

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.984 OF 2024

Sandeep Mahendra Shah]
R/of Walkeshwar, Mumbai – 400 006.] .. Petitioner

Versus

1. Bank of Baroda,]
Bandra (E), Mumbai – 400 052.]
2. Bureau of Immigration,]
Ministry of Home Affairs, New Delhi.]
3. Union of India,]
Through Ministry of Home Affairs, Mumbai] .. Respondents

Ms. Poonam Utekar, i/by Ms. Bhagyashree A. Keny, Advocates for the
Petitioner.

Mr. Harsh Sheth, Advocate, i/by MDP & Partners, for Respondent No.1.

CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 8TH JULY, 2024.

PC. :

1. The above Writ Petition is filed seeking the following reliefs :

“(a). That this Hon’ble Court be pleased to quash and set
aside and/or set aside the impugned Look Out Circular
issued by the respondent no.2 on request of the
respondent no.1;

(b). That this Hon’ble Court be pleased to issue a Writ of
Mandamus or writ in the nature of mandamus or any
other appropriate writ, order and/or direction
commanding the respondents or any one or more of
them as this Hon’ble Court deem fit and proper to
forthwith refrain from action upon and/or in
pursuance of the impugned Look Out Circular;

(c). That pending the hearing and final disposal of the present Petition :-

- i. This Hon'ble Court be pleased to pass an order and injunction restraining the respondent nos.1 to 3, their servants, agents and any person claiming by, through and/or under them or any one or more of them from implementing the impugned Look Out Circular in any manner whatsoever;
- ii. This Hon'ble Court be pleased to permit the petitioner to travel out of India on such terms and conditions as this Hon'ble Court deems fit between the period 30th January 2024 and 06th February 2024;
- iii. This Hon'ble Court be pleased to call the records maintained by the respondent no.1 pursuant to which the respondent no.1 requested the respondent no.2 to issue impugned Look Out Circular against petitioner herein;
- iv. For ad-interim relief in terms of prayer clause (c) above;
- v. For cost of the present Petition."

2. We find that the issue raised in the above Writ Petition is squarely covered by the decision of a Division Bench of this Court in the case of *Viraj Chetan Shah Vs. Union of India, through the Ministry of Home Affairs and Anr.*, (Writ Petition No.719 of 2020, along with connected

matter, decided on 23rd April 2024). There is no affidavit-in-reply filed by the respondents denying the averments made in the Writ Petition.

3. In these circumstances, the Petition succeeds and the Look Out Circular (*LOC*) issued against the petitioner at the instance of Bank of Baroda is hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any LOC issued by Bank of Baroda against the present petitioner. All database will be updated accordingly. We direct the Bureau of Immigration or the Ministry of Home Affairs to do the needful in this regard.

5. We, however, clarify that this order will not and does not affect any existing restraint order issued by a Competent Authority, Court, Tribunal or Investigative or Enforcement Agency or an enforcement of any order of a Court. Where any Court or Tribunal has issued a restraint order (even at the instance of a Public Sector Bank), that order will continue to operate and the invalidation of the present LOC cannot and will not affect such orders.

6. The Writ Petition is disposed of in the aforesaid terms.

7. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]