

GAHC010025552024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/917/2024

BIPUL DAS AND 2 ORS
S/O KUMUD NARAYAN DAS,
RESIDENT OF HOUSE NO. 9, BYE LANE NO. 4, PUB SARANIA, PO
SILPUKHURI, DIST KAMRUP (M) ASSAM 781003

2: SRI NIPON PATGIRI
S/O AJAY PATGIRI
RESIDENT OF HOUSE NO. 9
PUB SARANIA
PO SILPUKHURI
DIST KAMRUP(M) ASSAM 781003

3: SRI UTPAL KALITA
S/O PADMARAM KALITA
RESIDENT OF HOUSE NO. 07 KUNDIL NAGAR
BYE LANE NO. 12
PO ULUBARI
DIST KAMRUP M ASSAM 78100

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY INTELLIGENCE BUREAU, MINISTRY
OF HOME AFFAIRS, GOVT. OF INDIA, NEW DELHI 110066

2:THE DEPUTY DIRECTOR
BUREAU OF IMMIGRATION
EAST BLOCK VIII
R.K PURAM
NEW DELHI 110066

3:THE CHIEF IMMIGRATION OFFICER

THE BUREAU OF IMMIGRATION DIST KAMRUP M ASSAM

4:FOREIGNER REGIONAL REGISTRATION OFFICES 237
ACHARYA JAGADISH CHANDRA BOSE ROAD
BALLYGUNGE
KOLKATA
WEST BENGAL 700020

5:THE REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE
GUWAHATI A DEE TOWER 2ND FLOOR
OPP. NIDHI BHAWAN
LALMATI NH 37
GUWAHATI 78102

Advocate for the Petitioner : MR. N C DAS

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 06-05-2024

Heard Mr. N.C. Das, learned counsel for the petitioners and Mr. D.C. Borah, learned CGC for all the respondents.

2. The petitioners have instituted the instant writ petition under Article 226 of the Constitution of India aggrieved by issuance of a Look Out Circular [LOC] against the petitioners holding passport numbers viz. [i] Z6131078, [ii] Z6947171; and [iii] Z7162437. In the writ petition, the petitioners have sought the following reliefs :-

[a] issue a Rule calling upon the respondents to show cause as to why a writ of Mandamus should not be issued commanding them to withdraw the Look Out Circular if any against the petitioners;

[b] issue Rule in the nature of Certiorari commanding the respondents

to transmit and certify to this Hon'ble Court all records relating to the issuance of Look Out Circular against the petitioners in Passport Nos. [1] Z6131078 issued in favour of Petitioner no. 1, [2] Z6947171 issued in favour of Petitioner no. 2 and]3] Z7162437 issued in favour of petitioner no. 3;

[c] pass ad-interim direction to the respondent no. 2 not to harass the petitioners in case of journey till the final disposal of the rule; and or

[d] pass such other or further order or orders as Your Lordships may deem fit and proper.

3. On the previous date of listing, on 05.04.2024, Mr. Borah, learned CGC was asked to obtain instruction in a sealed envelope, in the event the respondent authorities do not want to disclose the reasons.

4. Today, Mr. Borah, learned CGC has placed the instructions in a sealed envelope, which contains a Communication dated 10.04.2024 of the FRRO, BOI, Kolkata, addressed to him. The contents of the Communication dated 10.04.2024 are perused. As per the instructions contained therein, the Look Out Circular [LOC], earlier issued against the petitioners, has since been withdrawn and at present, there is no Look Out Circular [LOC] existing against any of the petitioners.

5. In view of the fact that at present, there is no existing Look Out Circular [LOC] against any of the petitioners holding the passport numbers viz. [i] Z6131078, [ii] Z6947171; and [iii] Z7162437, the cause of action preferred to continue with the writ petition does not exist. The writ petition stands accordingly closed. The petitioners are, however, at liberty to approach this Court again in the event of any subsequent cause of action.

6. The Communication dated 10.04.2024 is to be kept in a sealed cover with the case records.

JUDGE

Comparing Assistant