



WEB COPY



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W.P.(MD)NO.34450 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.34450 of 2025

R.Perumal

... Petitioner

Vs.

1. The Regional Transport Officer,
Unit Office,
Usilampatti,
Madurai District.

2. The Inspector of Police,
Chekkanurani police station,
Madurai District
Crime No.305 of 2025.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to return back the petitioner's original driving license bearing TN 60 19900000251 forthwith within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.M.Lingadurai,
Special Government Pleader for R-1.
Mr.A.Albert James,
Government Advocate for R-2.

* * *

**ORDER**

Heard both sides.

2. The writ petitioner is employed as a driver in the Tamil Nadu State Transport Corporation, Dindigul. On 17.10.2025, a bus bearing Registration No.TN 57 N 2497 driven by him plying in Madurai-Bodi route met with a fatal accident. Crime No.305 of 2025 was registered against the petitioner by the second respondent police for the offences under Sections 281 and 106(1) of BNS, 2023. The original driving license of the petitioner was seized by the second respondent police and thereafter, the same was handed over to the first respondent. The first respondent issued show cause notice dated 23.10.2025 and the writ petitioner furnished his explanation on 03.11.2025. The petitioner sought return of his license. Since it was not returned, the present writ of mandamus has been filed.

3. 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. 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



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G.R.SWAMINATHAN,J.

PMU

To:

1. The Regional Transport Officer,
Unit Office,
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Madurai District.
2. The Inspector of Police,
Chekkanurani police station,
Madurai District

W.P.(MD)No.34450 of 2025

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