioner, bearing No.TN 59 19900000356 forthwith.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner submits that a case was registered against him in Crime No.492 of 2024 for the offences under Sections 281 and 125(a) of the B.N.S., 2023 by the second respondent Police on 30.12.2024, alleging that on the same day, at about 05:30 a.m., one Alagusundaram sustained injuries due to the petitioner's rash and negligent riding of the two wheeler and was admitted in the hospital. While taking treatment, the said Alagusundaram died. Subsequently, the offence was altered into under Section 106 of the B.N.S., 2023. Pursuant to the registration of the F.I.R., 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 07.02.2025 so as to why the driving



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licence of the petitioner should not be disqualified for a period not less than three months for the accident committed by him. Subsequently, the petitioner submitted an explanation and sought for return of the driving licence.

4. 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 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



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(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 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."

5. Thus, it is clear that the licensing authority has no power to revoke any licence 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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6. 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 F.I.R. 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 first respondent has no authority to retain the licence when the criminal case is pending at the F.I.R. stage.

7. In view of the above, the first respondent is directed to return the original driving licence of the petitioner bearing No.TN 59 19900000356 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is allowed. No costs.

NCC : Yes / No
Index : Yes / No

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To:-

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- 2.The Inspector of Police,
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Nagamalai Pudukottai, Madurai District.



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VIVEK KUMAR SINGH, J.

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