



W.P.(MD) No.17180 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17180 of 2025

K.Sathish

... Petitioner

Vs

1. The Regional Transport Officer,
Valliyur,
Tirunelveli District.

2. The Inspector of Police,
Panagudi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the first respondent to return the original driving license no. TN 76 20140004037 of the petitioner to him forthwith

For petitioner : Mr. A.Balaji

For respondents : Mr.R.Suresh Kumar
Additional Government Pleader for R1



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Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R2

ORDER

This Writ Petition is filed for a Mandamus to direct the first respondent to return the original driving license no. TN 76 20140004037 of the petitioner to him forthwith.

2. The issue is covered by the decision of the Hon'ble Division Bench of this Court in ***P.Sethuraman Vs. The Licensing Authority, Dindigul*** reported in ***[2010] WLR 100***, wherein it has been 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 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



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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.

12. In view of the above, the Writ Appeal is allowed, the order of the learned Judge is set aside and the writ petition is allowed. The respondent is directed to return the driving licence of the appellant, within a week of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any of the contingencies specified in Clauses (a) to (h) of Section 19(1) of the Act, arises later or if any of the Rules as prescribed by the Central Government in pursuance of Section 19(1)(f) are violated. No costs. Consequently, connected miscellaneous petition is closed.”

3. Although the aforesaid decision was rendered in the year 2010, there are specific amendments to the provisions of the Motor Vehicle Act, 1988, particularly in Section 19(1)(a) and Section 206(4) of the Act. They read as under:



Section 19(1)(a)	Section 206(4)
19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence. - (1A) Where a licence has been forwarded to the licensing authority under sub-section (4) of section 206, the licensing authority, if satisfied after giving the holder of the driving licence an opportunity of being heard, may either discharge the holder of a driving licence or, it may for detailed reasons recorded in writing, make an order disqualifying such person from holding or obtaining any licence to drive all or any class or description of vehicles specified in the licence -(a)for a first offence, for a period of three months;(b)for a second or subsequent offence, with revocation of the driving licence of such person:Provided that where a driving licence is revoked under this section, the name of the holder of such driving licence may be placed in the public domain in such manner as may be prescribed by the Central Government.	206. Power of police officer to impound document. - (4) A police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of sections 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under section 19: Provided that the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him.

4. A reading the above provisions indicate that still notice has to be issued before the licence can be seized or confiscated.

5. Considering the same, there shall be a direction to the respondents to



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return the licence of the petitioner immediately, without prejudice to the rights of the respondents to take appropriate action under Section 19 of the Motor Vehicles Act, 1988.

6. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

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To
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C.SARAVANAN, J.

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