



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

[3207]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 5662/2026

Between:

1. VENKATESH PILLALA, S/O. SIMHACHALAM PILLALA, AGED ABOUT 33 YEARS, RESIDENT OF DOOR NO. 16B-14-143, SIVAGOPALAPURAM, TANGELLAMUDI, ELURU DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE UNION OF INDIA, REP. BY ITS SECRETARY, CENTRAL PASSPORT OFFICER, PSP DIVISION, MINISTRY OF EXTERNAL AFFAIRS, SECRETARIATE, NEW DELHI -110011.

2. THE REGIONAL PASSPORT OFFICE, REP. BY ITS REGIONAL PASSPORT OFFICER (RPO), VISAKHAPATNAM, VISAKHAPATNAM DISTRICT - 520004.

3. THE STATION HOUSE OFFICER SHO, PATAMATA PS, VIJAYAWADA CITY, KRISHNA DISTRICT - 520010.

4. THE STATION HOUSE OFFICER SHO, ELURU RURAL PS, ELURU DISTRICT-534001.

...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 Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents more particularly Respondent No. 2, for not considering the explanation submitted

by the petitioner dated 31.01.2026 submitted in response to the notice issued dated 12.01.2026 by the 2nd Respondent in relation to the issuance passport. The authority had directed to submit the explanation, as there was a criminal case in C.C. No. 3789 of 2019 is pending on the file of the Hon'ble IV Additional Chief Metropolitan Magistrate, Vijayawada, regardless of the explanation submitted as on today no orders has been passed, which is highly illegal, arbitrary, improper and violation of Principles of Natural Justice apart from violate of article 14, 16 and 21 of the Constitution of India and consequently direct the 2nd respondent to consider the explanation submitted by the petitioner dated 31.01.2026 for issuance of passport as per the provisions of Passport Act, 1967, and 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 respondents to approve the pending application of the petitioner for issuance of passport vide Application No. VS4065906162525, dated 11.11.2025 or alternatively subject to such condition pending main Writ Petition and pass

IA NO: 2 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 May be pleased to amend the main prayer portion in the Writ Petition as follows The petitioner herein prays that this Hon'ble 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 more particularly Respondent No. 2, for not considering the explanation submitted by the petitioner dated 31.01.2026 submitted in response to the notice issued dated 12.01.2026 by the 2nd Respondent in relation to the issuance passport. The authority had directed to submit the explanation, as there was a criminal case in C.C. No. 3789 of 2019 is pending on the file of the Hon'ble IV Additional Chief Metropolitan Magistrate, Vijayawada, regardless of the explanation submitted as on today no orders has been passed, which is highly illegal, arbitrary, improper and violation of Principles of Natural Justice apart from violate of article 14, 16 & 21 of the Constitution of India and consequently direct the 2nd respondent to consider the explanation submitted by the petitioner dated 31.01.2026 for issuance of passport as per the provisions of Passport Act, 1967, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case. INSTEAD

OF ABOVE “ the petitioner herein prays that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents, more particularly Respondent No.2, in issuing a fresh passport to the petitioner vide Application No. VS4065906162525 dated 11.11.2025 on ground that there is criminal cases pending against the petitioner, even after receiving explanation submitted by the petitioner dated 31.01.2026, as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India, and consequently direct the respondents to issue fresh passport to the petitioner, subject to such conditions as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:

1.ELURU SESA MAHESH BABU

Counsel for the Respondent(S):

1.GP FOR HOME

2.KUMBHAJADALA KAUSHIK, CENTRAL GOVT.COUNSEL

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND**WRIT PETITION No.5662 of 2026****ORDER: -**

It is brought to the notice of this Court by both the learned counsel that the subject matter of this writ petition is squarely covered by the common order passed in W.P.No.5769 of 2026 and batch, dated 07.04.2026, which is as follows:

"9. Accordingly, these writ petitions are allowed with the following direction:

The Passport Authorities to consider and pass appropriate orders on the applications submitted by the petitioners for issuance of passports or re-issuance of passports or renewal of passports, for a period of ten (10) years, under Section 10 of the Passports Act, 1967 and under Rule 12 of Passport Rules, 1980 and also the Gazette Notification issued by the Central Government vide GSR No.570(E), dated 25.08.1993, without reference to the criminal proceedings pending against the petitioners before the concerned Courts, subject to the following conditions:

- (i) The petitioners shall submit an undertaking, along with an affidavit affirming that he/she will not leave the country during the pendency of the criminal proceedings, pending against them without permission of the courts having jurisdiction and that he/she will co-operate with concerned trial court in concluding the proceedings.
- (ii) On filing such an undertaking as well as affidavit, the concerned trial court shall issue a certified copy of the same within two (02) weeks.
- (iii) The petitioners shall submit the certified copy of the aforesaid undertaking before the respondent-Passport Officer for issuance of passport or re-issuance or renewal of his/her passport.

(iv) The respondent-Passport Officer shall consider the said application in the light of the observations made by this Court herein as well as the contents of the undertaking given by the petitioners for issuance of passport or re-issuance or renewal of his/her passport in accordance with law, within two (02) weeks from the date of said application.

(v) On renewal of the passport, the petitioners shall deposit the original renewed Passport before the concerned trial court.

(vi) The petitioners shall file an application before the concerned trial Court seeking permission to travel abroad.

(vii) The concerned trial Court shall consider the same, in accordance with law.”

2. Hence, following the said orders, this writ petition is allowed on the same terms.

3. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

Date: 22.04.2026

SA

49

THE HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO.5662 of 2026

Dt.22.04.2026

SA