



W.P(MD)No.15882 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.15882 of 2025

and

WMP(MD)Nos.12032 and 12033 of 2025

V.Velusamy

... Petitioner

Vs.

1.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

2.The Regional Transport Officer,
Licensing Authority,
Office of the Regional Transport Authority,
RTO – Thirumangalam,
Madurai – 625 532.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 13.05.2025 passed by the second respondent in File No.TN58Z/2025/684 quash the same and consequently direct the second respondent to return forthwith the license of the petitioner bearing No.TN 36 20020001993 without any endorsement within a stipulated time frame fixed by this Court.



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For Petitioner : M/s.P.Sivaranjini
For Mr.P.Thanga Prithvi Rajan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R3 : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has challenged the impugned show cause notice, dated 13.05.2025 issued by the second respondent in File No.TN58Z/2025/684 and for a consequential direction to the second respondent to return the petitioner's licence bearing No.TN 36 20020001993 forthwith.

2. The petitioner appears to be a Driver appointed by the Tamil Nadu State Transport Corporation (Coimbatore Division), who while making a trip between Nagercoil and Tripur on 03.05.2025 in the bus bearing Registration No.TN-39-N-0479 caused an accident resulting in the fatal death of a victim, who was riding a two wheeler bearing Registration No.TN-67-BK-5769 at Sivarkottai S.P.Natham Junction. An FIR has been registered in Crime No.85 of 2025 for the alleged offences under Section 281, 106(1) of BNS Act.



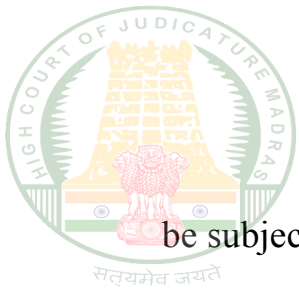
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3. It is the case of the petitioner that the second respondent has no authority to seize or confiscate the licence, as held by the Division Bench of this Court in the case of ***P.Sethuraman Vs.The Licensing Authority reported in 2010 Writ Law Reporter 100*** ,wherein, at Paragraph No.8, it was 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.”

4. In similar circumstances, this Court has followed the aforesaid decision in several cases. As no orders have been passed deviating from the said order, there shall be direction to the second respondent to return the driving licence of the petitioner forthwith. Since the petitioner has been issued a show cause notice on 13.05.2025 by the second respondent, the petitioner shall submit a reply to the same within a period of 15 days from the date of receipt of a copy of this order. The second respondent thereafter pass final orders on merits. The confiscation of the petitioner's driving licence shall



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be subject to the final outcome of the order to be passed in the aforesaid show
cause notice.

5. The writ petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

12.06.2025

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

- 1.The Inspector of Police,
Kallikudi Police Station,
Madurai District.
- 2.The Regional Transport Officer,
Licensing Authority,
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C.SARAVANAN, J.

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