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W.P.(MD)NO.34173 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.11.2025

PRONOUNCED ON : 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.34173 of 2025

S.Saran Raj

... Petitioner

Vs.

1. The Regional Transport Officer(R.T.O.),
Keezhapalur,
Ariyalur District.

2. The Regional Transport Officer(R.T.O.),
Lalgudi Town & Taluk,
Tiruchirappalli District.

3. The Inspector of Police,
Lalgudi police station,
Tiruchirappalli District.

4. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Tiruchirappalli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to forthwith return the petitioner's original driving license bearing No.TN 46 20060001821 which has been illegally withheld.



For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.M.Gangatharan,
Government Advocate for R-1 & R-2.

Mr.A.Albert James,
Government Advocate for R-3.

Mr.K.Ramaiah for R-4.

* * *

ORDER

Heard both sides.

2. The writ petitioner is employed as a driver in the Tamil Nadu State Transport Corporation(Kumbakonam) Ltd., Trichy. On 18.10.2025, a bus bearing Registration No.TN 45 N 4485 driven by him plying in Jeyankondam-Trichy route met with a fatal accident. FIR in Crime No.836 of 2025 was registered against the petitioner by the third respondent police for the offences under Sections 281 and 125(a) of BNS, 2023. On the same day, the original driving license of the petitioner was seized by the third respondent police and thereafter, the same was handed over to the respondents 1 and 2.



The fourth respondent also issued suspension order dated 23.10.2025. The petitioner sought return of his license. Since it was not returned, the present writ of mandamus has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He relied on the following decisions in support of his contentions:-

(a) 2022 SCC OnLine Mad 5627 (T.V.Muruganantham Vs. Regional Transport Officer)

(b) 2021 SCC OnLine Mad 13633 (Thirugnanam Vs. Motor Vehicles Inspector)

(c) 2023 SCC OnLine Mad 6570 (Thirugnanam Vs. Regional Transport Authority)

(d) 2023 SCC OnLine Mad 2402 (C.Periyasamy Vs. Licensing Authority/ Regional Transport Officer)

4. The licensing authority has not passed any final order under Section 19(1-A) of the Motor Vehicles Act, 1988. Vide order dated **15.12.2025 in W.P.(MD)No.34734 of 2025 (M.Selvarajan Vs.**



The Regional Transport Officer, Thirumangalam, Madurai

District and one other), I had held that the power under Section 19(1-A) of the Motor Vehicles Act, 1988 can be exercised by the licensing authority only if the parameters laid down in Section 206(4) of the Act are fulfilled. The relevant extracts are as follows:

“Section 19 (1-A) of the Motor Vehicles Act should be construed as enabling the licensing authority to exercise his power only when the situation ie. where a license has been forwarded to him under subsection 4 of Section 206 is present. If such a situation is absent, then the power cannot be exercised. It is a jurisdictional fact. If the jurisdictional fact is not satisfied, the power of disqualification cannot be exercised. Power under Section 19(1A) of the Act can be exercised only where the driving license has been forwarded under Section 206 (4) of the Act. Mere forwarding is not sufficient. It must also be shown that power under Section 206(4) was properly exercised. That would also form part of the jurisdictional fact to be established. Unless the aforesaid condition is satisfied, no adverse order can be passed under Section 19(1-A) of the Act.”



As regards the exercise of power of seizure under Section 206(4) of the Act, I had held as follows:

"Before exercising the power of seizure, the police officer will have to refer to solid reasons for confirming his belief that the license holder had committed the offence in question. The seizure must follow the confirmation of belief. The aforesaid section does not state that seizure can be effected if the authority has a reason to think. It does not depend upon the authority's arbitrary opinion. He must have a reason to believe which must have a rational connection or a relevant bearing to the formation of the belief. This confirmation of belief must be reduced in writing. Only thereafter, the driving license can be seized and not otherwise. Seizure has to follow the formation of belief. It cannot precede. License is like a cart while reason to believe is like a horse. The cart cannot be placed before the horse. After such confirmation of belief and seizure, the original driving license must be forwarded to the licensing authority and it is then for the licensing authority to follow the procedure set out in Section 19 of the Act."

It is seen that the license in this case was mechanically forwarded by the second respondent and there has been no recording of the reason to believe that the petitioner had committed the offences referred to



in the provision. This is a jurisdictional fact. Since the jurisdictional fact is absent, the licensing authority is directed to return the original driving license to the petitioner forthwith and without any delay.

This writ petition stands allowed. No costs.

16.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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