

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

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 4597 OF 2026

Between:

Thota Ramesh, S/o. Lakshmaiah, Age 52 years, Occ. Agriculture, R/o.
Gummadavelli Village, Maddirala Mandal, Suryapet District.

...PETITIONER

AND

1. The Union of India, Rep by its Principal Secretary, Ministry of External Affairs, South Block, Secretariat, Raisina Hill, New Delhi, India.
2. The Regional Passport Officer, Regional Passport Office, 73 Red Cross Road, Shivaji Nagar, 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 writ, or writs, order or orders, direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.2, in not issuing passport in pursuance of Petitioner application No. 25-1053059906 submitted through on-line by paying on-line payment of Rs.1,500/- on 05-06-2025 on the ground that a Criminal case vide S.C. No. 248/2022 (wrongly mentioned as 111/2022) on the file of Senior civil Judge, Suryapet (Crime No. 117/2019 of P.S. Maddirala) is pending is illegal, arbitrary and violation of principles of natural justice consequently to direct the Respondent No.2 to issue the passport by considering Petitioner on-line application vide reference No. 25-1053059906 dated 05-06-2025.

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 writ petition, the High Court may be pleased to direct the Respondent No.2 to issue the passport by considering Petitioner on-line application vide reference No. 25-1053059906 dated 05-06-2025, pending disposal of the writ petition.

Counsel for the Petitioner: SRI THOTA YAKAIAH

**Counsel for the Respondents: SRI ANGOTHU NEHRU,
SC FOR CENTRAL GOVT.**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON' BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.4597 of 2026

16th February, 2026

Between:

Thota Ramesh

... Petitioner

AND

The Union of India & another

... Respondents

ORDER:

The case of the petitioner precisely, as per the writ affidavit, is that he applied for issuance of Passport vide Application No.25-1053059906 dated 05.06.2025, however, the 2nd respondent-Passport authority refused to issue the passport on the ground that the police verification revealed adverse report stating that the criminal proceedings in S.C.No.248 of 2022 on the file of Senior Civil Judge, Suryapet, are pending against the petitioner.

2. Heard Mr. T. Yakaiah, learned counsel for the petitioner; Mr. Angothu Nehru, learned Standing Counsel for the Central Government, for respondents No.1 and 2. Perused the record.

3. Learned counsel for the petitioner essentially contends that mere pendency of criminal proceedings cannot be a ground to refuse issuance of passport. Relying on the order passed by this Court in W.P.No.2422 of 2024,

dated 26.02.2024, learned counsel for the petitioner contends that the petitioner's request is for issuance of fresh passport, and not renewal, and therefore the petitioner is entitled to passport validity period of ten years.

4. Learned Standing Counsel for the respondents No.1 and 2 would contend that in view of pending criminal proceedings vide S.C.No.248 of 2022 before the trial Court, the 2nd respondent can process the application only if the petitioner furnishes a No Objection Certificate (NOC) from the trial Court for obtaining the passport.

5. It is relevant to note that the Government of India issued an Office Memorandum dated 10.10.2019 clarifying that a "No Objection Certificate" (NOC) issued by a Court takes precedence over an "adverse" police report (provided the details in the police report and the applicant's undertaking match) and, in such instances, the Passport Officer may overrule the adverse report with written approval. Further, if the details in the Police Verification Report and the undertaking are at variance, the applicant may be required to provide clarifications and submit a revised NOC. If an applicant has criminal proceedings pending before several Courts, they are advised to obtain an NOC from all concerned Courts. Further, the order of the Court is to be examined along with the undertaking submitted by the applicant, as well as any other orders of the Court.

6. At this juncture, it is also relevant to refer to the judgment of a coordinate Bench of this Court in **Thirumani Nagaraju v. The Union of India**¹, observed as follows:

¹ W.P.No.31665 of 2025 (Telangana High Court)

“7. The Notification G.S.R. 570(E) carves out a statutory exemption, permitting the issuance or renewal of a passport to such applicants, provided they produce either

(i) a No Objection Certificate (NOC) or (ii) an order of permission from the competent court allowing renewal during the pendency of the criminal case.

8. In light of the above statutory scheme, the standard procedure for an individual facing pending criminal proceedings to seek renewal of passport is as follows:

i) The applicant must file a formal application before the concerned trial court seeking issuance of an NOC for renewal of the passport.

ii) Upon such application, the court shall notify the prosecution and afford it an opportunity to submit objections, if any.

iii) Upon considering the nature and gravity of the alleged offence, the stage of proceedings, the antecedents of the accused, and the likelihood of misuse of the passport, the court shall pass a reasoned order either granting or denying permission.

iv) Where an NOC is granted, the court may impose appropriate conditions, such as seeking prior leave for travel abroad, furnishing security, or periodic reporting to authorities.

v) The discretion vested in the trial court must be exercised consistent with the presumption of innocence, ensuring that denial of an NOC remains an exception justified only by potential obstruction to the administration of justice.

vi) Once the NOC or court order is produced, the Passport Authority is bound to process the renewal application in accordance with law.

14. In the present case, since the petitioner's request for renewal of passport was withheld by the Regional Passport Officer (RPO) on the ground of pendency of criminal proceedings, the appropriate course available to the petitioner was to approach the concerned trial court and seek leave or obtain a No Objection Certificate (NOC) for renewal of the passport. Instead, the petitioner has directly invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, citing urgency and asserting that he has no criminal antecedents and has never misused his passport. However, apart from such general averments, the petitioner has not demonstrated the existence of any exceptional circumstances warranting interference by this Court in exercise of its extraordinary jurisdiction.

15. In view of the foregoing discussion and the statutory framework, this Court is of the considered opinion that, in the absence of any exceptional contingencies, the petitioner shall first approach the trial court before which the criminal case is pending and file an appropriate application seeking an NOC or permission for renewal of his passport. Upon such filing, the concerned trial court shall consider the application in light of the settled legal principles and judicial precedents, and pass a reasoned order in accordance with law, expeditiously and preferably within four weeks from the date of filing of such application."

7. In the instant case, there is no material placed on record to show that the petitioner filed an application before the trial Court seeking a "No Objection Certificate" for obtaining of passport. In view of the pending criminal proceedings against the petitioner in S.C.No.248 of 2022 on the file of the Senior Civil Judge, Suryapet, this Court deems it appropriate to direct

the petitioner to approach the Court of the Senior Civil Judge, Suryapet, and make an appropriate application seeking a "No Objection Certificate" for obtaining passport. Upon filing such application, the learned trial Court shall consider the same and pass appropriate orders expeditiously, preferably within one week from the date of application. Upon furnishing the NOC by the petitioner, the passport authority shall consider the same for issuance of passport in accordance with law.

8. It is made clear that the NOC that may be issued by the trial Court for obtaining passport shall not be construed as a permission to travel abroad. In case the petitioner intends to travel abroad during pendency of criminal proceedings, the petitioner shall file a separate application seeking permission to travel abroad, by specifying the duration for which he intends to travel abroad, and the trial Court shall consider the application on its own merits, by imposing appropriate conditions in accordance with law; and the trial Court shall proceed in accordance with law to secure the presence of the petitioner in case of violation of any of the conditions so imposed while granting abroad travel permission.

9. Accordingly, the writ petition is disposed of with the above directions. No costs. Miscellaneous petitions, if any, pending shall stand closed.

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SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Ministry of External Affairs, South Block, Secretariat, Raisina Hill, New Delhi, India, Union of India.
2. The Regional Passport Officer, Regional Passport Office, 73 Red Cross Road, Shivaji Nagar, Secunderabad, Telangana-500003.
3. The Senior Civil Judge, Suryapet.
4. One CC to SRI THOTA YAKAIAH, Advocate [OPUC]
5. One CC to SRI ANGOTHU NEHRU, SC FOR CENTRAL GOVT. [OPUC]
6. Two CD Copies

BSR

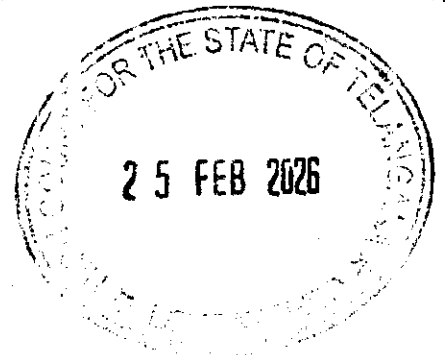


CC TODAY

HIGH COURT

NBK, J

DATED: 16/02/2026



ORDER

WP.No.4597 of 2026

DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

⑧
25/02/26
NBK