



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 336 of 2026

1. R.Selvaganapathy

Petitioner(s)

Vs

1. Inspector of Police
TIW Tambaram Police station, Chennai

2.The Licensing Authority cum-
Regional Transport officer,
Chengalpattu

Respondent(s)

PRAYER

directing the 2nd respondent herein to return the original driving license (DL No.TN32Y19930001570)to the petitioner forthwith

For Petitioner(s): Mr.K.Hariharan

For Respondent(s): Mr.Shajahan, SGP(R2)
Mr.Meganathan (R1)

ORDER

Heard Mr.K.Hariharan for the petitioner, Mr.Meganathan for 1st respondent and Mr.M.Shajahan for 2nd respondent.

2.The petitioner is an employee of the Tamil Nadu State Transport Corporation (TNSTC). He was assigned to drive a vehicle bearing registration



No. TN32 -N4012 by his employer. During the course of his employment, on 10.12.2025 the vehicle met with an accident. On account of the accident, one of the persons involved in the accident passed away. Hence, the 1st respondent registered a complaint in Crime No. 703/ 2025 under Sections 281, 106(1), and 125(a) of Bharatiya Nyaya Sanhita, 2023 read with Sections 134 and 187 of the Motor Vehicles Act. The petitioner was summoned for investigation and was called upon to produce his driving license. He also did so. The 1st respondent, taking note of the fact that it is the case of fatality, forwarded the petitioner's license to the 2nd respondent to initiate appropriate proceedings. Since the petitioner has been deprived of his driving license, his employer is not giving him any duty. Hence, he is before this Court.

3. Mr.K.Hariharan, relying upon the judgment of the Division Bench of this Court in *P.Sethuraman -vs- Licensing Authority* reported in **2010 WLR Page No.100 [DB]** pleads that in case of a fatal accident, action with regard to the license of the driver of the offending vehicle can be initiated only after the criminal proceedings have been concluded. He states that as on today, the police has not filed charge sheet and the matter is still at the stage of investigation. Hence, he requests this Court to apply the aforesaid judgment and pass appropriate orders.



4. Mr.Meganathan, appearing for the 1st respondent, pleads that the 1st respondent took up the investigation after it was brought to his notice that the accident resulted in a fatality. The police registered an FIR immediately seizing the license of the petitioner and forwarded the same to the 2nd respondent.

5. Mr.M.Shajahan, appearing for the 2nd respondent states that the 2nd respondent is duty bound to initiate proceedings in terms of the Motor Vehicles Act and the Rules made thereunder. When it is found that the licensee was driving the offending vehicle, then the question of returning the license does not arise.

6. I have carefully considered the submissions of both sides. I have gone through the records.

7. The issue presented in this writ petition is no longer *res integra*. It is well settled by the judgment, which has been referred to by Mr.K.Hariharan cited *supra*. The Division Bench has held that in case of fatal accident, the authority can initiate action against the licensee, only after the Court dealing with the criminal proceedings finds the licensee guilty. Admittedly, in this case, the proceedings are still at the stage of investigation. By applying the said



judgment to the facts of the present case, the petitioner will be entitled for his license to be returned.

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8. Accordingly, there shall be a direction to the 2nd respondent to return the original license of the petitioner forthwith.

9. Immediately on passing the order, Mr.M.Shajahan produced the driving license of the writ petitioner. Mr.K.Hariharan has received and has duly acknowledged the same. As the grievance of the petitioner has been addressed, no further orders are necessary.

10.The writ petition is allowed. No costs.

08-01-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

Maya

To

1.Inspector of Police
TIW Tambaram Police Station,
Chennai.

2.The Licensing Authority-cum-
Regional Transport officer,
Chengalpattu.



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V.LAKSHMINARAYANAN J.

Maya

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