IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 11843 OF 2026

Between:

D.Hanumantha Rayudu, S/o. D.Sri Rama Chandra Murthy, Age 62 years, Retired Government Servant, R/o. A406, Vidyut Arcade, Kousalya Colony, Bachupally, Medchal-Malkajgiri District.

...PETITIONER

AND

1. The Union of India,, Rep. by its Secretary, Ministry of External Affairs,- PSP Division, Patiala House Annexe, Tilak Marg, New Delhi.
2. The Regional Passport Officer, Telangana, D.No.8-2-215 to 219, Near Prashanth Theater, Kummarguda, Secunderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.
4. The Station House Officer, Police Station, Bachupally, Medchal-Malkajgiri District.

...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 a writ order or direction especially one in the nature of Writ of Mandamus declaring that a)the action of the Respondent No.2 in ruing Letter vide Hy3085012094126 dated 10.04.2025/10.04.2926 rejecting the PCC application of the petitioner dated 18.03.2026 is illegal and arbitrary and contrary to office memorandum issued in GSR 570(E) dated 25.08.1993 and office memorandum dated 10.10.2019. b)further declare that the respondents shall issue PCC to the

petitioner to allow him to travel to US for attending the graduate ceremony of his daughter in pursuance of orders passed by Special Judge for Trail of Cases under PC Act, Rajamahendravaram in Crl.M.P.No.638 of 2025 in CC No.168 of 2018 dated 31.10.2025.

I.A. NO: 1 OF 2026

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 Respondents No.1 & 2 to immediately take steps to issue PCC (Police Clearance Certificate) to the petitioner by suspending the operation of Letter No. HY3085012094126 dated 10.04.2026 (wrongly typed as 10.04.2025) pending disposal of the Writ Petition.

I.A. NO: 2 OF 2026

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 Respondents No.3 and 4 especially P.S. Bachupally to send a Police Clearance Certificate Report to the Regional Passport Officer, Hyderabad for issuing a PCC to the petitioner for submitting the same to the US Consulate General at Hyderabad for the purpose of issuance of VISA pending disposal of the Writ Petition

Counsel for the Petitioner: SRI M. SURENDHER RAO, REPRESENTING SRI. M VASUDEVA RAO

Counsel for the Respondents: SRI. N BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.: GP FOR HOME

The Court made the following: ORDER

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 11843 OF 2026

29.04.2026

Between:

D. Hanumantha Rayudu

..... Petitioner

And

The Union of India,
Rep. by its Secretary,
Ministry of External Affairs
& others

..... Respondents

O R D E R:

Petitioner states that while he was working as STO, Office of District Treasury, Eluru, West Godavari District, FIR No. 6 of 2015 was registered by P.S. ACB, West Godavari on 27.04.2025 which was subsequently registered as C.C.No. 168 of 2018 on the file of the Special Judge for Trial of Cases under Prevention of Corruption Act and so far, no schedule for trial has been given.

1.1. While so, to attend his son's graduation ceremony, petitioner is stated to have filed Crl.M.P.No. 600 of 2019 wherein the learned Special Judge passed the order dated 28.11.2019 permitting him to go USA from the 1st week of May 2020 to 1st week of August 2020, subject to certain conditions.

At that time, he applied for issuance of passport and the Regional Passport Authority, Hyderabad issued passport for the period 09.12.2019 to 08.12.2020. Now, again, petitioner wants to go USA to attend graduation ceremony of his daughter who pursued Masters there. Therefore, he is stated to have filed Crl.M.P.No. 638 of 2025 seeking permission to leave India for the said purpose. The learned Special Judge permitted him from 01.03.2026 to 30.06.2026, on furnishing an undertaking that his counsel would cooperate with the trial and that he would return India on or before 30.06.2026 and also furnishing a personal bond for Rs.50,000/- with one surety.

1.2. Petitioner contends, on his Application, the Regional Passport Officer issued passport for the period 23.01.2026 to 22.01.2027, however, the Consulate General of USA, Hyderabad refused the VISA Application requiring him to submit police certificate and he received a mail to do the needful. Immediately, petitioner is stated to have made *on line* Application dated 18.03.2026 to the Passport Authority which requested Bachupally Police to issue police clearance certificate. However, PS Bachupally with reference to the letter dated 10.04.2025 regarding PCC Application dated 18.03.2026, informed that PCC is a certificate indicating police clearance but police authorities have not recommended for issuance of PCC

stating that 'the applicant facing charges in FIR No. 6 of 2016 under Section PC Act, 1988, Section 7, ACBH PS Rajamandri and the case is in PT *vide* CC No. 168 of 2018 before the Hon'ble Special Judge for Trial of cases under Prevention of Corruption Act, Rajamahendravaram. Hence, PCC cannot be issued without police clearance. The passport officer thus passed the order dated 10.04.2025 (wrongly typed as 20265 for 2026), impugned in this Writ Petition, stating that PCC cannot be issued without police clearance.

1.3. According to petitioner, except the mentioned C.C., no other criminal cases are pending against him and there is no complaint either in State of Telangana or in Andhra Pradesh. Hence, he requests this Court to issue a direction to respondent authorities for consideration of his case.

2. Sri M. Surender Rao, learned Senior Counsel assisted by Sri M. Vasudeva Rao, learned counsel for petitioner draws attention of this Court to GSR 570(E), dated 25.08.1993 issued by the Government of India, Ministry of External Affairs, and submits that petitioner has a fundamental right under Article 21 to move within or outside the country, subject to certain statutory limitations; there is no law which prohibits a citizen completely for travelling abroad. Further attention is drawn to clarification issued by the Government of India,

External Affairs by its Office Memorandum dated 10.10.2019, a reading of which makes it clear that if the details given in the police report and the undertaking submitted by the applicant are matching, then 'No Objection Certificate' issued by a Court of law submitted by the applicant would take precedence over any 'Adverse Report' submitted by the police. In such cases, the 'Adverse' report may be overruled with the written approval of the Passport Officer.

3. Sri N. Bhujanga Rao, learned Deputy Solicitor General has placed on record the written instructions submitted by the Sub-Inspector of Police, Special Branch, Qutbullapur Zone, Bachupally Police Station, Cyberabad stating that they conducted verification in respect of antecedents of petitioner which revealed that he is involved in Crime No. 6 of 2015 registered for the offence under Section 7 of the Prevention of Corruption Act, 1988 of ACB P.S., Rajamahendravaram and the same case is pending trial *vide* C.C. No. 168 of 2018 on the file of the Judge for Trial of Cases under prevention of Corruption Act, Rajamahendravaram and it was posted for appearance on 01.06.2026. The said information was communicated to the 2nd respondent.

4. Learned counsel for petitioner has placed reliance on the order of the High Court of Delhi at New Delhi dated

01.10.2024 in W.P.(C) No. 12597 of 2024 wherein it was held that even though the State has the authority to impose reasonable restrictions on the fundamental rights of a citizen under Article 19(6), in the instant case, denying the petitioner a PCC due to the mere pendency of FIRs. without any conviction or finding of guilt constitutes an unreasonable restriction. Therefore, it would be unjust to impose a blanket restriction on his efforts to secure a visa solely based on the pendency of a case.

5. It is further observed, the primary role of a PCC is to ensure transparency about an individual's background not to impose blanket restrictions on the basis of pending cases. The issuance of PCC will neither impact the ongoing criminal proceedings not confer any undue advantage upon petitioner. Moreover, petitioner's right to work and fredom of movement, must not be unjustly restricted solely on the existence of these FIRs.

6. Admittedly, as borne out from the record, Crime No. 6 of 2015 which was taken into cognizance as C.C.No. 168 of 2018 is pending on the file of Special Judge for Trial of Cases under Prevention of Corruption Act and previously, under the directions issued by order dated 28.11.2019 in Crl.M.P.No. 600 of 2019, the Regional Passport Authority, Hyderabad issued the

passport in his favour. It means the Passport authorities did not find any reason to deny his travel privileges. This time also, the learned Special Judge *vide* order dated 31.10.2025 in Crl.M.P.No. 638 of 2025 permitted petitioner to go USA from 01.03.2026 to 30.06.2026 subject to certain conditions. However, when the Consulate General of USA, Hyderabad refused the VISA Application asking him to submit police certificate, the Regional Passport Officer issued the impugned order stating that PCC cannot be issued without police clearance as the police authorities have not recommended citing the charges in FIR No. 6 of 2015 under Section PC Act 1988 Section 7, ACB PS Rajamandri and the case is in PT vide C.C.No. 168 of 2018 before the Hon'ble Special Judge for Trial cases under Prevention of Corruption Act, Rajamahendravaram.

7. It is relevant to note that the Regional Passport Authority issued the passport in favour of petitioner for the period 09.12.2019 to 08.12.2020 and from 23.01.2026 to 22.01.20267 second a time, and they did not find any reason to deny his travel privileges. It would be inconsistent for the same authorities to now refuse to issue a PCC solely on the basis of the pending FIR. As observed by the High Court of Delhi, issuance of PCC is to ensure transparency about an individual's background, not to impose blanket restrictions on the basis of

ongoing criminal proceedings nor confer any undue advantage upon petitioner. Further, petitioner's right to work and freedom of movement must not be unjustly restricted solely on the existence of the FIR.

8. At this length of time, learned Senior Counsel requests this Court to issue a direction to respondent authorities to issue PCC duly mentioning that 'except the present case, there are no cases pending against petitioner'

9. In the light of the discussion supra and in view of the request made by learned Senior Counsel, the Writ Petition is disposed of directing respondent authorities to issue proceedings by mentioning the present case as stated in the impugned order by adding ***'no other cases are pending against petitioner except this case'***.

10. Consequently, the miscellaneous Applications, if any shall stand closed.

SD/- MOHD ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

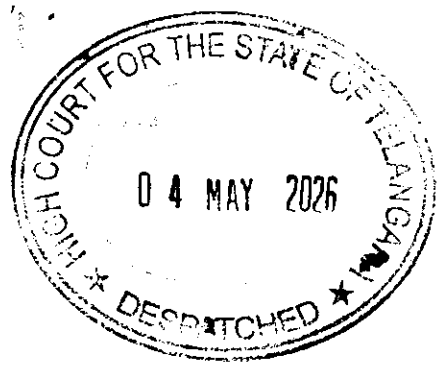
To,

1. The Secretary, Ministry of External Affairs, Union of India, PSP Division, Patiala House Annexe, Tilak Marg, New Delhi.
2. The Regional Passport Officer, Telangana, D.No.8-2-215 to 219, Near Prashanth Theater, Kummarguda, Secunderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.
4. The Station House Officer, Police Station, Bachupally, Medchal-Malkajgiri District.
5. One CC to SRI. M VASUDEVA RAO, Advocate [OPUC]
6. One CC to SRI. N BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
7. Two CCs to GP FOR HOME ,High Court for the State of Telangana At Hyderabad. [OUT]
8. Two CD Copies

HIGH COURT

CC TODAY

DATED: 29/04/2026



ORDER

WP.No.11843 of 2026

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(11) kps 4/5/26