

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO: 36792 OF 2024

Between:

Mr. Peddolla Ganga Reddy, S/o: Ganga Reddy, Aged 58 Years,
Occ: Agriculture, H.No - 3-36/2, Erajpalle, Bodhan, Nizamabad, Telangana -
503185

...PETITIONER

AND

1. Union of India, Ministry of External Affairs, rep by its Secretary
2. Passport Officer, Regional Passport Office, Hyderabad D. No. B-2-215 To
219, Kummarguda, Secunderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 2nd Respondent in not considering the passport application vide application number HY4067131152524 dated 19.11.2024 towards issuance of new passport by issuing a notice vide letter ref.no OBJ/320254961/24 dated 13.12.2024 is illegal, arbitrary, violation of principles of natural justice and violation of Article 21 of Indian Constitution and consequently direct to the 2nd Respondent to issue new passport considering the passport application vide application number HY4067131152524 dated 19.11.2024.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to consider passport application vide application number HY4067131152524 dated 19.11.2024.

Counsel for the Petitioner: SRI P. ANWESH REDDY

**Counsel for the Respondents: MS. N.V. R. RAJYA LAKSHMI, REPRESENTING
SRI GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA**

The Court made the following: ORDER

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION No.36792 OF 2024

Mr. P. Anwesh Reddy, learned counsel for the petitioner.

Ms.N.V.R.Rajya Lakshmi, learned counsel representing Mr.Gadi Praveen Kumar,
Deputy Solicitor General of India, for respondent Nos.1 and 2.

ORDER:

The present writ petition has been filed by the petitioner challenging the action of the respondent No.2-Regional Passport Officer in not issuing a fresh passport and for a direction on the respondent No.2 to process the petitioner's application for issuing a fresh passport.

2. The respondent authorities are represented.
3. After hearing learned counsel appearing for the petitioner as well as the respondents, it appears that the issue was considered by two Co-ordinate Benches in W.P.Nos.8697 of 2023 and 22218 of 2024. Both the learned Single Judges referred to the judgment of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation*¹ and came to the finding that mere pendency of criminal case cannot be a ground to decline the renewal of passport. The petitioner before the Court is also willing to cooperate with the pending proceedings. This Court also finds factual similarities between the present case and *Vangala Kasturi*

¹ 2020 Cr.L.J.(SC) 572

Rangacharyulu (supra) where the Hon'ble Supreme Court held that the Passport Authority cannot refuse the renewal of passport on the ground of pendency of criminal proceedings and accordingly directed the Passport Authority to renew the passport of the petitioners without raising objection relating to pendency of criminal proceedings.

4. This Court is accordingly of the view that the Writ Petition can be disposed of by directing the respondent No.2 to take steps for issuance of fresh passport to the petitioner in due compliance of the findings of the Hon'ble Supreme Court in *Vangala Kasturi Rangacharyulu's* case (*supra*). The petitioner shall however comply with the following conditions:

(i) The petitioner shall submit an undertaking along with an affidavit before the learned Judicial II Class Magistrate at Bodhan in S.T.C.No.7755 of 2024 stating that the petitioner will not leave India during pendency of the said case without permission of the Court and that the petitioner will cooperate with the Trial Court in concluding the criminal proceedings.

(ii) The Trial Court shall issue a certified copy of the undertaking and affidavit within 2 weeks from the date of filing of the undertaking.

(iii) The petitioner shall submit the certified copy of the aforesaid undertaking before the concerned Passport Officer for consideration of his application for issuance of fresh passport.

(iv) The Passport Authority shall consider the documents in the light of the observations made by the Court as well as the undertaking and other documents filed by the petitioner. The petitioner shall also be at liberty to rely on the decisions in this regard.

(v) The petitioner shall be at liberty to file an application before the learned Judicial II Class Magistrate at Bodhan seeking permission to travel outside India. The learned Judicial II Class Magistrate at Bodhan shall consider the same in accordance with law.

5. W.P.No.36792 of 2024 is disposed of in terms of the above. Interim orders, if any, shall stand vacated and all connected applications are disposed of. There shall be no order as to costs.

**SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. Union of India, Ministry of External Affairs
2. Passport Officer, Regional Passport Office, Hyderabad D. No. B-2-215 To 219, Kummarguda, Secunderabad
3. One CC to Sri P. Anwesh Reddy, Advocate [OPUC]
4. One CC to Sri Gadi Praveen Kumar Dy. Solicitor gen. Of India [OPUC]
5. Two CD Copies

TJ
GJP

[Signature]

HIGH COURT

DATED:31/12/2024

ORDER

WP.No.36792 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(7)

kp
6/1/25