



W.P(MD)No.15410 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.15410 of 2025

Seenivasan

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Sivagangai – 630561.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai 630561.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents forthwith to return the petitioner's Driving lincense in order to protect the livelihood of the petitioner in DL.No.TN63-20000002059, dated 26.09.2000, based on the petitioner's representation, dated 22.05.2025, within a stipulated time that may be fixed by this Court.

For Petitioner

: Mr.R.Senthil Kumar

For R1

: Mr.D.Ghandiraj
Special Government Pleader



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For R2

: Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to return the driving license of the petitioner bearing DL.No.TN63-20000002059, dated 26.09.2000, based on the petitioner's representation, dated 22.05.2025.

2. It is informed by the learned counsel for the respondents that the proceedings are pending before the respondents. However, it is noticed that the Division Bench of this Court in ***P.Sethuraman Vs. The Licensing Authority reported in (2010) 2 MLJ 778*** has dealt with this issue and held as under:

“ 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 subsection (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.



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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.

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 of mind.”

3. This view was followed by this Court in the case of one **P.Mahalingam Vs. The Regional Transport Officer and Licensing Authority and another in W.P.(MD).No.5341 of 2022** vide order dated 25.03.2022.

4. Under these circumstance, Writ Petition is disposed by directing the respondents to return the license to the petitioner with a consequential direction to the respondents to complete the enquiry as expeditiously as possible. Subject



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to final outcome of the enquiry proceedings further steps may be taken for
seizing the license of the petitioner.

5. The Writ Petition stands disposed of with the above direction. No costs.

12.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Regional Transport Officer,
Regional Transport Office,
Sivagangai – 630561.
- 2.The Inspector of Police,
Sivagangai Taluk Police Station,
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C.SARAVANAN, J.

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