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

THURSDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**

**WRIT PETITION NO: 36545 OF 2026**

**Between:**

1. Smt. K.Uma Devi, W/o. K V Ratna Rao, Aged about 58 years, Occ. Housewife, R/o. Hyderabad, Telangana.
2. K.V.Ratna Rao, S/o Late K.S.N.Murthy, aged about 63 years, Occ. Senior Citizen/ Advocate, R/o Hyderabad.
3. Manchem Hima Bindu @ K.Hima Bindu, widow of Manchem Deepu Vinay and D/o. K.V.Ratna Rao, Aged about 30 years, Occ. Advocate, R/o. Hyderabad, Telangana.

**...PETITIONERS**

**AND**

1. Union of India, Rep. by its Principal Secretary, Ministry of External Affairs, South Block, New Delhi.
2. The Regional Passport Officer, Regional Passport Office, Hyderabad, D.No.8-2215 to 219, Kummarguda, Secunderabad, Telangana - 500003.

**...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 more particularly one in the nature of a Writ of mandamus a) declaring the action of Respondent no.2 in issuing proceedings vide letters bearing No. OBJ/1057390341/26, OBJ/105790449/26 and OBJ/1057390398/26 dated 26/10/2026 to 1, 2sd and 3rd petitioners respectively as arbitrary, illegal and contrary to the right guaranteed to the petitioners under Constitution of India and quash or set aside the same. a) Consequently direct the respondent no.2 to process the applications. of the petitioners no. 1 to 3 bearing applications no. HY7067431639826 dated 22/09/2026, HY7077489003726 dated 05/10/2026 and HY7067431614026 dt. 22/09/2026 respectively and issue passports to the petitioners to travel to United States of America or to any other country.

**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 suspend the operation of the impugned proceedings vide . Letters bearing No. OBJ/1057390341/26, OBJ/105790449/26 and OBJ/1057390398/26 dated. 26/10/2026 issued by the respondent no. 2 to the petitioners no.1, 2 and 3 respectively by directing the respondents to issue passports to the petitioners.

**Counsel for the Petitioners: SRI P.S. RAJASHEKAR, REP. FOR M/S. PSR LAW FIRM**

**Counsel for the Respondents: SMT. N.V R. RAJYALAKSHMI, S.C. FOR CENTRAL GOVERNMENT REPRESENTING FOR SRI N BHUJANGA RAO DEPUTY SOLICITOR GENERAL OF INDIA**

**The Court made the following: ORDER**

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

**THE HON'BLE SRI JUSTICE E.V.VENUGOPAL**

**WRIT PETITION No.36545 of 2026**

**(CNR No.HBHC010751722026)**

**DATED: 29.10.2026**

**Between :**

Smt. K.Uma Devi and others

... Petitioners.

And

The Union of India and another.

... Respondents.

**ORDER :**

The present writ petition is filed seeking the following relief :

> *"...to issue a writ, order or direction more particularly one in the nature of a Writ of mandamus a) declaring the action of Respondent no.2 in issuing proceedings vide letters bearing No.OBJ/1057390341/26, OBJ/105790449/26 and OBJ/1057390398/26 dated 26.10.2026 to 1st, 2nd and 3rd petitioners respectively as arbitrary, illegal and contrary to the right guaranteed to the petitioners under Constitution of India and quash or set aside the same. a) Consequently direct the respondent no.2 to process the applications of the petitioners nos.1 to 3 bearing applications no.HY7067431639826 dated 22.09.2026, HY7077489003726 dated 05.10.2026 and HY7067431614026 dated 22.09.2026 respectively and issue passports to the petitioners to travel to United States of America or to any other country...."*

2. Heard Sri P.S. Rajashekar, learned counsel representing M/s. PSR Law Firm, learned counsel for the petitioners and Mrs. NVR Rajyalakshmi, learned standing counsel for Central Government, representing Sri N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for respondents. Perused the record.

3. The case of the petitioners, succinctly, is that they are Indian Citizens, the petitioners' younger daughter, residing in the USA, is expected to deliver her child in the second week of November 2026. The

Petitioners' presence is essential to support her during childbirth and the postpartum period. However, the refusal of respondent No.2 to issue fresh passports to petitioner Nos.1 and 3 and re-issue the passport of petitioner No. 2 prevents their travel. It is submitted that petitioner No.2, aged 63 years, is a senior citizen whose passport expired on 02.07.2022 and was subsequently lost and reported to the police. His re-issue application (ARN: 26-1068956750), filed on 18.09.2026, was marked "Granted" after verification. However, respondent No.2, *vide* Letter No.OBJ/105790449/26, dated 26.10.2026, withheld issuance citing S.C. No.343 of 2023 pending before the learned V Additional Metropolitan Sessions Judge, Nampally. It is further submitted that petitioner Nos.1 and 3 applied for fresh passports under ARN Nos.26-1067930555 and 26-1068041099, respectively, but their applications were placed "On Hold". Respondent No.2, *vide* Letters Nos.OBJ/1057390341/26 and OBJ/1057390398/26, dated 26.10.2026, cited the same pending case. The Petitioners contend that such refusal is mechanical and unjustified, as mere pendency of criminal proceedings, without a specific court restraint, should not automatically bar passport issuance, subject to applicable law.

(a) The petitioners submits that the respondents' refusal to process his application, on the aforementioned ground alone, is arbitrary and unsustainable apart from violation of his personal liberty

under Article 21 of the Constitution and the provisions of the Passports Act, 1967. He accordingly seeks a direction to the 2nd respondent to consider and process his passport application and issue the passport in accordance with law.

4. Learned counsel for the petitioners submits that the pendency of criminal proceedings cannot, by itself, constitute an absolute or permanent bar for issuance of a passport. Section 6(2)(f) of the Passports Act, 1967 has to be read along with the exemption provided under G.S.R.570(E) dated 25.08.1993, which contemplates issuance of a passport even where criminal proceedings are pending, subject to the conditions prescribed therein. It is submitted that the statutory scheme does not contemplate an automatic rejection of a passport application merely on account of pendency of a criminal case. The Passport Authority is required to consider whether the case falls within the statutory exemption and process the application in accordance with the applicable provisions and instructions. The respondents, therefore, cannot treat the adverse police verification report as an absolute ground for withholding the passport.

(a) Learned counsel further submits that the right to travel abroad is an integral part of personal liberty guaranteed under Article 21 of the Constitution of India and such right can be regulated only by authority of law and procedure prescribed. Mere pendency of prosecution, particularly in the absence of any conviction, cannot

justify an indefinite or mechanical curtailment of such right. It is further submitted that the requirement of obtaining permission or an appropriate order from the competent criminal Court, wherever applicable under G.S.R.570(E), is a regulatory safeguard and not an absolute prohibition against issuance of a passport. The petitioners are willing to comply with such lawful conditions and undertakings as may be required by the competent authority. Learned counsel would therefore submit that the respondents' stand that the pendency of the criminal case, by itself, disentitles the petitioners to a passport is legally unsustainable. At the highest, such pendency requires the application to be dealt with in accordance with Section 6(2)(f), G.S.R. 570(E) and the applicable governmental instructions.

(b) Stating thus, the learned counsel for the petitioners seeks a direction to the 2nd respondent to reconsider and process the application of the petitioners in accordance with law and pass an appropriate order, subject to such conditions as may be legally permissible

5. Learned standing counsel for Central Government, opposing the writ petition, submits that the petitioners' passport application resulted in an adverse police verification report disclosing the pendency of criminal proceedings against him in S.C. No.343 of 2023. The petitioners have neither disclosed the said criminal case in his passport application nor responded to the objection letter issued by the Passport

Authority. It is submitted that pendency of criminal proceedings attracts Section 6(2)(f) of the Passports Act, 1967 and that issuance of a passport is subject to the statutory requirements and the applicable Government notifications. The petitioners are required to obtain appropriate permission from the concerned criminal Court for travelling abroad, wherever necessary, before his application can be considered. It is submitted that the respondents' action is in accordance with law and does not warrant interference under Article 226 of the Constitution of India.

6. This Court, having heard the rival submissions made on either side and perused the material available on record and also the statutory scheme governing issuance of passports and the proposition of law laid down in W.A.Nos.194 of 2026 and 128 of 2026 and W.P.No.29037 of 2026, is of the view that the petitioners may approach the competent criminal Court for appropriate relief in relation to the issuance of a No Objection Certificate (NOC) for obtaining a passport.

(a) At this juncture, it is appropriate to refer to Section 6(2) of the Passports Act, 1967, which forms the statutory basis for the respondents' decision to withhold issuance of the passport to the petitioners.

"Section 6(2) in The Passports Act, 1967 :

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting

any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—

(a) that the applicant is not a citizen of India;

(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

(b) Under G.S.R.570, dated 25.08.1993 the applicant has to submit an undertaking giving his personal details and also the criminal cases, if any pending, against him..

(c) Hon'ble Division Bench of this Court, vide orders dated 17.02.2026 in WA No.194 of 2026, while deciding a similar mater, categorically held as under :

> "13. In the light of the principle laid down by the Apex Court concerning the interpretation of GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019, we are of the considered view that the appellant should make an application for seeking NOC from the concerned trial courts where criminal cases are pending against him. It is upon issuance of NOC that the appellant should file an application for renewal of the passport. In case the courts prescribe a period for which the passport is to be issued, the passport authority should honour that period. Otherwise, if it does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases.
>
> 14. Since the passport of the appellant is going to expire on 28.02.2026, the appellant is at liberty to make an application for issuance of NOC from the concerned courts within this week. If such an application is made before the learned courts, the learned courts would endeavour to take it up expeditiously, preferably within a week, and pass appropriate orders after hearing the parties. It is for the appellant to seek renewal of passport based upon such NOC before the Regional Passport Authority. Needless to say, the Regional Passport Authority would consider the request of extension in accordance with law i.e. the Passports Act, 1967, GSR 570(E), dated 25.08.1993 and Office Memorandum dated 10.10.2019 applicable to the case on hand."

(d) The Hon'ble Division Bench of this Court as per orders dated 05.02.2026 in WA No.128 of 2026 in the similar set of facts held as under :

> "5. In the above said facts and circumstances, we are of the considered view that the impugned direction issued by the learned writ Court upon the Consulate General of India, Atlanta, to issue emergency certificate as per the Rules, 1980, may not be permissible. The right course for the appellant in such circumstances is to approach the concerned Court of criminal

jurisdiction with an application for issuance of no objection certificate and such other ancillary prayers as may be sought in the facts and circumstances of the case. Needless to say that if such application is made before the learned Court, it would take up the matter as early as possible, preferably, within the same week and after hearing the parties, pass such orders as may be required in accordance with law within a period of two (2) weeks thereafter."

(e) A Coordinate Bench of this Court as per orders dated 03.09.2026 in WP No.29037 of 2026 while adjudicating a similar matter held as under :

" In view of the above, the writ petition is disposed of, directing the petitioner to approach trial Court by filing appropriate application in CC No.251 of 2019 seeking NOC for issuance/renewal of passport. As and when such application is filed, the trial Court is directed to dispose of the same, within a period of one (1) week thereof, by issuing notice to respondent No.4 – *de facto* complainant, by affording opportunity of hearing to them."

(f) In view of the aforesaid factual circumstances, the statutory scheme governing the issuance of passports and the principles laid down by the Hon'ble Division Bench of this Court in W.A.Nos.194 of 2026 and 128 of 2026, as well as by the Coordinate Bench in W.P.No.29037 of 2026 and having regard to the pendency of criminal proceedings against the petitioners, this Court, without expressing any opinion on the merits or demerits of the case, is of the considered view that the petitioners ought to have approached the competent criminal Court by filing an appropriate application seeking issuance of a No Objection Certificate (NOC) for issuance/renewal of the passport. Upon such application being filed, the competent

criminal Court shall consider and dispose of the same in accordance with law, having regard to the applicable statutory provisions, Government notifications and the facts and circumstances of the case.

(g) Accordingly, the petitioners are granted liberty to approach the competent criminal Court by filing an appropriate application seeking issuance of a No Objection Certificate and such other ancillary prayers as may be sought in the facts and circumstances of the case. In the event of such an application being filed, the concerned Court shall take up the same as expeditiously as possible, preferably within one week from the date of filing, after issuing notice to the respondents and other concerned parties, wherever required and pass appropriate orders strictly in accordance with law, preferably within a further period of two weeks. Upon obtaining the requisite NOC or other appropriate order, the petitioners shall be at liberty to approach the Passport Authority for consideration of his passport application in accordance with law.

7. With the above observations and findings, the present writ petition is disposed of. No order as to the costs.

8. Interlocutory applications, if any pending, shall also stand dismissed.

**SD/-P.PONNA KRISHNA**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Principal Secretary, Union of India, Ministry of External Affairs, South Block, New Delhi.
2. The Regional Passport Officer, Regional Passport Office, Hyderabad, D.No.8-2215 to 219, Kummarguda, Secunderabad, Telangana - 500003.

3. One CC to M/S. PSR LAW FIRM Advocate [OPUC]
4. One CC to SRI N. BHUJANGA RAO Deputy Solicitor General of India [OPUC]
5. Two CD Copies

AGK

GBR

**HIGH COURT**

**DATED: 29/10/2026**




**ORDER**

**WP.No.36545 of 2026**

**DISPOSING OF THE WRIT PETITION WITHOUT COSTS**

6/11/26