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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.8347 of 2021

WMP.No.8899 of 2021

Mr. Ashish Mundhra

.. Petitioner

Vs.

- 1.The Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
represented by its Commissioner (Immigration),
East Block VIII, Level V,
Sector 1, R.K. Puram,
New Delhi 110 066.
- 2.The Principal Director General,
Directorate of Revenue Intelligence,
7th Floor, D Block,
I.P. Bhawan, I.P.Estate,
New Delhi 110 002.
- 3.The Foreigner Regional Registration Officer (FRRO),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Sastri Bhavan Annex Building,
No.26, Haddows Road, Chennai 600 006.
- 4.The Assistant Foreigners Regional Registration
Officer,
Bureau of Immigration,
Anna International Airport,
Meenambakkam Airport,
Chennai 600 027.
- 5.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Kolkatta Zonal Unit,
No.8, Hochi Minh Sarani,
Kolkatta 700 071.



6.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zonal unit,
Lakshmi Colony, T. Nagar,
Chennai 600 017.

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.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Prohibition prohibiting the respondents from preventing the petitioner holding Indian Passport No.Z2399758 issued on 11.3.2013, from travelling abroad for business purpose.

For Petitioner : Mr. Muralikumaran
for McGAN Law Firm

For Respondents : Mr.V.Sundareswaran, Sr.Panel Counsel
for R2, R5 & R6
Mr.A.Kumaraguru for R1, R3 and R4

O R D E R

The prayer made in this writ petition is to issue a writ of prohibition, prohibiting the respondents from preventing the petitioner, who possesses Indian Passport bearing No.Z2399758 from travelling abroad for his business purpose.

2. According to the petitioner, he is engaged in the business of trading gold bullion and jewellery in India and also abroad. He is holding Indian Passport bearing No.Z2399758. When the petitioner intended to travel to Dubai on 10.12.2020, the respondent officials prevented him from travelling outside India stating that he was issued with a look-out circular by the 2nd respondent in connection with a case in C.C.No.791 of 2020 which is under the investigation by the 5th respondent. It is the further case of the petitioner that on 30.01.2021, when the petitioner again decided to travel to Dubai to recover his receivables, he was prevented by the respondent officials due to pendency of the investigation by the 5th respondent. Hence, he made representations to the 5th and 6th respondents on 21.12.2020 to withdraw the look-out circular issued against him. Finding no response on the same, the petitioner has come up with this writ petition for the aforesaid relief.

3. Opposing the relief sought in the writ petition, the respondents 2, 5 and 6 filed a detailed counter affidavit, wherein, it is inter alia stated that despite the repeated



summons issued by the respondent officials and the direction of the learned Chief Judicial Magistrate, while granting bail, the petitioner has not appeared before the DRI, Kolkata, to conclude the ongoing investigation; though the petitioner cited medical ground as the reason for his non-appearance in response to several summons, he attempted to fly to Dubai during the said period; and therefore, look-out circular was issued against the petitioner.

4. The averments so made in the counter affidavit have been refuted by the learned counsel appearing for the petitioner. According to him, the Delhi High Court in Sumer Singh Salkan v. Assistant Director and others [WP(Crl)No.1315 of 2008 dated 11.08.2010] has answered the questions raised in the reference relating to the circumstances under which look out circular can be taken, procedure to be followed by the investigating agency before opening a look out circular, remedy available to the person against whom such look out circular has been opened and the role of the subordinate courts; and in the light of the said decision, the claim of the petitioner will have to be considered. Hence, the learned counsel sought liberty to the petitioner to approach the 4th respondent with a fresh application for appropriate relief.

5. There is no serious objection on the side of the respondents for granting such relief to the petitioner.

6. In view of the above, this writ petition stands disposed of granting liberty to the petitioner to approach the authority concerned for appropriate relief. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msr

To

1.The Commissioner (Immigration), Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
East Block VIII, Level V,
Sector 1, R.K. Puram,
New Delhi 110 066.



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+1cc to Mr.V.Sundareswaran, Advocate (SR No.29122)

+1cc to M/s.McGan Law Firm, Advocates (SR No.28937)

W.P.No.8347 of 2021
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UM (CO)
PR (03/08/2021)