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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1619 OF 2022

IN

WRIT PETITION (ST) NO. 12614 OF 2022

Manappadom Ganapathy Subramaniam

...Applicant

Versus

Bureau of Immigration & Ors.

...Respondents

Mr.Pratyush Ranjan, with Mr Santosh Salekar i/b Halai and Co, for
the Applicant/Petitioner.

Mr.Yogeshwar Bhate, with Mr.Pavan S. Patil for the Respondent
Nos.1 and 8.

Ms.Rathima Maravarman for Respondent Nos.2 to 7.

**CORAM Revati Mohite Dere &
 Madhav J. Jamdar, JJ.**

DATED: 21ST April 2022

PC:-

1. Heard learned counsel for the parties.
2. By this interim application, the applicant seeks the following
relief:

“(a) That pending the hearing and final disposal of the Writ Petition, the operation, effect and implementation of the impugned LOC be stayed and/or the Applicant be allowed to travel abroad as and when the same is required by the Applicant.”

3. Learned counsel for the applicant submits that the applicant was looking after the legal documents of the respondent no.9-company. He submits that the applicant has travelled earlier to USA, even after he was declared as a willful defaulter in 2019. In support of the said submission learned counsel for the applicant relied on the passport evidencing the same. He submits that the applicant is a permanent resident of Mumbai and has two flats in his name, one at Chembur and one at Kharghar. He further states that the petitioner is ready to file an undertaking before the Prothonotary and Senior Master to that effect i.e. that both the said flats are free from encumbrances and that the applicant will not create any third party rights in the said flats, till the aforesaid petition is finally decided. He submits that the applicant intends to travel to USA to attend the convocation ceremony of his son at Carnegie Mellon University, Pittsburgh. He submits that the applicant was to fly out on 15/04/2022 and that when the applicant reached the International

Airport, Mumbai on 15/04/2022, he was stopped by the Immigration Authorities and was told about the LOC issued as against the applicant. Learned counsel submits that this Court has permitted one of the Directors of the company – Deepak Shenoy, to travel vide order dated 14th December 2021.

4. Learned counsel appearing for respondent nos.2 to 7 opposed the application.

5. Perused the papers. This Court had permitted Deepak Shenoy – Director of the respondent No.9-company to travel and the LOC issued was stayed for a particular period, as detailed in the order dated 14th December 2021. As far as the applicant is concerned, it appears that after the applicant was declared as a willful defaulter, he travelled to USA and returned thereafter. The applicant has two properties in Mumbai, both of which are stated to be free from encumbrances. The applicant intends to travel overseas to USA for the period of 22nd April 2022 to 18th July 2022.

6. Accordingly, we permit the applicant to travel overseas to USA from 22nd April 2022 to 18th July 2022 on the following terms and conditions :

(i) The applicant to file an undertaking before the Prothonotary and Senior Master, giving details of the flats standing in his name. The affidavit to state that the said flats are free from encumbrances and that no third party rights will be created in the said flats, till the aforesaid writ petition is disposed of. The affidavit to also disclose the applicant's exact itinerary, including the details of the places where he would be staying and the contact details. The said undertaking/affidavit to be filed by the applicant before his departure before the Prothonotary and Senior Master.

(ii) The LOC in question will not come in the way of the applicant to travel overseas to USA from 22nd April 2022 to 18th July 2022.

(iii) The Immigration Authorities at the Airport will permit the applicant to pass through immigration and to board his flight, irrespective of whether, the immigration system has been updated and the Respondent Banks i.e. respondent No.2-State Bank of

India, respondent no.3-Bank of Baroda, respondent no.4-Bank of Maharashtra, respondent no.5-Union Bank of India, respondent no.6-Punjab National Bank and respondent no.7-Central Bank of India, have informed the Immigration Authorities or not.

(iv) Accordingly, we make it clear that irrespective of any auto renewal or any other LOC that may be issued at the instance of respondent nos.2 to 7, the Immigration Authorities will permit the applicant to travel and pass through immigration in accordance with this order and during the dates mentioned above.

(v) We also make it clear that the applicant shall return to India as per his schedule and thereafter, make an application if he intends to travel thereafter.

(vi) A copy of the affidavit/undertaking filed before the Prothonotary and Senior Master to be served on the learned counsel appearing for respondent nos.2 to 7.

7. Mr.Bhate, learned counsel for respondent nos.1 and 8 states that he will inform the respondent No.1– the Bureau of Immigration of the order passed today, to ensure its compliance.

8. Interim Application is allowed and disposed of on the aforesaid terms.

9. All concerned to act on an authenticated copy of this order.

(Madhav J. Jamdar, J.)

(Revati Mohite Dere, J.)