

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 766 OF 2022
IN
WRIT PETITION (L) NO. 5608 OF 2022**

Pravin Mehta	...Petitioner
<i>Versus</i>	
Union of India & Ors	...Respondents

Mr Karl Tamboly, *with Dharmesh Joshi, i/b TD Joshi & Associates,*
for the Applicant/Petitioner.
Mr YR Mishra, *with DP Singh, for Respondent No. 1-UOI.*
Mr Milind More, *AGP, for Respondent-State.*

**CORAM G.S. Patel &
 Vinay Joshi, JJ.
DATED: 11th March 2022**

ASHWINI
HULGOJI
GAJAKOSH

Digitally signed by
ASHWINI
HULGOJI
GAJAKOSH
Date: 2022.03.11
18:06:59 +0530

PC:-

1. The Writ Petition assails a Look Out Circular (“LOC”) issued by the Ministry of Home Affairs at the instance of the Bank of Baroda preventing the Petitioner from travelling overseas. This is one of several cases where we have passed orders similar to the one requested today. Indeed a large group of matters that contain a substantive vires challenge is part heard. That constitutional challenge is directed against various office memoranda from 2010

onwards under which these LOCs are issued. The specific challenge is that these LOCs violate the Petitioner's fundamental rights under Article 21 of the Constitution of India. We are considering that challenge separately. In other matters, and subject to some conditions, we permitted individual Petitioners to travel overseas for limited durations of time and for specified purposes.

2. That the Petitioner has, directly or indirectly, a connection with the Bank of Baroda or that the Bank of Baroda claims indebtedness or financial liability on the part of the Petitioner is a matter that we will address at some appropriate stage. It is sufficient to note that it is because of this claim of the Bank of Baroda that it sought the issuance of a Look Out Circular against the Petitioner. What is material for our purposes is that the Petitioner is an Indian Citizen. He holds an Indian passport of current validity, one that has not been suspended, impounded and cancelled. He has family, assets and roots in India. He has travelled in and out of the country for work and for personal reasons frequently in the past.

3. The present work trip is proposed from Mumbai to Bangkok, Hongkong and back between 16th March 2022 and 25th April 2022.

4. Apart from work purposes, the Petitioner has a residency permit in Hongkong. This is mentioned in the Interim Application. To continue to maintain that residency permit, the Petitioner is required to visit Hongkong on scheduled dates or within scheduled periods, failing which the residency permit will lapse. It will lapse if

he is away from Hongkong for more than thirty-six months. He was last there in June 2019. This is the other reason.

5. Having regard to these circumstances, and as a purely an ad-interim order, we permit the Petitioner to travel to Bangkok, Hongkong and back between 16th March 2022 and 25th April 2022. This will be subject to the usual conditions, viz.,

- (i) the Petitioner is to file an undertaking to return to this country at the end of this period.
- (ii) the Petitioner is to file a detailed itinerary with his contact details and addresses overseas;
- (iii) The Petitioner must undertake not to apply for renewal or extension of this order until he returns to this Country.

6. Subject to these conditions, the LOC in question against the Petitioner is stayed until 27th April 2022.

7. The immigration authorities at all ports of departure including all airports will permit the Petitioner passage and permit the Petitioner to take his flights out of the country irrespective of whether the Bank of Baroda has notified them or not and

irrespective of whether this suspension is noted in the immigration authorities' systems or not.

8. The immigration authorities will not ask for a certified copy of this order but will act on presentation of an authenticated or digitally signed copy of this order.

9. The Petitioner is required to get the Petition finally numbered before the next date.

10. We note that the Petition is already part of the larger group in which final hearing has begun.

11. This order will dispose of the present IA. No costs.

(Vinay Joshi, J)

(G. S. Patel, J)