



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

[3329]

MONDAY ,THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 3162/2025

Between:

Nanduri Mahesh Babu,

...PETITIONER

AND

Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. PILLI SUNDEEP

Counsel for the Respondent(S):

1. THENEPALLI NIRANJAN SC FOR CENTRAL. GOVT

2. GP FOR HOME

The Court made the following:

ORDER:

1. This writ petition is filed claiming the following relief:

“...to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action respondents in not issuing a fresh passport to the petitioner as per Application No.24-1013402629 dated 14.11.2024 to be illegal, arbitrary and in violation of the principles of natural justice and consequently direct the respondents to issue fresh passport to the petitioner.”

2. The case of the petitioner is as follows:

3. Petitioner herein made an application No.24-1013402629 dated 14.11.2024 applied for issuance of fresh passport to the Regional Passport officer – Respondent No.3.

4. Respondent No.3 herein had issued letter No.SCN/320284397/24 dated 17.12.2024 seeking clarification regarding the issuance of passport, as it was evident from the police verification report that the petitioner has been involved in a criminal case vide Crime No.133 of 2020 on the file of Ghantasala Police Station and registered as C.C.No.398 of 2020 pending on the file of Judicial First Class Magistrate Court, Movva. Though the petitioner had explained with regard to pendency of the criminal case, the 3rd respondent did not consider for issuance of the passport. Hence, the writ petition.

5. Learned counsel for the petitioner submits that, the complainant was lodged based on false allegations and except that, there is no offence. He further submits that the Respondent Authorities more particularly Respondent No.3 in not accepting the explanation of the petitioner and denying issuance of the passport of the petitioner is nothing but an infringement of Fundamental Rights guaranteed under Articles 19 and 21 of the Constitution of India.

6. Learned counsel for the petitioner submits that it is the fundamental right of the petitioner to hold a passport and freedom to go abroad as per his wish as held in catena of judgments rendered by the Hon'ble Apex Court particularly in ***Maneka Gandhi vs. Union of India***¹.

7. Learned counsel for the petitioner also relied upon the ratio laid down by this Court in ***Dr. Venkata Rao Vara and Union of India and others***². In view of the settled principles of law, the petitioner is entitled for issuance of the passport.

8. On the other hand, learned counsel for the Respondents submitted the written instructions issued by the Respondent Authorities dated 04.07.2024, wherein it is stated that as per the Ministry's GSR 570(E) Notification dated 25.08.1993, when a criminal case is pending against the applicant in any Criminal Court, the applicant has to produce either an Acquittal Order or No Objection Certificate (NOC) from the Court below where case is pending along with GSR 570(E) undertaking. Hence, if the Court gives permission to the applicant to travel

¹ 1978 AIR 597

² W.P.No.4196 of 2024, dated 20.02.2024

abroad and directs the Respondent Authorities to issue passport, the Respondents will comply the order in accordance with the GSR 570(E).

9. It is also further contended that in the light of the decision of the learned Judge in **Kadar Valli Shaik's Case**³, the petitioner is required to obtain orders from the Court below, where the C.C is pending against him.

10. Heard the learned counsel for the petitioner and the learned counsel for the Respondents and also perused the material placed on record.

11. In **Kadar Valli Shaik's Case**(3 Supra), the learned Judge had dealt with various case law on the subject and passed a detailed order., the operative portion of which reads as follows:-

(a) The prayer of writ petitioners seeking direction to the respondent passport authorities to renew the passport without insisting on compliance with the notification dated 25.08.1993, notwithstanding the pendency of the criminal case in the Court concerned for trial, is rejected.

(b) A direction is issued to the respondents No.1 to 3 to consider the cases of the petitioners covered under clause (f) of Section 6 (2) of the Passports Act, for renewal of the passport, on production of the order from the concerned Court where the criminal case is pending for trial.

(c) On production of an order from the concerned Court, as aforesaid, the application for renewal shall not be rejected on the ground of mere pendency of the criminal case in Court, but subject to compliance of other requirements under notification dated 25.08.1993.

³ W.P.No.1392 of 2023, dated 07.03.2023

12. Further in W.P No.30373 of 2022, a learned Judge of this Court disposed of the same vide orders dated 28.09.2022, the relevant portion of which reads as follows:-

“9. A learned Single Judge of the High Court at Madras dated 04.02.2021 in W.P.No.20058 of 2020 held that mere pendency of a First Information Report cannot be the legal basis for denial of issuance of a regular passport to the petitioner and that it is only after cognizance is taken by an appropriate Court that it can be held that criminal proceedings have commenced and issuance or renewal of the passport would be depend on no objection being given by the concerned Court.

10. The Central Government has also issued G.S.R.No.570(E), dated 25.08.1993 stipulating that a no objection order would be required from a Court only if it falls within the ambit of Section 6(2)(f).”

11. In view of the fact that Section 6(2)(f) would arise only when there is a pending proceedings before the Criminal Court after cognizance is taken, it would have to be held that as of now there is no pending criminal proceeding before the Court.”

13. In ***Narige Ravindranath vs. The Union of India and others***⁴, the High Court for the State of Telangana held as follows:

6. The Apex Court in the judgment reported in 2013 (15) SCC page 570 in Sumit Mehta v State of NCT of Delhi at para 13 observed as under:

“The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all

⁴ W.P.No.25141 of 2023, dated 03.10.2023

the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India."

7. *The Division Bench of the Apex Court in its judgment dated 09.04.2019 reported in LAWS 2019(2) SCC online SC 2048 in Satish Chandra Verma v Union of India (UOI) and others at para 4 observed as under:*

"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.

14. In the light of the settled legal position, this Court is inclined to dispose of the writ petition with a direction to Respondent No.3 to consider the application of the petitioner, and issue fresh passport for a period of three (03) years, in accordance with law, without raising any objection relating to the criminal case Crime No.133 of 2020 on the file of Ghantasala Police Station and registered as C.C.No.398 of 2020 pending on the file of Judicial First Class Magistrate Court, Movva, within two (02) weeks from the date of receipt of copy of this order.

15. Further, if the petitioner intends to travel abroad, he shall obtain prior permission (NOC) from the Court concerned for such travel and shall appear before the trial Court, whenever his presence is required by the Court.

16. However, this order shall not preclude the prosecution from taking such steps as are necessary to ensure the presence of the petitioner for any other purposes. There shall be no order as to costs.

17. Consequently, miscellaneous applications pending if any, shall stand closed.

VENKATESWARLU NIMMAGADDA,J

Date: 17.02.2025

SP

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 3162/2025

Date: 17.02.2025

W

SP