

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Writ Petition No.34083 of 2019

and

W.M.P.Nos.34683 and 34684 of 2019

Mrs.Poorani Nagarajan

.. Petitioner

/versus/

1.The Foreigners Regional Registration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhavan, Haddows Road,
Nungambakkam, Chennai 600 006.

2.Bank of Baroda,
Rep.by its General Manager & Head (Legal & RTI),
Having office at
Corporate Centre, C-26, G Block,
Bandra Kurla Complex, Mumbai 51. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records of the 1st respondent culminated in the Look Out Circular bearing ref.No.1/SIC/ACK/LOC/2019-12186 dated 19.11.2019 issued by the 1st respondent as against the petitioner herein and to quash the same and consequently, forbear the 1st respondent from preventing the petitioner herein from travelling out of India in any manner whatsoever.

For Petitioner :Mr.P.V.Balasubramaniam

For Respondents :Mr.R.Rajesh Vivekananthan,
Senior Panel Counsel for R1
Mr.E.Omprakash,
Senior Counsel Assisted by
Mr.P.Elango Rajkumar for R2

O R D E R

The petitioner herein Mrs.Poorani Nagarajan, Wife of Ramkhumar Narasimhan, resident of Mylapore, Chennai has filed

the present writ petition in the nature of Certiorari Mandamus calling for the records of the 1st respondent namely, the Foreigners Regional Registration Officer, Bureau of Immigration, Ministry of Home Affairs, Government of India, Shastri Bhavan, Nungambakkam, Chennai, who had issued a Look Out Circular dated 19.11.2019 and to quash the same.

2. The petitioner's son Mr. Rohan Krishna Ramkhumar is a student pursuing his undergraduate studies at Case Western Reserve University, Cleveland, United States of America. It is stated that her son had faced a serious health issues while attending classes at his University and while he was admitted to a nearby medical facility, he was diagnosed with high blood pressure and it was observed that he was highly weak, unconscious and unresponsive to the care rendered by the medical staff at the hospital. As the mother of her son the petitioner naturally desired to take care of her son at the time of need. However, it is seen that the first respondent has issued a Look Out Circular as stated in the impugned order. This was because among the other Directors, the petitioner was also a Director of a Company by name M/s Infinites Energy Solutions Private Limited. The said company had obtained loans from various banks and among other banks, from the 2nd respondent bank namely, Bank of Baroda.

3. The learned Senior Counsel appearing for the 2nd respondent stated that based on the Official Memorandum issued by the Reserve Bank of India, they were interested in ensuring the Directors of the Company not to go abroad and remain there, thereby, disputing and denying their liability to the bank. Their presence in India is of paramount important to the 2nd respondent.

4. It is stated by the learned Senior counsel appearing for the 2nd respondent that the dues by the said company amounts to nearly Rs.67 crores. It is, under those circumstances, in accordance with the Official Memorandum, the second respondent had sought issuance of Look Out Circular. However, taking into consideration the fact that the son of the petitioner has serious health issues and it has also been substantiated by the letter of the Assistant Dean of Students, Case Manager dated 18.11.2019, the petitioner herein may be permitted to go abroad. To that effect, the petitioner has filed an affidavit stating in para No.9, that " I state that subject to this Hon'ble Court permitting me to travel to the United States for the above mentioned purpose, I intend to leave for the United States on 16.12.2019 and will return to India on 20.01.2020. I state that my son Mr. Rohan Krishna is currently completing his last semester of the academic year and will return to India along with me on 20.01.2020." However, she is not able to go to abroad

because of Look Out Circular.

5. In this connection, she intends to leave the country in the immediate following days and she assures that she would return to India on 20.01.2020. It is also stated that she will bring her son back, since he will be completing his last semester of the academic year on 20.01.2020.

6. In view of these facts, without addressing the other issues relating to Look Out Circular, a limited order is passed in the writ petition permitting the petitioner herein to go to the United States of America and to return back to India along with her son on 20.01.2020.

7. To that limited extent, the writ petition is disposed of. The petitioner is at liberty to challenge the Look Out Circular on substantial ground in a separate writ petition. The writ petitioner is permitted to go to the United States of America in the next few days and to return back to India on 20.01.2020. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Foreigners Regional Registration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhavan, Haddows Road,
Nungambakkam, Chennai 600 006.

2.The General Manager & Head (Legal & RTI),
Bank of Baroda,
Having office at
Corporate Centre, C-26, G Block,
Bandra Kurla Complex, Mumbai 51.

+1cc to Mr.P.V.Balasubramaniam , Advocate SR.No. 106392

+1cc to Mr.R.Rajesh , Advocate SR.No. 106311

+2ccs to Mr.Ramalingam , Advocate SR.No. 10640

W.P.No.34083 of 2019

and

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A.SK(20/12/2019)