

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

FRIDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 4977 OF 2025

Between:

Surya Prakash Cherukupalli, S/o. Pullaiah, aged 66 years, R/o. Flat No. 201, Maheswari Apartments, Ramamurthy Nagar, Nellore, SPSR Nellore District, Andhra Pradesh.

...PETITIONER

AND

1. The Union Of India, Represented by its Secretary, Ministry of External Affairs, New Delhi.
2. Regional Passport Office, Hyderabad, D.No. 8-2-215 to 219, Kummarguda, Secunderabad, Telangana.
3. The State, Represented by Inspector, Anti-Corruption Bureau, Nellore Range, SPSR Nellore District, Andhra Pradesh.

...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 or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2ND respondent in not processing the application of the petitioner for issuance of passport with file No. HY2067070332524, dated 29.10.2024 with the reason that a

case is pending against the petitioner as illegal, arbitrary, discriminating, unjust against to Article 14, 19, 21 of Constitution of India and against to the rules of Passport Act and consequentially direct the 2ND respondent to issue the passport by considering the application dated 29-10-2024 in the file No HY2067070332524 forthwith.

IA NO: 1 OF 2025

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 the passport by considering the application dated 29.10.2024 in file No. HY2067070332524 forthwith pending disposal of the above writ petition.

Counsel for the Petitioner(s): SRI. V SAI KUMAR

Counsel for the Respondent No.1: SRI PASALA PONNA RAO, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2: M/S ALEKYA TADISINA

Counsel for the Respondent No.3: SRI S SYAM SUNDAR RAO

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No.4977 of 2025

Order:

This Writ Petition has been filed questioning the action of respondent No.2 in not processing the application of the petitioner for issuance of passport with file No.HY2067070332524, dated 29.10.2024, on the ground that a criminal case has been registered against the petitioner herein.

2. Case of the petitioner is that he applied for issuance of passport vide application dated 29.10.2024 and the same is kept in abeyance by respondent No.2 on the ground that a criminal case in CC No.7 of 2019 on the file of the learned Special Judge for SPE and ACB Cases, Nellore, for the offence punishable under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988, for possessing assets disproportionate to his known sources of income, is pending against him. Pending the said case, the Government of Andhra Pradesh issued G.O.Ms.No.362, Revenue (Vig-VI) Department, dated 31.07.2023, wherein the Government having re-examined the case with reference to the material available on record and taking into consideration of the representation of the petitioner in the reference 5th cited therein and after careful examination decided to withdraw the prosecution sanction orders issued in the reference

3rd cited against the petitioner. Pursuant to that, the prosecution filed a petition in CrI.MP No.400 of 2023 in CC No.7 of 2019, under Section 321 Cr.P.C., seeking to permit the prosecution to withdraw the case against the petitioner herein. Pending the said application, the petitioner filed the present Writ Petition.

3. Heard. Perused the record.

4. Having heard both the parties and on consideration of entire material on record and since a charge sheet has been filed against the petitioner herein in CC No.7 of 2019 on the file of the learned Special Judge for SPE and ACB Cases, Nellore, for the offence punishable under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988, this Court is of the opinion that the petitioner may be permitted to file appropriate application before the jurisdictional Court for issuance of passport.

5. Accordingly, the Writ Petition is disposed of, with a direction to the petitioner herein to file appropriate application before the jurisdictional Court for issuance of passport, and on filing such application, the jurisdictional Court is directed to dispose of the said application, within a period of four (4) weeks from the date of filing such application, keeping in view the fact that the Government of Andhra Pradesh issued G.O.Ms.No.362, Revenue (Vig-VI) Department, dated 31.07.2023, deciding to withdraw the prosecution

sanction orders issued against the petitioner herein. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

//TRUE COPY//

Sd/- K J RAJA BABU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Union Of India, Ministry of External Affairs, New Delhi.
2. Regional Passport Office, Hyderabad, D.No. 8-2-215 to 219, Kummarguda, Secunderabad, Telangana.
3. The Inspector, Anti-Corruption Bureau, Nellore Range, SPSR Nellore District, Andhra Pradesh.
4. One CC to Sri. V Sai Kumar Advocate [OPUC]
5. One CC to Sri Pasala Ponna Rao, Deputy Solicitor General of India, Advocate [OPUC]
6. One CC to S Syam Sundar Rao, Advocate[OPUC].
7. One CC to M/s Alekya Tadisina, Advocate [OPUC].
- 8. Three CD Copies**

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HIGH COURT

DATED:09/05/2025

ORDER

WP.No.4977 of 2025



DISPOSING OF THE W.P. WITHOUT COSTS