



W.P(MD)No.32887 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.32887 of 2025

P.Sivakumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli 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 first respondent to return the petitioner's original driving license No. (TN74Z20030006322) within a time limit that may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier



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For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2

ORDER

Heard both sides.

2.The petitioner is employed in TNSTC. The vehicle driven by him met with an accident on 12.10.2025. Crime No.342 of 2025 was registered by the second respondent. The second respondent seized the original driving license of the petitioner and handed over the same to the first respondent. The petitioner seeks return of the same.

3.The issue raised in this writ petition is no longer *res integra*. The Hon'ble Division Bench in the decision reported in ***2010 Writ Law Reporter 100 (P.Sethuraman Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul)*** had held as follows:



“5. Section 19(1) of the Motor Vehicles Act, 1988, empowers the Licensing Authority to disqualify a person for holding or obtaining any driving licence for a specified period or to revoke any such licence. Similarly, a Court which convicts a person for an offence under the Act, is empowered by Section 20(1) to disqualify such person from holding a driving licence for a specified period. Section 21 makes a driving licence become suspended, if the holder of the licence had been previously convicted of an offence punishable under Section 184 and a case had been registered against him on the allegation of causing the death or grievous injury to one or more persons by dangerous driving. Section 22 empowers the Court to cancel or suspend the driving licence, upon conviction of a person for an offence under Section 184.

...

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 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



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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.In this view of the matter, the first respondent is directed to return the petitioner's original driving license to the petitioner forthwith and without any delay.

5.This Writ Petition is allowed accordingly. No costs.

18.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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

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2.The Inspector of Police,
Moondradaippu Police Station,
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