

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 128 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Filed against the order 19/12/2025 passed in writ petition No.30609 of 2025. on the file of the High Court.

Between:

Sri Thota Sai Suman, S/o: Sri Thota Nageshwar Rao, Aged about 41 Years, Occ- IT Employee, -- R/o H.No.15-14-52, RTC Colony, Guntur, Guntur District, Andhra Pradesh, Presently R/o 2935, Southwick dr, Cumming, GA 300041, USA, Represented by his G.P.A. Holder Thota Nageshwar Rao

...APPELLANT

AND

1. The Regional Passport Officer, Ministry of External Affairs, Government of India.
2. The Union of India, Through the Secretary Ministry of External Affairs, South Block, New Delhi-110011
3. The Consulate General of India, 5549, Glenridge Drive, NE, Atlanta GA-30342
4. Sri.P.Satyanarayana, S/o Sri.P.Koteswara Rao, Aged about 65 Years, Occ-Retired Government Employee(ASI), R/o H.No.2-3-70/1/10, Sri Sai Apartments, Anantham Nagar, Amberpet, Hyderabad.

...RESPONDENTS

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 to Direct the Respondent process the application bearing Passport Application Refgrence

No.25- 2002034556, Dt. 24ger-20t6 and Renew the Passport bearing No.N4596317.

**Counsel for the Appellant: SRI A. VENKATESH, REPRESENTS
SRI MAMIDI AVINASH REDDY**

**Counsel for the Respondent Nos.1 to 3: SRI N. BHUJANGA RAO
Deputy Solicitor General of India**

Counsel for the Respondent No.4: SRI SHAIK MAHAMMAD HUSSEN

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No. 128 of 2026

DATED : 05.02.2026

Between:

Sri Thota Sai Suman

... Appellant

AND

The Regional Passport Officer,
Ministry of External Affairs,
Government of India and three others

... Respondents

JUDGMENT:

Sri A. Venkatesh, learned Senior Counsel represents
Sri M. Avinash Reddy, learned counsel for appellant/writ
petitioner.

Sri N. Bhujanga Rao, learned Deputy Solicitor General
of India for the State of Telangana appears for respondent
Nos.1 to 3.

2. The appellant/writ petitioner, an Indian Citizen, living in
the United States of America and working as an Information
Technology Professional, is facing Calendar Case No.1830 of

2022 (for short 'the subject C.C.') under Section 498A of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, 1961, in respect of Crime No.821 of 2021 of Women Police Station, Detective Department, filed at the instance of his wife, who is residing in India. The police upon investigation had filed a charge sheet before the learned XIII Additional Chief Judicial Magistrate (Mahila Court), Nampally, Hyderabad, in the subject C.C. The appellant had earlier got an order from the trial Court on 27.12.2024 in CrI.M.P.No.5666 of 2024 in the subject C.C. for travelling abroad for a period of one year, with a direction to appear before the trial Court on 27.12.2025 subject to other conditions regarding furnishing of his email, telephone details, present address and work place address and to execute a personal bond of Rs.1,00,000/- with one surety of Rs.10,000/-. The appellant filed an application for renewal of his passport in August, 2025, well before expiry of his passport on 01.11.2025, for extension of such period. It has however not been extended on account of pendency of the subject C.C. Therefore, he filed

Writ Petition No.30609 of 2025 which has been disposed of by the learned writ Court *vide* impugned order dated 19.12.2025.

The conclusive portion of the said order reads as under:

“In that view of the matter, this writ petition is disposed of directing the 3rd respondent – The Consulate General of India, 5549 Glendridge Drive, NE Atlanta, GA 30342, to issue Emergency Certificate as per Section 4 of the Passport Rules, 1980, strictly in accordance with law within a period of two weeks from the date of filing of application by the petitioner, if any, enabling the petitioner to travel to India, on compliance of the following directions:

- (i) The petitioner shall submit an undertaking along with an affidavit before the learned XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad in C.C.No.1830 of 2022 stating that the petitioner will not leave India during pendency of the C.C. without permission of the Court and the petitioner will cooperate in concluding the criminal proceedings.
- (ii) The respondents shall be at liberty to take steps on breach of the undertaking.

Recording the above said submission, writ petition is disposed of accordingly.”

3. The learned Senior Counsel for the appellant submits that the direction issued by the learned writ Court to the Consulate General of India, Atlanta, to issue emergency

certificate is not in accordance with the Passports Rules, 1980 (for short 'the Rules, 1980'). The appellant has to seek renewal of the passport after obtaining No Objection Certificate from the learned trial Court where the subject C.C. is pending. He submits that this Court in the case of **Nidhi Agarwal v. Union of India, Representing by its Under Secretary**¹ had in similar circumstances directed the petitioner therein to approach the concerned Court of criminal jurisdiction where the C.C. is pending for issuance of no objection certificate and ancillary prayers as may be required in the facts and circumstances of the case. It is submitted that this Court may allow similar liberty to the appellant with permission to file such application through his GPA Holder as the learned Courts at Nampally are not entertaining online applications.

4. The learned Deputy Solicitor General of India does not have any objection if the appellant approaches the concerned Court of criminal jurisdiction, where the subject C.C. is

¹ 2025 SCC OnLine TS 1778

pending, for issuance of no objection certificate and any other directions for renewal of his passport.

5. In the above said facts and circumstances, we are of the considered view that the impugned direction issued by the learned writ Court upon the Consulate General of India, Atlanta, to issue emergency certificate as per the Rules, 1980, may not be permissible. The right course for the appellant in such circumstances is to approach the concerned Court of criminal jurisdiction with an application for issuance of no objection certificate and such other ancillary prayers as may be sought in the facts and circumstances of the case. Needless to say that if such application is made before the learned Court, it would take up the matter as early as possible, preferably, within the same week and after hearing the parties, pass such orders as may be required in accordance with law within a period of two (2) weeks thereafter.

6. The learned Senior Counsel for the appellant at the end submits that on account of inability of the appellant to appear before the learned Court on 27.12.2025, a petition under

Section 317 of Cr.P.C. to dispense with his personal appearance was filed before the learned Court and the same is pending. The appellant is at liberty to press the said application before the learned Court while seeking issuance of no objection certificate through appropriate application as observed hereinabove.

7. With the aforesaid observations, the instant Writ Appeal is disposed of by setting aside the direction issued by the learned writ Court *vide* order dated 19.12.2025 in Writ Petition No.30609 of 2025 upon the Consulate General of India, Atlanta, to issue emergency certificate as per the Rules, 1980. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

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Sd/-A.V.S. PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Regional Passport Officer, Ministry of External Affairs, Government of India.
2. The Secretary Ministry of External Affairs, The Union of India, South Block, New Delhi-110011
3. The Consulate General of India, 5549, Glenridge Drive, NE, Atlanta GA-30342
4. One CC to Sri Mamidi Avinash Reddy, Advocate [OPUC]
5. One CC to Sri N. Bhujanga Rao, Deputy Solicitor General of India [OPUC]
6. One CC to Sri Shaik Mahammad Hussien, Advocate[OPUC]
7. Two CD Copies

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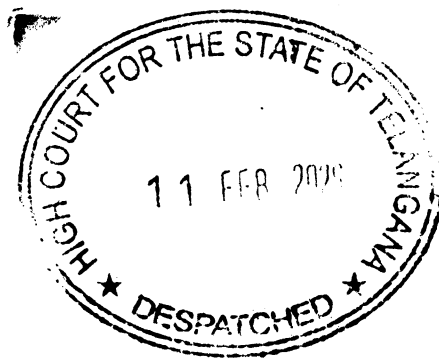
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HIGH COURT

DATED:05/02/2026

JUDGMENT

WA.No.128 of 2026



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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11/2/26