

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

**MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 14883 OF 2026

Between:

Mogulaiah Gattumedi, S/o Balaiah Gattumedi Aged about 37 years, occ- Business
R/o 3-282 Yennaram Village Kotpally Mandal Vikarabad District, Telangana state.
PIN- 506002.

...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, Head Post Office, 4-2-175/2,Opp. Watertank, Old LIG Colony, Vikarabad, Telangana State. PIN- 501101

...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 vide application No. 26-1052536436 dt. 11-2-2026 stating that there is a criminal case is pending in Crime No. 66 of 2021 under Sections 354, 323 R/W. 34 of IPC on the file of Kotepally P.S, Vikarabad district numbered as C.C.No. 150 of 2022 on the file of court of I Addl Junior Civil Judge Vikarabad is illegal, arbitrary, contrary to law and violation of Indian Passport Act and consequently direct

the respondents to process of the application No. 26-1052536436 dt. 11-2-2026 by issuing passport to the petitioner

I.A. 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. 26-1052536436 dt. 11-2-2026 pending disposal of the Writ petition

Counsel for the Petitioner : SRI N MANIK RAO

**Counsel for the Respondents: 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.14883 of 2026

Dated: 04.05.2026

Between:

Sri Mogulaiah Gattumedi

...Petitioner

AND

The Union of India & another

...Respondents

ORDER:

The Writ Petition is filed challenging the action of respondent passport authorities in not issuing the petitioner's passport *vide* application No.HYJ066404843226, dated 16.02.2026, on the ground of pendency of a criminal case.

2. Heard Sri N. Manik Rao, learned counsel for the petitioner and Sri N. Bhujanga Rao, learned Deputy Solicitor General of India, for the respondents.

3. Learned counsel for the petitioner submits that mere arraignment of the petitioner in a criminal case cannot be a ground

for denial of passport. He relies on the judgment of this Court in W.P.No.3211 of 2026, dated 04.02.2026.

4. Learned Deputy Solicitor General of India, for the respondents, submits that a criminal case is pending against the petitioner *vide* C.C.No.150 of 2022 before the learned I Additional Junior Civil Judge at Vikarabad. He, by referring to Office Memorandum dated 10.10.2019 issued by the Ministry of External Affairs, submits that in view of the pending criminal proceedings against the petitioner, the petitioner is required to approach the concerned trial Court for necessary NOC/permission to obtain passport, and thereafter furnish the same before the passport authority for considering issuance of passport. In the instant case, the petitioner has not furnished NOC/permission from the trial Court and therefore there is no illegality in refusing to issue the passport.

5. This Court has carefully considered the submissions of both parties and perused the material available on record. It is settled law that mere pendency of criminal proceedings cannot be a ground to refuse issuance of passport. In this connection, it is relevant to refer to the orders passed by the Hon'ble Division Bench

of this Court in W.A.No.194 of 2026, dated 17.02.2026, wherein the Division Bench has observed as follows:

"13. In the light of the principle laid down by the Apex Court concerning the interpretation of GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019, we are of the considered view that the appellant should make an application for seeking NOC from the concerned trial courts where criminal cases are pending against him. It is upon issuance of NOC that the appellant should file an application for renewal of the passport. In case the courts prescribe a period for which the passport is to be issued, the passport authority should honour that period. Otherwise, if it does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases.

14. Since the passport of the appellant is going to expire on 28.02.2026, the appellant is at liberty to make an application for issuance of NOC from the concerned courts within this week. If such an application is made before the learned courts, the learned courts would endeavour to take it up expeditiously, preferably within a week, and pass appropriate orders after hearing the parties. It is for the appellant to seek renewal of passport based upon such NOC before the Regional Passport Authority. Needless to say, the Regional Passport Authority would consider the request of extension in accordance with law i.e., the Passports Act, 1967, GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019 applicable to the case on hand."

6. In the instant case, there is no material placed on record to show that the petitioner filed an application before the concerned trial Court seeking a "No Objection Certificate" for issuance of passport. In view of the pending criminal proceedings against the

petitioner, this Court deems it appropriate to direct the petitioner to approach the concerned trial Court and make an appropriate application seeking a "No Objection Certificate" for issuance of passport. Upon filing such application, the concerned trial Court shall consider the same and pass appropriate orders expeditiously, preferably within one week from the date of filing of such application. Upon furnishing the NOC by the petitioner, the passport authority shall consider the same for issuance of passport in accordance with law.

7. It is made clear that the NOC that may be issued by the trial Court to the petitioner for issuance of 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 of travel, and the trial Court shall consider such application on its own merits, by imposing appropriate conditions in accordance with law. Needless to mention that 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.

8. Accordingly, the Writ Petition is disposed of with the above directions. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

//TRUE COPY//

SD/-MOHD.ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Under Secretary, Ministry of External Affairs, Central Secretariat, The Union of India, New Delhi.
2. The Regional passport officer, Head Post Office, 4-2-175/2, Opp. Watertank, Old LIG Colony, Vikarabad, Telangana State. PIN- 501101
3. One CC to SRI N MANIK RAO, Advocate [OPUC]
4. One CC to SRI N BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA, Advocate [OPUC]
5. Two CD Copies

PVL

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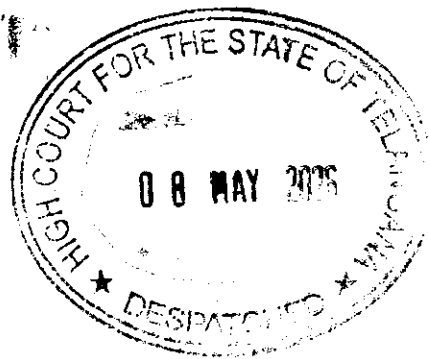
HIGH COURT

CC-TODAY

DATED: 04/05/2026

ORDER

WP.No.14883 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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08/05/26
lax