

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

**THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 17710 OF 2026

Between:

Krishnakanth Sidam, S/o. Suryabhanu Sidam, aged about 34 years,
Occupation. Private Employee, residing at H. No. 3-2-459/1, Kranthi Nagar,
Adilabad, Telangana - 504001

...PETITIONER

AND

1. The Union of India, Rep. by its under Secretary, Ministry of External Affairs,
PSP Division, Room No.27, Patiala House, Tilak Marg, New Delhi- 110 001
2. The Regional Passport Officer, Hyderabad, D. No. 8-2-215 to 219,
Kummarguda, Secunderabad - 500003, Telangana

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring action of Respondent No.2 in not considering the petitioners explanation submitted in response to Show Cause Notice Ref. No. SCN/1055120045/26 dated 22.05.2026, despite the petitioners personal appearance before the Passport Authority and subsequent submission of a detailed written explanation, and in initiating/continuing proceedings for impounding, cancellation or surrender of Passport No. AS662361 without passing a reasoned order and without considering the judgments relied upon by the petitioner, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India, and consequently direct Respondent No.2 to consider and dispose of the petitioners explanation forthwith in accordance with law.

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 Respondent No.2 not to take any coercive action pursuant to Show Cause Notice Ref. No. SCN/1055120045/26 dated 22.05.2026, including impounding, cancellation or requiring surrender of Passport No. AS662361, and to permit the petitioner to undertake his scheduled employment-related foreign travel from 13.06.2026 to 19.06.2026. pending disposal of the above writ petition

Counsel for the Petitioner: SRI. MOHAMMAD FAYAZ

**Counsel for the Respondent No. 1: SRI. N BHUJANGA RAO
DEPUTY SOLICITOR GENERAL OF INDIA
Counsel for the Respondent No.2: Ms. N.V.R. RAJYALAKSHMI,
SC FOR CENTRAL GOVERNMENT**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 17710 of 2026

11th June, 2026

Between:

Krishnakanth Sidam

... Petitioner

AND

The Union of India, and another

... Respondents

ORDER:

The petitioner submitted an application to the 2nd respondent—Passport Authority seeking issuance of a passport and was accordingly issued Passport No. AS662361. Subsequently, however, the Passport Authority issued a show-cause notice dated 22.05.2026 to the petitioner, stating that criminal proceedings are pending against him in C.C. No. 8 of 2021 on the file of the Assistant Sessions Judge, Adilabad, (for short, 'the trial Court') and that he had suppressed this information while filling out his passport application. Accordingly, the petitioner was called upon to furnish an explanation regarding the said criminal case.

1.1. The petitioner submitted his explanation dated 22.05.2026; however, the same has not yet been considered. The petitioner apprehends that the Passport Authority may impound his passport. According to the petitioner, his employment requires him to travel abroad for official

purposes, and if his passport is impounded without considering his explanation, his employment would be put at risk.

2. Heard Mr. Mohammad Fayaz, learned counsel for the petitioner, and Mrs. N.V.R. Rajyalakshmi, learned Standing Counsel for the Central Government appearing on behalf of the 2nd respondent–Passport Authority. Perused the record.

3. Learned Standing Counsel, placing reliance on the 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, he is required to approach the concerned trial Court and obtain the necessary No Objection Certificate (NOC)/permission for obtaining a passport and thereafter furnish the same before the Passport Authority for consideration of his application for issuance of a passport.

3.1. It is contended that, in the present case, the petitioner did not obtain an NOC/permission from the trial Court and directly applied for a passport. During the police verification, it was revealed that criminal proceedings are pending against the petitioner in C.C. No. 8 of 2021 before the trial Court. Therefore, prima facie, there is no illegality in the impugned action of the 2nd respondent–Passport Authority. It is further contended that the proper course available to the petitioner is to approach the trial Court, obtain the necessary NOC/permission, and furnish the same before the Passport Authority, rather than seeking consideration of his explanation to the show-cause notice dated 22.05.2026, as explanation is not a substitute to the NOC of trial Court. Learned Standing Counsel relies upon the judgment of the Hon'ble Division Bench of this Court in W.A. No. 194 of 2026, dated 17.02.2026.

4. Having considered the respective submissions, it is to be noted that it is settled law that mere pendency of criminal proceedings cannot, by itself, be a ground for refusal of a passport. In this regard, it is relevant to note the judgment of the Hon'ble Division Bench of this Court in W.A. No. 194 of 2026, dated 17.02.2026, wherein it was 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 the Office Memorandum dated 10.10.2019, we are of the considered view that the appellant should make an application seeking NOC from the concerned trial courts where criminal cases are pending against him. Upon issuance of the NOC, 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 no period is stipulated, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases."

5. In the present case, it is not in dispute that criminal proceedings are pending against the petitioner in C.C. No. 8 of 2021 before the trial Court. No material has been placed on record to demonstrate that the petitioner has filed any application before the trial Court seeking a No Objection Certificate for obtaining a passport. In view of the pendency of the criminal proceedings against the petitioner, this Court deems it appropriate to direct the petitioner to approach the trial Court, and file an appropriate application seeking a No Objection Certificate for obtaining a passport. Upon such application being filed, the trial Court shall consider the same and pass appropriate orders expeditiously, preferably within one week from the date of filing of the application. Thereafter, the petitioner shall submit a fresh

application for issuance of a passport, enclosing the NOC, and the Passport Authority shall consider the same in accordance with law.

6. It is made clear that the NOC issued by the trial Court for obtaining a passport shall not be construed as permission to travel abroad. In the event the petitioner intends to travel abroad during the pendency of the criminal proceedings, he shall file a separate application seeking permission to travel abroad, specifying the duration and purpose of the proposed travel. Upon such application being filed, the trial Court shall consider the same on its own merits and pass appropriate orders, subject to such conditions as may be deemed fit and proper in accordance with law. Needless to state, the trial Court shall be at liberty to take appropriate steps in accordance with law to secure the presence of the petitioner in the event of violation of any conditions imposed while granting permission to travel abroad.

7. Accordingly, the writ petition is disposed of with the above directions. No costs. Miscellaneous petitions pending, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of External Affairs, PSP Division, Room No.27, Patiala House, Tilak Marg, New Delhi- 110 001
2. The Regional Passport Officer, Hyderabad, D. No. 8-2-215 to 219, Kummarguda, Secunderabad - 500003, Telangana
3. One CC to SRI. MOHAMMAD FAYAZ Advocate [OPUC]
4. One CC to SRI. N BHUJANGA RAO Deputy Solicitor General of India [OPUC]
5. One CC to Ms. N.V.R. RAJYALAKSHMI, SC FOR CENTRAL GOVERNMENT [OPUC]
6. Two CD Copies

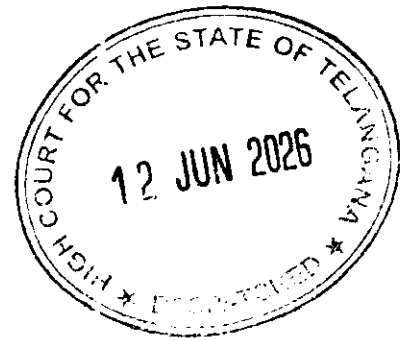
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CC TODAY

HIGH COURT

DATED: 11/06/2026



ORDER
WP.No.17710 of 2026

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

② SKR.
12/06/26