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

FRIDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 36659 OF 2026

Between:

Lavanya Chilumula, W/o Srinivas Chilumula, Aged about 47 years, Occ ; Housewife, R/o H.No.11-17-182/1, Kashibugga, Warangal - 506002, Telangana.

.....PETITIONER

AND

1. The Union of India, Ministry of External Affairs, New Delhi - 110001 Rep. by its Secretary.
2. The Regional Passport Officer, Regional Passport Office, D.No.8-2-215 to 219, Kummarguda, Secunderabad, Telangana State.
3. The Sub Inspector of Police, Kamalapur Police Station, Warangal, Warangal 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 Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to issue the passport to the petitioner pursuant to the passport application submitted by the petitioner vide File No.HY7076374929626 dt.10-09-2026 on the ground of pending criminal case vide S.C.No.37 of 2023 on the file of Hon'ble II Addl. Senior Civil Judge-cum-II Addl. Assistant Sessions Judge at Hanamkonda arising out of FIR No.158 of 2021 on the file of the Kamalapur Police Station, Warangal as illegal, arbitrary, violation of principles of natural justice and against Rules and consequently direct the 2nd respondent to issue passport to the petitioner by considering the

passport application vide File No.HY7076374929626 dt.10-09- 2026 without reference to the pendency of the criminal case in the interest of justice.

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 2nd respondent to issue passport to the petitioner by considering the passport application vide File No.HY7076374929626 dt.10-09-2026 without reference to the pendency of the criminal case in the interest of justice, pending disposal of the above writ petition.

Counsel for the Petitioner : SRI Y.BALA MURALI

Counsel for the Respondent Nos.1 & 2 : MRS N.V.R.RAJYALAKSHMI, LEARNED STANDING COUNSEL FOR CENTRARL GOVERNMENT, REPRESENTING SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.3 : SRI M.SRINIVAS, LEARNED AGP FOR HOME

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.36659 of 2026
(CNR No.HBHC010754702026)

DATED:30.10.2026

Between:

Lavanya Chilumula

... Petitioner

And

The Union of India,
Ministry of External Affairs,
New Delhi-110001,
Rep. by its Secretary and others

... Respondents.

ORDER :

The present writ petition is filed seeking the following relief :

> "...to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to issue the passport to the petitioner pursuant to the passport application submitted by the petitioner vide File No.HY7076374929626 dated 10.09.2026 on the ground of pending criminal case vide S.C.No.37 of 2023 on the file of Hon'ble II Addl Senior Civil Judge-cum-II Addl Assistant Sessions Judge at Hanamkonda arising out of FIR No.158 of 2021 on the file of the Kamalapur Police Station, Warangal as illegal, arbitrary violation of principles of natural justice and against Rules and consequently direct the 2nd respondent to issue passport to the petitioner by considering the passport application vide File No.HY7076374929626 dated 10.09.2026 without reference to the pendency of the criminal case in the interest of justice and pass...."

2. Heard Mr.Y.Bala Murali, learned counsel for the petitioner and Mrs.NVR Rajyalakshmi, learned Standing Counsel for Central Government, representing Sri N.Bhujanga Rao, learned Deputy Solicitor General of India for respondent Nos.1 and 2 and Mr.M.Srinivas, learned Assistant Government Pleader for Home appearing for respondent No.3. Perused the record.

3. Learned counsel for the petitioner submits that the petitioner, being a housewife residing at Warangal, intends to visit her daughter, who is pursuing higher studies in Germany and accordingly applied for issuance of a passport on 10.09.2026. However, respondent No.2 issued a notice dated 17.10.2026, seeking an explanation regarding the pendency of a criminal case in FIR No.158 of 2021, wherein the petitioner is arrayed as accused No.4. It is submitted that the police filed a charge sheet in S.C.No.37 of 2023, which is pending before the competent Court and the petitioner has also filed Crl.P.No.13433 of 2026 before this Court seeking quashing of the said proceedings. The petitioner inadvertently failed to disclose the pendency of the criminal case in her passport application due to lack of knowledge and the same was neither intentional nor deliberate. It is further submitted that the German authorities have requested production of certain documents within the stipulated time and non-issuance of the passport would cause serious hardship and irreparable loss to the petitioner. The learned counsel contends that the mere pendency of criminal proceedings cannot be an absolute ground to deny issuance of a passport and relies upon the order passed by this Court in W.P.No.29393 of 2023, dated 18.10.2023.

4. Learned counsel for the petitioner submits that the pendency of the 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 petitioner is 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 petitioner 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 petitioner seeks a direction to the 2nd respondent to consider and process the application of the petitioner 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 petitioner's passport application resulted in an adverse police verification report disclosing the pendency of criminal proceedings against him in S.C.No.37 of 2023. The petitioner has neither disclosed the said criminal case in her 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 petitioner is required to obtain appropriate permission from the concerned criminal Court for travelling abroad, wherever necessary, before her 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 petitioner 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 petitioner.

"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 petitioner, this Court, without expressing any opinion on the merits or demerits of the case, is of the considered view that the petitioner ought to have approached the competent criminal Court by filing an appropriate application seeking issuance of a No Objection Certificate (NOC) for issuance 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 petitioner is 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 petitioner 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 Secretary, Union of India, Ministry of External Affairs, New Delhi – 110001.

2. The Regional Passport Officer, Regional Passport Office, D.No.8-2-215 to 219, Kummarguda, Secunderabad, Telangana State.
3. The Sub Inspector of Police, Kamalapur Police Station, Warangal, Warangal District.
4. Two CC's to G.P FOR HOME, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to SRI Y.BALA MURALI, Advocate [OPUC]
6. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India Advocate [OPUC]
7. Two CD Copies

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TKS

HIGH COURT

DATED: 30/10/2026



ORDER

WP.No.36659 of 2026

DISPOSING OF THE W.P

WITHOUT COSTS.

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