

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

FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 6285 OF 2026

Between:

Surisetty Eswaraiah, S/o Surisetty Muthyalu Aged about 69 years, occ
Business R/o 16-10-78/A, Sriganapathi Nagar, Line No.5, Sivanagar,
Warangal-506002 Telangana state.

...PETITIONER

AND

1. The Union of India, Rep.by its Under Secretary, Ministry of External Affairs,
Central Secretariat, New Delhi.
2. The Regional passport officer, Regional Passport Office, 8-2-215 to 219, Near
Prashanth Theatre 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 a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in rejecting the application of the petitioner for issue of passport inaction of the respondents in rejecting the application for issue of passport vide application No. HY8076179384826 dt. 2-1-2026 stating that there is a criminal case is pending in Crime No. 153/2024 on the Under Section 447, 427, 379 R/W. 34 of IPC of Geesukonda P.S. Warangal district is illegal, arbitrary, contrary to law and violation of Indian Passport Act and consequently direct the respondents to process of the application No. HY8076179384826 dt. 2-1-2026 by issuing passport to the petitioner.

IA 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 to process of the application by issuing the passport to the petitioner vide Application No. HY8076179384826 dt. 2-1-2026 pending disposal of the Writ petition

Counsel for the Petitioner: SRI THOTA YAKAIAH

**Counsel for the Respondents: SRI P. SHASHIDHAR REDDY ,
SC for CENTRAL GOVT. /
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 HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA
WRIT PETITION No.6285 of 2026**

Dated: 27.02.2026

Between:

Sri Surisetty Eswaraiah

...Petitioner

AND

The Union of India & another

...Respondents

ORDER:

This Writ petition is filed to declare the action of the respondents in rejecting the petitioner's application for issuance of passport *vide* Application No. HY8076179384826 dated 02.01.2026, on the ground that a criminal case in Crime No.153/2024 under Sections 447, 427, 379 read with 34 IPC of Geesukonda Police Station, Warangal District, is pending, as illegal, arbitrary, contrary to law, and in violation of the provisions of the Passports Act, 1967, and consequently to direct the respondents to process the said application and issue a passport to the petitioner.

2. Heard Sri Thota Yakaiah, learned counsel for the petitioner and Sri P. Shashidhar Reddy, learned Standing Counsel for Central Government, for the respondents.

3. When the matter is taken up for hearing, learned counsel for petitioner submitted that the issue raised in this Writ Petition is squarely covered by the order passed by this Court in W.P.No.4597 of 2026, dated 16.02.2026 and therefore, the same order may be passed in this writ petition as well. The operative portion of the said order reads as under:

"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 (W.P.No.31665 of 2025 (Telangana High Court))**, observed as follows:

"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.

4. Learned Standing Counsel for the respondents has no objection.

5. Accordingly, in terms of the order passed by this Court in W.P.No.4597 of 2026, dated 16.02.2026, and for the reasons alike, this Writ Petition is disposed of directing the petitioner to approach the jurisdictional criminal Court, and make an appropriate application

seeking a "No Objection Certificate" (NOC) for issuance of 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.

6. 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. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

**SD/- T. SRIDEVI
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

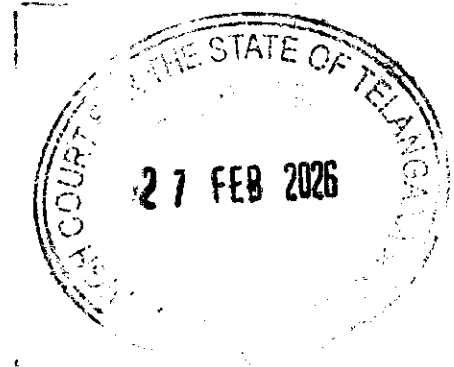
1. The Under Secretary, Ministry of External Affairs, The Union of India, Central Secretariat, New Delhi.
2. The Regional passport officer, Regional Passport Office, 8-2-215 to 219, Near Prashanth Theatre Kummarguda, Secunderabad
3. One CC to SRI THOTA YAKAIAH, Advocate [OPUC]
4. One CC to SRI P. SHASHIDHAR REDDY, SC for CENTRAL GOVT. [OPUC]
5. One CC to SRI N. BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
6. Two CD Copies

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CC TODAY

HIGH COURT

DATED:27/02/2026



ORDER

WP.No.6285 of 2026

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑧
27/02/26
LKS