

**IN THE HIGH COURT OF TELANGANA AT HYDERABAD****W.P. No. 25141 of 2023****Between:**

Narige Ravindranath

... Petitioner

And

The Union of India and others

... Respondents

**JUDGMENT PRONOUNCED ON: 03.10.2023****THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes  
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes  
see the fair copy of the Judgment?

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**SUREPALLI NANDA, J**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

**W.P. No. 25141 of 2023**

**% 03.10.2023**

**Between:**

# Narige Ravindranath

..... Petitioner

**And**

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... Respondents

< Gist:

> Head Note:

! Counsel for the Petitioner : Pulla Rao Yellanki

^ counsel for Respondent No.1 : G. Praveen Kumar  
Dy Solicitor General of India

^ Counsel for respondent No.2: G.P. for Home

? Cases Referred:

1. 2013 (15) SCC570
2. Laws 2019 (2) SCC online SC 2048
3. 1978 (1) SCC 248
4. 2023 (4) ALT 406

**HON'BLE MRS JUSTICE SUREPALLI NANDA****W.P. No. 25141 of 2023****ORDER:**

**Heard Mr Pulla Rao Yellanki, the learned counsel appearing on behalf of the Petitioner, Mr G.Praveen Kumar, Deputy Solicitor General of India, learned counsel appearing on behalf of respondent No.1 and the learned Government Pleader Home appearing on behalf of Respondent Nos.2 and 3.**

2. This Writ Petition is filed praying to issue a Writ of Mandamus to declare the action of the 2<sup>nd</sup> Respondent in not renewing the petitioner's passport No. L1275522 in spite of having submitted an application dated 16.05.2023 vide File No. MA1075321574923 on the ground that adverse police verification report against the petitioner that he was involved in three criminal cases those are 1) Crime No.269 of 2022 under section 420 I.P.C, Section 7 and 8 of ECA, 2) Crime No.270 of 2022 under section 420 I.P.C and section 7 and 8 of ECA and 3) Crime No. 310 of 2022 for offence punishable under section 420 I.P.C and 7 and 8 ECA had been registered against the petitioner on the file of the P.S. Paloncha as

illegal, arbitrary, unjust, in violation of principles of natural justice and violation of articles 14, 15, 16 and 21 of the Constitution of India and consequently direct the 2<sup>nd</sup> respondent to renew the petitioner's passport No.L1275522 by permitting the petitioner to travel abroad for a period of one year without any conditions.

3) It is the specific case of the Petitioner that the petitioner is permanent resident of Paloncha Town, Bhadradi – Kothagudem district and the petitioner's father had established rice mill and based on certain policies the surrounding needy people come to their rice mill to get rice since long back. The police officials used to visit petitioner rice mill upon the presumption that the petitioner has purchased the PDS rice from the dealer. Based on false information, the then S.I of police registered three cases against the petitioner 1)Crime No.269 of 2022 under section 420 I.P.C, section 7 and 8 of ECA, 2) Crime No.270 of 2022 under section 420 I.P.C and section 7 and 8 of ECA and 3) Crime No.310 of 2022 for offences punishable under Section 420 I.P.C and 7 and 8 ECA.

4) It is further the case of the petitioner that the petitioner never purchased any PDS rice from anybody but, the police registered false cases against the petitioner and the same are pending for filing of charge sheet. It is further the case of the petitioner that when the petitioner intended to attend the "Graduation Ceremony of his son in St. Albans Cathedral, Hertfordshire" scheduled between 5<sup>th</sup>-14<sup>th</sup> September, 2023 and when the petitioner approached the 2<sup>nd</sup> respondent for renewal of passport for the purpose of attending the Graduation Ceremony of his son, the 2<sup>nd</sup> respondent stated that he cannot renew the petitioner's passport on the ground that the petitioner is involved in criminal cases. Aggrieved by the same, the petitioner approached this Court by filing the present writ petition.

### **DISCUSSION AND CONCLUSION**

5) This Court opines that the respondent passport authority cannot deny the renewal of passport of the petitioner on the ground of pendency of criminal cases registered against the petitioner i.e. (1) Crime No.269 of 2022 under section 420 I.P.C, Section 7 and 8 of ECA, 2) Crime No.270 of 2022 under section 420 I.P.C and section 7

and 8 of ECA and 3) Crime No. 310 of 2022 for the offences punishable under section 420 I.P.C and 7 and 8 ECA on the file of the P.S. Paloncha since freedom to go abroad has much social value and represents the basic human right of great significance.

**6. The Apex Court in the judgment reported in 2013 (15) SCC page 570 in Sumit Mehta v State of NCT of Delhi at para 13 observed as under:**

"The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India."

**7. The Division Bench of the Apex Court in its judgment dated 09.04.2019 reported in LAWS 2019(2) SCC online SC 2048 in Satish Chandra Verma v Union of India (UOI) and others at para 4 observed as under:**

"The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are

the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right."

**8. The Apex Court in Menaka Gandhi v Union of India reported in 1978 (1) SCC 248, held that no person can be deprived of his right to go abroad unless there is a law enabling the State to do so and such law contains fair, reasonable and just procedure. Para 5 of the said judgment is relevant and the same is extracted below:**

"Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passports, Act, 1967 that it lays down the circumstances under which a passport may be issued or refused or cancelled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned

Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law.

**Therefore, such a right to travel abroad cannot be deprived except by just, fair and reasonable procedure.**

9. In the judgment dated 08.04.2022 of the Andhra Pradesh High Court reported in 2023 (4) ALT 406 (AP) in Ganni Bhaskara Rao v Union of India and another at paras 4, 5 and 6, it is observed as under:

**"This Court after hearing both the learned counsel notices that the Hon'ble Supreme Court of India, in Criminal Appeal No.1342 of 2017, was dealing with a person, who was convicted by the Court and his appeal is pending for decision in the Supreme Court. The conviction was however stayed. In those circumstances also it was held that the passport authority cannot refuse the "renewal" of the passport.**

This Court also holds that merely because a person is an accused in a case it cannot be said that he cannot "hold" or possess a passport. As per our jurisprudence every person is presumed innocent unless he is proven guilty. Therefore, the mere fact that a criminal case is pending against the person is not a ground to conclude that he cannot possess or hold a passport. Even under Section 10 (d) of the Passports Act, the passport can be impounded only if the holder has been convicted of an offence involving "moral turpitude" to imprisonment of not less than two years. The use of the conjunction



'and' makes it clear that both the ingredients must be present. Every conviction is not a ground to impound the passport. If this is the situation post-conviction, in the opinion of this Court, the pendency of a case / cases is not a ground to refuse, renewal or to demand the surrender of a passport.

The second issue here in this case is about the applicability of Section 6(2)(e) of the Passport Act. In the opinion of this Court that section applies to issuance of a fresh passport and not for renewal of a passport. It is also clear from GSR 570(E) which is the Notification relied upon by the learned counsel for the respondents and is referred to in the counter affidavit. This Notification clarifies the procedure to be followed under Section 6 (2) of the Passport Act against a person whom the criminal cases are pending. This notification permits them to approach the Court and the Court can decide the period for which the passport is to be issued. This is clear from a reading of the Notification issued. Clause (a) (i) states if no period is prescribed by the Court the passport should be issued for one year. Clause (a) (ii) states if the order of the Court gives permission to travel abroad for less than a year but has not prescribed the validity period of the passport, then the passport should be for one year. Lastly, Clause (a) (iii) states if the order of the Court permits foreign travel for more than one year but does not specify the validity of the passport, the passport should be issued for the period of travel mentioned in the order. Such a passport can also be renewed on Court orders. Therefore, a reading of GSR 570(E) makes it very clear that to give exception or to exempt applicants from the rigour of Section 6 (2)(f) of the Act, GSR 570(E) has been brought into operation. The issuance of the passport and the period of its validity; the period of travel etc., are thus under the aegis of and control of the Court.

**10. Taking into consideration the aforesaid facts and circumstances of the case and the law laid down in the**

judgments of the Apex Court i.e. (1) judgment reported in 2013 (15) SCC page 570 in Sumit Mehta v State of NCT of Delhi (2) The judgment of the Division Bench of the Apex Court dated 09.04.2019 reported in LAWS 2019(2) SCC online SC 2048 in Satish Chandra Verma v Union of India (UOI) and others (3) the Apex Court judgment in Menaka Gandhi v Union of India reported in 1978 (1) SCC 248 and the (4) judgment dated 08.04.2022 reported in 2023 (4) ALT 406 (A) in Ganni Bhaskara Rao v Union of India and another (referred to and extracted above), the writ petition is allowed and the 2<sup>nd</sup> respondent is directed to renew the passport No. L1275522 of the petitioner, within a period of one week from the date of receipt of a copy of this order duly taking into consideration the observations of the Apex Court in various judgments (referred to and discussed above), without relating it to the pendency of the criminal cases registered against the petitioner i.e.

1) Crime No.269 of 2022 under section 420 I.P.C, Section 7 and 8 of ECA, 2) Crime No.270 of 2022 under section 420 I.P.C and section 7 and 8 of ECA and 3)

**Crime No. 310 of 2022 for offence punishable under section 420 I.P.C and 7 and 8 ECA on the file of the P.S. Paloncha. However, there shall be no order as to costs.**

Miscellaneous petitions, if any, pending shall stand closed.

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**SUREPALLI NANDA, J**

Date: 03.10.2023

Note: L.R.Copy to be marked.

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