



W.P.(MD) No.23191 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.23191 of 2025

C.Chezhil

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Srirangam, Trichy District.

2.The Inspector of Police,
Manikandam Police Station,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to return the petitioner's driving license bearing D.L.No.TN48 20080001545 forthwith.

For Petitioner : Mr.S.Arunachalam

For R1 : Mr.D.Ghandiraj
Special Government Pleader

For R2 : Mr.M.Vaikam Karunanidhi
Government Advocate (Crl. Side)



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ORDER

WEB COPY The petitioner was involved in a road accident on 30.07.2025, pursuant to which an F.I.R. was registered against the petitioner in Crime No.377 of 2025 by the second respondent, for offences under Sections 281 and 106(1) of the Bharatiya Nyaya Sanhita, 2023. Following the incident, the petitioner's driving licence was seized by the second respondent.

2. The learned counsel for the petitioner relied on several decisions of this Court, including the judgment in **P.Sethuraman vs. The Licensing Authority, 2010 (2) MLJ 778**, which has been followed in subsequent cases.

3. On the other hand, learned Special Government Pleader for the first respondent submitted that a show cause notice dated 13.08.2025 was issued by the first respondent and the same was received by the petitioner on 20.08.2025. In **P.Sethuraman's case** (cited supra), this Court held as follows:-

"11. The respondent has, in the impugned order, preconcluded the issue that the appellant is guilty of rash and



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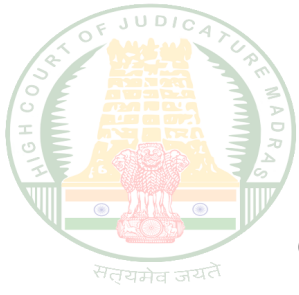
negligent driving, even before the Criminal Court or the Motor Accident Claims Tribunal went into the issue. Even to invoke Section 19(1)(c), it is necessary to show that the Motor Vehicle is used in the commission of a cognizable offence. Without making a specific averment regarding the same, the order suspending the Driving Licence cannot be taken to be passed after due application of mind."

4. The aforesaid view has been consistently followed by this Court in several subsequent decisions, including:-

(i) **P.Mahalingam vs. The Regional Transport Officer and Licensing Authority and another** [W.P.(MD)No. 5341 of 2022, decided on 25.03.2022]; and

(ii) **M.Saravanan vs. The Regional Transport Officer, Kumbakonam, Thanjavur District and another** [W.P.(MD)No.16452 of 2025, decided on 20.06.2025].

5. In view of the above, there shall be a direction to the first respondent to return the petitioner's driving licence upon adjudication of the show cause notice dated 13.08.2025. The said show cause notice shall be adjudicated within a period of two weeks from the date of receipt of a copy of this order.



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6. Accordingly, the Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

Speaking Order / Non-Speaking Order

To

1.The Regional Transport Officer,
The Regional Transport Office,
Srirangam, Trichy District.

2.The Inspector of Police,
Manikandam Police Station,
Trichy District.



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C.SARAVANAN, J.

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