

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BHARAT
DASHARATH
PANDIT

ORDINARY ORIGINAL CIVIL JURISDICTION

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WRIT PETITION NO.1493 OF 2024
ALONG WITH
INTERIM APPLICATION NO.852 OF 2024

Syed Waheed Zafar Abdi]
Aged 65 years, Occ: Consultant,]
Residing at B-1202, Lodha Park]
Marquise, Pandurang Budhkar Marg]
Worli, Mumbai- 400 018] Petitioner.

V/s

1. Union of India]
Through the Ministry of Home]
Affairs, North Block,]
New Delhi – 110 001]
And]
Also having office at Department of]
Legal Affairs, Ministry of Law &]
Justice, Branch Secretariat, Aayakar]
Bhavan, M.K. Road, New Marine]
Lines, Mumbai- 400 020]
]]
2. Bureau of Immigration]
Having Headquarters at East Block-]
VIII, Sector-I, R.K. Puram,]
New Delhi – 110 066]
And]
Bureau of Immigration, Ministry of]
Home Affairs, 4th floor, Videsh]
Bhavan, C-45 Bandra Kurla Complex,]
G-Block, Bandra (East),]
Mumbai – 400 051]
]]
3. Indian Bank]
Having its Corporate Office]
at 254-260, Avvai Shanmugam]
Salai, Pudupet, Gopalapuram,]
Chennai – 600 014]Respondents.

Mr. Sushil K. Chaurasia i/b SKC Legal, Advocates for the petitioner.

Ms. Savita Ganoo i/b Mr. Ashutosh Mishra, Advocates for respondent Nos. 1 and 2.

Mr. Hafeezur Rehman, Advocate for respondent No.3.

**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 declare that impugned amendment dated 12th October 2018 to the Office Memorandum dated 27th October 2010, is ultra vires, unconstitutional and void ab-initio;
- b. That this Hon’ble Court be pleased to declare that the impugned LOC has been issued in violation of the guidelines laid down in the Office Memorandum dated 27th October, 2010 issued by the Respondent No.1;
- c. That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.2 to disclose and produce the purported Look Out Circular(s), if any, issued and operating against the Petitioner, before this Hon’ble Court;
- d. That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.3 to produce records maintained by it pursuant to which a request

was made by it to the Respondent No.2 to issue the purported Look Out Circular(s) against the Petitioner, before this Hon'ble Court;

- e. That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction thereby quashing and setting aside the purported Look Out Circular(s), if any; issued and operating against the Petitioner and/or directing the Respondents not to give any effect or further effect to the same in future;
- f. That pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to stay/suspend the operation of any subsisting Look Out Circular(s), if any, issued and operating against the Petitioner for enabling the Petitioner to travel abroad and return to India without any obstruction;
- g. That interim and ad-interim reliefs in terms of prayer clause (f) above, be granted;"

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 Indian Bank is hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any LOC issued by Indian Bank 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. However, there shall be no order as to costs. In view thereof, pending Interim Application does not survive and the same is disposed of as infructuous.

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

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]