



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3207]**

**TUESDAY, THE SEVENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

**WRIT PETITION NO: 5602/2026; 5603 of 2026; 5845 of 2026; 5926 of  
2026; 7872 of 2026, 7888 of 2026 and 3453 of 2026**

**Between:**

1. RAMESH KOLLU, S/O. RAMACHANDRA RAO KOLLU, AGED ABOUT 56 YEARS R/O. 20/53, OPP. BEL OFFICERS CLUB, GANDHI NAGAR, MACHILIPATNAM - 521001, KRISHNA DISTRICT, ANDHRA PRADESH AND OTHERS .

**...PETITIONERS**

**AND**

1. THE UNION OF INDIA, MINISTRY OF EXTERNAL AFFAIRS, REPRESENTED BY ITS PRINCIPAL SECRETARY, SOUTH BLOCK, NEW DELHI - 110001.
2. THE PASSPORT AUTHORITY OF INDIA, REP. BY ITS CHIEF PASSPORT OFFICER, PSP DIVISION, MINISTRY OF EXTERNAL AFFAIRS ROOM NO.8, PATIALA HOUSE, TILAK MARG, NEW DELHI - 110001.
3. THE REGIONAL PASSPORT OFFICE, REP. BY ITS REGIONAL PASSPORT OFFICER, 4TH FLOOR, STALIN CENTRAL, D. NO. 27-37-158, GOVERNORPET, M.G. ROAD, VIJAYAWADA - 520002.
4. THE STATION HOUSE OFFICER, GUDURU POLICE STATION, KRISHNA DISTRICT.

**...RESPONDENT(S):**

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 order, writ or direction, more particularly one in the nature

of Writ of Mandamus declaring the action of the Respondent no 3 in issuing the impugned notice bearing Letter Ref. No. SCN/1053297311/26 dated 13.01.2026 proposing to deny renewal of passport to the petitioner in view of Crime No. 93/2023 of Guduru Police Station, which is only at FIR stage and in which no charge sheet has been filed, as illegal, arbitrary and unconstitutional, and also against the Passports Act, 1967 and Rules therein and consequently direct the Respondent No 3 to process and renew the passport of the petitioner pursuant to Application bearing File No. VJ2076197302326 dated 07.01.2026 as early as possible not exceeding a period of two weeks from the date of the order of this Hon'ble Court as any contrary would be violative of Articles 14, 19 and 21 of the Constitution of India as per the judgments rendered by this Hon'ble A.P. High Court in W.P. No.7714/2022 and 2330/2024 and to pass

**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 Respondent No 3 to consider the Application bearing File No. VJ2076197302326 dated 07.01.2026 of the petitioner for renewal of his passport afresh and pass

**Counsel for the Petitioner:**

1.K V ADITYA CHOWDARY

**Counsel for the Respondent(S):**

1.K MALLIKHARJUNA MOORTHY

2.GP FOR HOME

**The Court made the following:**

**THE HON'BLE SRI JUSTICE BATTU DEVANAND****WRIT PETITION Nos.5602 of 2026; 5603 of 2026; 5845 of 2026; 5926 of 2026; 7872 of 2026, 7888 of 2026 and 3453 of 2026****COMMON ORDER: -**

As the issue involved in all these writ petitions is an identical, they are taken up together and are being disposed of, by this common order at the stage of admission, with consent of both sides.

2. These Writ Petitions have been filed by the petitioners seeking to declare the action of the respondents i.e., Passport Authorities in rejecting or keeping pending their applications for issuance of passports or re-issuance of passports or renewal of passports on the ground of pendency of criminal proceedings against them, as arbitrary, illegal, and violative of Article 21 of the Constitution of India.

3. Heard the learned counsel for the petitioners and learned Standing Counsel for the Central Government and learned Government Pleader for Department of Home, and perused the material available on record.

4. In all these Writ Petitions, the applications submitted by the petitioners for issuance of passports or re-issuance of passports or renewal of passports have been rejected or kept pending in view of the pendency of the criminal cases against them at the F.I.R. stage.

5. The point for consideration in all these Writ Petitions is whether the passport authorities were justified in rejecting for issuance of passports or re-issuance of passports or renewal of passports of the petitioners on the ground of pendency of criminal cases/criminal proceedings against them or not?

6. The learned Standing Counsel would submit that in view of the pendency of the criminal cases against the petitioners, the passports of the petitioners could not be issued and relies upon Section 6(2) (f) of the Passports Act, 1967 which stipulates that the passport authority can refuse to issue a passport on the ground that proceedings in respect of an offence alleged to have been committed by the applicants are pending before a criminal Court in India.

7. The learned counsel for the petitioners would submit that the criminal cases are false and baseless and the same are only at the investigation stage and no charge sheets have been filed till date and no courts have taken cognizance of the alleged offences.

8. The learned counsel for the petitioners relied upon a Judgment of High Court of Karnataka and Bangalore, dated 01.10.2020 in W.P.No.9141 of 2020. They also relied upon a Judgment of the High Court of Delhi at New Delhi equivalent to **Ashok Kanna vs. Central Bureau of Investigation**<sup>1</sup> and the

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<sup>1</sup> 2019 (265) DLT 614

Judgment of the High Court of Madras, dated 27.06.2014 in the case of **W.Jaihar William vs. State of Tamil Nadu**<sup>2</sup>.

9. A perusal of Section 6(2)(f) would go to show that the said condition would operate only when a Court of appropriate criminal jurisdiction takes cognizance of the case and the said case is pending before the criminal Court. In the present case, the matter is still pending investigation and no charge sheet has been filed. In the said circumstances, the provisions of Section 6(2)(f) would not be applicable.

10. As far as Section 6(2)(f) is concerned, the Central Government has also issued G.S.R.No.570(E), dated 25.08.1993 stipulating that issue of passport to a person falling within the ambit of Section 6(2)(f) need not be stalled, provided the said person obtains Court orders specifying the further period of valid passport or specifying a period of travel abroad.

11. It is very pertinent to refer the following decisions of the Hon'ble Apex Court and the various High Courts as extracted herein under:

(1) In **Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation**<sup>3</sup>, the Apex Court had an occasion to examine the provisions of the Passports Act, 1967, pendency of criminal cases and held that refusal of a passport can be only in case where an applicant is convicted during the period of five (05) years immediately preceding the

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<sup>2</sup> (2014) 8 MLJ 61

<sup>3</sup> 2020 Cr.L.J. (SC) 572

date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years. Section 6.2(f) relates to a situation where the applicant is facing trial in a criminal court. The petitioner therein was convicted in a case for the offences under Sections 420 IPC and also Section 13(2) read with Section 13(1) of the Prevention of Corruption Act, 1988, against which, an appeal was filed and the same was dismissed. The sentence was reduced to a period of one (01) year. The petitioner therein had approached the Apex Court by way of filing an appeal and the same is pending. Therefore, considering the said facts, the Apex Court held that Passport Authority cannot refuse renewal of the passport on the ground of pendency of the criminal appeal. Thus, the Apex Court directed the Passport Authority to issue the passport of the applicant without raising the objection relating to the pendency of the aforesaid criminal appeal in S.C.

(2) In **Sumit Mehta v. State of NCT of Delhi**<sup>4</sup>, the Apex Court at para No.13 observed as herein under:

*“The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India.”*

(3) In **Menaka Gandhi vs. Union of India**<sup>5</sup>, the Apex Court held that no person can be deprived of his right to go abroad unless there is a law

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<sup>4</sup>2013 (15) SCC 570 : MANU/SC/0935/2013

<sup>5</sup> 1978 (1) SCC 248 : MANU/SC/0133/1978

enabling the State to do so and such law contains fair, reasonable and just procedure. The relevant Para No.5 is extracted herein under:

*“5. Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passport may be issued or refused or canceled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law. Therefore, such a right to travel abroad cannot be deprived except by just, fair and reasonable procedure.”*

(4) In **Satish Chandra Verma v. Union of India (UOI) and Others**<sup>6</sup>,

the Apex Court observed at para No.5 as extracted herein under:

*“5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right.”*

(5) In a recent judgment of the Apex Court in case of **Mahesh Kumar Agarwal vs. Union of India & Anr.**,<sup>7</sup> while dealing with the aspect of freedom of a citizen and rights guaranteed under Article 21 of the Constitution of India, observed as herein under:-

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<sup>6</sup> MANU/SC/0826/2019

<sup>7</sup> 2025 INSC 1476

*“Liberty, in our constitutional scheme, is not a gift of the State but its first obligation. The freedom of a citizen to move, to travel, to pursue livelihood and opportunity, subject to law, is an essential part of the guarantee under Article 21 of the Constitution of India. The State may, where statute so provides, regulate or restrain that freedom in the interests of justice, security or public order but such restraint must be narrowly confined to what is necessary, proportionate to the object sought to be achieved, and clearly anchored in law. When procedural safeguards are converted into rigid barriers, or temporary disabilities are allowed to harden into indefinite exclusions, the balance between the power of the State and the dignity of the individual is disturbed, and the promise of the Constitution is put at risk.”*

It is also held at paragraph No.25 of the aforesaid judgment as under:

*“Para 25:- In the light of the above discussion, we are unable to sustain the approach adopted by the learned Single Judge and the Division Bench. Both have treated Section 6(2)(f) as an absolute bar so long as any criminal proceeding is pending, without giving full effect to the statutory exemption mechanism under Section 22 and GSR 570(E), and without adequately appreciating that the criminal courts actually dealing with the appellant’s cases have consciously permitted renewal while retaining stringent control over any foreign travel. They have, in effect converted a qualified restriction, designed to secure the presence of an accused, into a near-permanent disability to hold a valid passport, even where the criminal courts themselves do not consider such a disability necessary.”*

12. For the aforesaid reasons and in the light of the law laid down by the Apex Court and High Courts as referred above, these writ petitions are allowed directing the Passport Authorities to issue or re-issue or renew of the passports of the petitioners.

13. However, in the event of charge sheets being filed after investigation in criminal cases, the petitioners would be required to obtain necessary orders from the concerned Courts where the charge sheets are filed. These orders shall be in relation to the further period of validity of the said passports and conditions, if

any that may be imposed by the concerned Court in relation to his/her travel abroad.

14. In the event, the petitioners do not take steps for obtaining such orders, it would be open to the Passport Authorities to revoke the passports of the petitioners after due notice to the petitioners.

15. Accordingly, these writ petitions are allowed.

16. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

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**JUSTICE BATTU DEVANAND**

Date: 07. 04.2026  
PGR

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**

**W.P.Nos.5602; 5603; 5845; 5926; 7872, 7888 and 3453 of 2026**

Date: 07.04.2026

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