



W.P(MD)No.23581 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23581 of 2025

G.Kalidass

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Rajapalayam,
Virudhunagar District.

2.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to return petitioner's original driving license within a time limit that may be fixed by this Court.

For Petitioner : Ms.D.Ramya

For Respondents : Mr.M.Lingadurai

Spl. Government Pleader for R1.
Mr.Albert James,
Government Advocate (Crl. Side) for R2.



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ORDER

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Heard both sides.

2.The writ petitioner is employed as a Driver in a public transport corporation on daily wages. The bus driven by him on 04.08.2025 met with a fatal accident. In this regard, Crime No.414 of 2025 was registered by the second respondent under Sections 281 and 106(1) of BNS Act, 2023. The second respondent seized the petitioner's original driving license and handed over the same to the first respondent.

3.The petitioner seeks return of the said original license. Since his request was not considered, the present writ petition has been filed.

4.The learned Special Government Pleader points out that the first respondent had already issued show cause notice and that the next hearing date is on 12.09.2025. The petitioner through his counsel undertakes to appear before the first respondent on the said date.

5.Section 19(1) of the Motor Vehicles Act reads as follows:-



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“19.Power of licensing authority to disqualify from holding a driving licence or revoke such licence:--(1) If a licensing authority is satisfied, ater 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 narcot drgu 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

(f) has committed any such act which is likely to cause nuisance or danger to public, as may be prescribed by the Central Government, having regard to the objects of this Act;

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 hqs 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



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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.”

6.The case on hand is covered by several earlier orders. The learned counsel for the writ petitioner has drawn my attention to the order dated 20.12.2024 made in W.P.(MD)No.30997 of 2024 (N.Karthi Vs. The Regional Transport Officer, Srivilliputhur, Virudhunagar District). Paragraph Nos.4, 5 and 6 of the said order read as follows:-

“4.It says that the licensing authority has the power to revoke any license or disqualify the person for a specified period from holding or obtaining any driving license to drive all or any classes or descriptions of vehicles specified in the license, if any of the contingencies A to H of Sub-Section (1) of Section 19 arise. This power can be invoked only for the reasons stated to be on record in writing.

5.Admittedly, the Petitioner had committed the accident, due to which, an FIR has been registered against the Petitioner. In pursuant to the Registration of FIR, license of the Petitioner was seized by the second respondent. No circumstances warrants to revoke or sustain the license, when the case is pending on the stage of FIR. If the Petitioner is affected by the Criminal case, then a circumstance would arise, that too, after



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giving an opportunity of hearing to the Petitioner and pass orders. Therefore the respondents cannot seize the license of the Petitioner when no authority to possess the license of the Petitioner.

6.In view of the above, the first respondent is directed to return the original license of the Petitioner within a period of two weeks from the date of receipt of a copy of this order.”

7.This writ petition is allowed on these terms. No costs.

01.09.2025

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

- 1.The Regional Transport Officer,
The Regional Transport Office,
Rajapalayam,
Virudhunagar District.
- 2.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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