



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 338 of 2026

M.Ramesh

Petitioner(s)

Vs

1.Inspector of Police
Uthukuli Police Station,
Tiruppur District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Avinashi, Tiruppur District.

Respondent(s)

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India to issue writ of Mandamus, directing the 2nd respondent herein to return the original driving license (DL No.TN33 19960002561) to the petitioner forthwith.

For Petitioner(s): Mr.K.Hariharan

For Respondent(s): Mr.M.Shajahan
Special Government Pleader



ORDER

WEB COPY Heard Mr.K.Hariharan, learned counsel for the petitioner and Mr.M.Shajahan, learned Special Government Pleader for the respondents.

2. The petitioner is an employee of the Tamil Nadu State Transport Corporation (TNSTC). He was assigned to drive a vehicle bearing Registration No.TN 33 N 3357 by his employer. During the course of his employment, on 25.12.2025, 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.650 of 2025 under Sections 281, 125(a) and 106(2) of Bharatiya Nyaya Sanhita, 2023. The petitioner was summoned for investigation. He was called upon to produce his driving license. He did so. The 1st respondent, taking note of the fact that it is a 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 assigning him any duty. Hence, he is before this Court.

3. Mr.K.Hariharan, relying on the judgment of a Division Bench of this Court in *P.Sethuram vs. The Licensing Authority, The Regional Transport Officer, Dindigul [2010 Writ. L.R. 100]*, 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 are concluded. He states that as on today, the Police have not filed a charge sheet and the matter is still under investigation. Hence, he requests this Court to apply the aforesaid judgment and pass appropriate orders.

4. Mr.M.Shajahan pleads that the 1st respondent took up the investigation after it was brought to his notice that accident resulted in a fatality. The Police registered an F.I.R. immediately, seized the license of the petitioner, and forwarded the same to the 2nd respondent.

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

6. I have carefully considered the submission 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 held that in case of a fatal accident, the licensing 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.

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

9. With the above direction, the Writ Petition stands disposed of. No costs.

09-01-2026

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

Jeni



To

1. The Inspector of Police
Uthukuli Police Station,
Tiruppur District.

2. The Licensing Authority-cum-
Regional Transport Officer, Avinashi,
Tiruppur District.



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V.LAKSHMINARAYANAN J.

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