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

WRIT PETITION NO.1197 OF 2024
WITH
INTERIM APPLICATION (L) NO.27425 OF 2022
IN
WRIT PETITION NO.1197 OF 2024

Mr. Amir Jamal Dodhia & Anr. ...Petitioners/Applicants

Versus

Union of India & Ors. ...Respondents

Mr. Y.S. Bhate with Pavan Patil, Advocates for
Petitioners/Applicants.

Ms. Rathina Maravarman with Akanksha Hambir, Advocates
for Respondent No.3-Bank of Baroda.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : MAY 08, 2024

P. C.

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

*“a. Declare that the Office Memorandum
No.25016/10/2017-Imm(Pt.) dated 27th October, 2010, 05th
December, 2017, 19th July, 2018, 19th September, 2018, 12th
October, 2018 and 22nd February, 2021 (Exhibit- “A” to “E”*

herein) is unconstitutional, ultra vires, non-est, illegal and bad in law;

b. Exercise its powers under Article 226 of the Constitution of India to issue a Writ of Certiorari or any other writ in the nature of certiorari or any appropriate writ or order or direction to call for records of, and set aside and quash the Look Out Circular opened by Respondent No.2 at the instance of Respondent No.3 against the Petitioners;

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 & Anr.¹

3. In these circumstances, the Petition partly succeeds and the Look Out Circular issued against the Petitioners 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 Petitioners. All databases will be updated accordingly. We direct the Bureau of Immigration or the Ministry of Home Affairs to do the needful in this regard.

¹ Writ Petition No.719 of 2020 & connected matter decided on 23rd April, 2024.

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. However, there shall be no order as to costs.

7. In view of disposal of the above Writ Petition, any Interim Applications filed therein, do not survive and the same are disposed of accordingly.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]