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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6158 OF 2019

Mrs. Egga Zaina Mohamed .. Petitioner

v/s.

The Commissioner of Customs C.S.I.

Airport And Anr. .. Respondents

....

Mr. Anand M. Sachwani, for the Petitioner.

Ms. Anuradha Mane, for the Respondents.

....

CORAM: G.S. KULKARNI &  
JITENDRA JAIN, JJ.

DATE : 16<sup>th</sup> OCTOBER, 2023

P.C:-

We have heard learned Counsel for the Petitioner and learned Counsel for the Respondents.

2. The prayers as made in the petition reads thus:-

- “(a) *That the Look out notice issued against the Petitioner dated 24.05.2015 bearing Outward Number bearing 1679/D/BOI/2015 be withdrawn by the Respondent*
- (b) *Pending admission and final hearing of this Writ Petition, the said notice dated 24.05.2015 bearing Outward Number bearing 1679/D/BOI/2015 be stayed and the Applicant may be allowed*

- to enter India*
- (c) *Pending admission and final hearing, necessary direction, orders be passed by this Hon'ble Court to Respondent, so that the Petitioner can enter India and necessary communication be addressed to the Petitioner in writing."*

3. From the averments as made in the petition, it is quite clear that the Petitioner had a valid Visa affixed on the passport to enter India. The said Visa was valid from 1.4.2015 till 19.4.2016. It is on such backdrop, the prayers in the petition are made in the context of a Look Out Notice (LOC) issued against her. It is the Petitioner's contention that now the Visa having expired, the Petitioner intends to visit the country and apply for a medical Visa, however, because of the look out notice dated 24.5.2015, bearing No.1679/D/BOI/2015, as challenged in the present proceedings, same would create hurdles for the Petitioner in applying for a fresh Visa.

4. It also appears from the averments as made in the petition that the Petitioner earlier had arrived in India on 25<sup>th</sup> May 2015 by Ethiopian Airway Flight No.ET 611 on an Indian Visa, as noted above. However, she was not allowed to enter the Indian territory and she was deported to Nairobi on 25<sup>th</sup> May 2015 stated to be on account of the LOC as contended in the petition.

5. Learned Counsel for the Petitioner has contended that she now again intends to travel to India, as orally submitted before us, for the purpose of medical treatment and, for such reason, she is applying

to the Indian Consulate for a Visa to enter India. Therefore, the LOC, as assailed, is causing a prejudice to her. We find from the averments, as made in the petition, that such case is not pleaded in the present petition. Also we are not concerned in this petition in regard to an issue of any fresh application for Visa being made and the same being rejected on the ground of the look-out notice.

6. We are, accordingly, of the opinion that the present petition need not be taken forward and needs to be disposed of, however, keeping open all contentions of the Petitioner to apply for an Indian Visa for any permissible reason. If such application is made, the same would certainly be considered on the merits of the Petitioner's application. In the event such application is not being entertained, she would be certainly be informed of the reasons in writing. All contentions in that regard are expressly kept open.

7. Petition disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G.S. KULKARNI, J.)