APHC010545772026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3332]
(Special Original Jurisdiction)

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 29899/2026

Between:

1. GUTTULA SRINIVAS, S/O SURYANARAYANA, AGED ABOUT 54 YEARS, OCC BUSINESS, R/O DOOR NO. 69-8-6-TI, RAJENDRA NAGAR, GS PARADISE, OPP BOAT CLUB, VTC KAKINADA URBAN, KAKINADA DISTRICT, ANDHRA PRADESH-533003.

...PETITIONER

AND

1. THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, PASSPORT SEVA KENDRA, PATIALA HOUSE, TILAK MARG, NEW DELHI-110001.
2. THE REGIONAL PASSPORT OFFICER, , REGIONAL PASSPORT OFFICE, VISAKHAPATNAM, VISAKHAPANTAM DISTRICT, ANDHRA PRADESH-530009.
3. THE STATION HOUSE OFFICER, AMALAPURAM TOWN POLICE STATION, DR. B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH-533201.

...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 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. VS1077394748826, dated 15,09.2026 with the reason that police verification report is not clear and application is under review at the 2nd respondent office as well as the petitioner involved in a criminal case 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 15.09.2026 in file No. VS1077394748826 forthwith

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

Counsel for the Petitioner:

1. V SAI KUMAR

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER:

The grievance of the petitioner, in short, is that the passport authorities are not issuing his passport, on the ground of pendency of criminal case against him.

2. Heard Sri N.Sashinag, learned counsel representing Sri V.Sai Kumar, learned counsel for the petitioner and Sri Parimi Rama Rayudu, learned Central Government Counsel for the respondents.

3. Learned counsel for the petitioner sought liberty to file an appropriate application before the Court of the Judicial Magistrate of First Class, Amalapuram, where C.C.No.1382 of 2023 is pending.

4. Perusal of the material available on record shows that Calendar Case No.1382 of 2023 is pending against the petitioner on the file of the Court of Judicial Magistrate of First Class, Amalapuram.

5. The Hon'ble Supreme Court, as well as various High Courts, have consistently held that criminal proceedings can be said to have commenced only after the competent Court has taken cognizance of the offence and the issuance of renewal of a passport would thereafter depend upon the concerned Court granting No Objection Certificate or appropriate permission.

6. Taking the facts and circumstances of the case into consideration and having regard to the fact that C.C.No.1382 of 2023 is pending against

the petitioner and that the petitioner intends to file an application before the concerned Court, this Court is inclined to dispose of the Writ Petition at the admission stage itself.

7. Accordingly, the Writ Petition is ***disposed of*** granting liberty to the petitioner to make an appropriate application before the learned Judicial Magistrate of First Class, Amalapuram, for issuance of 'No Objection Certificate' for issuance of his Passport. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, pending if any, shall stand closed.

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JUSTICE RAVI CHEEMALAPATI

Date: 14th October, 2026

Note: Issue C.C. by 14.10.2026

B/o

RKS