



WEB COPY

WP No. 5340 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 5340 of 2026

K. Nandakumar

..Petitioner(s)

Vs.

1. Inspector of Police
TIW Adayar Police Station,
Chennai.
2. The Licencing Authority cum-
Regional Transport Officer,
Chennai South, Thiruvanmiyur,
Chennai-110.

..Respondent(s)

Prayer : This petition has been filed under Article 226 of the Constitution of India, directing the second respondent herein to return the original driving license (DL No.TN09 2002007664) to the petitioner forthwith.

For Petitioner(s):	Mr.K.Hariharan
For Respondent(s):	Mrs.C.Meera Arumugham, AGP (R2) Mr.Meghanathan, GA (Crl.Side) (R1)

ORDER

Heard Mr.K.Hariharan, for the petitioner, Mr.Meghanathan, learned Government Advocate (Criminal Side), who takes notice for the first respondent and Mrs.C.Meera Arumugham, learned Additional Government Pleader, who takes notice for the second respondent.



2. The petitioner is a driver with the Metropolitan Transport Corporation (MTC). He was assigned to drive a vehicle bearing registration No. TN01-AN-0820 by his employer. During the course of his employment, on 25.01.2026, the vehicle met with an accident.

3. According to the petitioner, when the bus was nearing Velachery bus stand, a pedestrian suddenly crossed the road without noticing the bus coming on the main road and was knocked down. It resulted in the pedestrian's death. Hence, the 1st respondent registered a complaint in Crime No. 32 of 2026 under Sections 106 and 281 of Bharatiya Nyaya Sanhita, 2023. At the time of registration of the complaint, the police collected the original driving license from the petitioner. The first respondent forwarded the same to the second respondent for the purpose of taking further action.

4. The second respondent issued a show cause notice on 30.01.2026, which was suitably replied by the petitioner on 02.02.2026. Since the petitioner has been deprived of his driving license, his employer is not giving him any duty. Hence, he is before this Court.

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



6. The issue that has been raised in the present writ petition is covered by the judgment of a Division Bench of this Court in ***P.Sethuraman -vs- Licensing Authority*** reported in ***2010 WLR Page No.100 [DB]***. In terms of the judgment, in case of fatal accidents, 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.

7. Accordingly, there shall be a direction to the second respondent to return the original license of the petitioner forthwith.

8. Immediately on passing the order, Mrs.C.Meera Arumugam produced the original driving license of the writ petitioner. Mr. K.Hariharan has received and has duly acknowledged the same.

9. As the grievance of the petitioner has been addressed, no further orders are necessary.

10. It is needless to add, in case of conviction of the petitioner in the criminal proceedings, the second respondent is entitled to proceed in terms of the Motor Vehicles Act and the Rules made thereunder.



11. The writ petition is ordered. No costs.

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Maya

To

1. Inspector of Police
TIW Adayar Police Station,
Chennai.
2. The Licencing Authority cum-
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Chennai South, Thiruvanmiyur, Chennai-110.



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V.LAKSHMINARAYANAN, J.

Maya

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