



W.P(MD)No.26297 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.26297 of 2025

M.Kubendran

... Petitioner

Vs

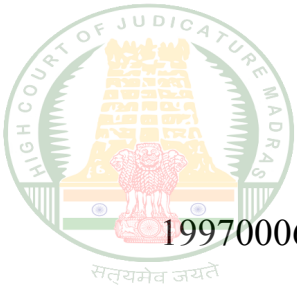
1. The Regional Transport Officer,
Madurai South,
Keezhakuyilkudi,
Nagamalai Pudhukottai Taluk,
Madurai.

2. The Motor Vehicle Inspector,,
Transport Department,
Usilampatti,
Madurai District.

3. The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.
(Crime No.149/2025)

... 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 to
forthwith return the petitioners original Driving License bearing No.TN 58



W.P(MD)No.26297 of 2025

19970006892 to the petitioner.

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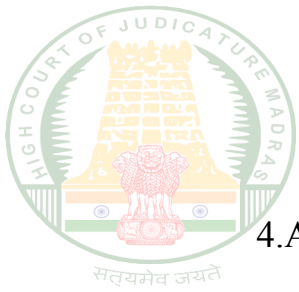
For Petitioner : Mr.A.Rahul,
For Respondent : Mr.M.Gangatharan (R1-R2)
Government Advocate
: Mr.A.Albert James (R3)
Government Advocate (crl.Side)

ORDER

Heard both sides.

2.The writ petitioner is a Driver employed in a public transport Corporation. The bus driven by him was met with a fatal accident on 04.09.2025, for which, an FIR in Crime No.149 of 2025 was registered by the third respondent. The petitioner's original driving licence was seized on the same day and handed over to the first respondent. Seeking return of the same, this writ petition has been filed.

3.The issue raised in the writ petition is no longer *res integra*.



W.P(MD)No.26297 of 2025

4.A Hon'ble Division Bench of this Court in the decision reported in

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2010 Writ L.R. 100 (P.Sethuram v. The Licensing Authority, The Regional

Transport Officer, Dindigul) has held as follows:-

“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.”

5.Respectfully adopting the same approach, I direct the respondents 1 and 2 to return the petitioner's driving licence forthwith without any delay.

6.With the above direction, the writ petition stands allowed. No costs.

23.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LR



W.P(MD)No.26297 of 2025

Note: Issue order copy on 24.09.2025

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To

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W.P(MD)No.26297 of 2025

G.R.SWAMINATHAN, J.

LR

W.P(MD).No.26297 of 2025

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