

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

WRIT PETITION NO. 922 OF 2024

WITH

INTERIM APPLICATION (L) NO. 16243 OF 2023

IN

WRIT PETITION NO. 922 OF 2024

Viren Rai Jain

...Petitioner

Versus

Union of India & Ors

...Respondents

Ms. Manaswi Agrawal, a/w Saloni Kalwade, i/b Meraki Chambers, Advocates for the Petitioner.

Mr. S.K. Halwasia, Advocate for Respondent Nos.1 & 2.

Mr.s. Divya Bamne, i/b A.R. Bamne & Co., Advocates for Respondent No.3.

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

DATE : MAY 02, 2024

PC :

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

*“(a) That this Hon'ble Court be pleased to
issue a Writ of Certiorari or any other
appropriate Writ under Article 226 of the*

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Constitution of India, 1950 calling for the records maintained by the Respondents leading to the issuance of the Look Out Circular against the Petitioner at the behest of Respondent No. 3 under the provisions of Office Memorandum and the consequent amendments thereto and upon examining the legality, propriety and validity thereof quash the Look Out Circular;

(b) That this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate Writ under Article 226 of the Constitution of India, 1950 and quash the Office Memorandum No. 25016/102017-Imm (Pt.) dated October 12, 2018 issued by the Ministry of Home Affairs, annexed at Exhibit A to the extent it authorizes designated officer of the public sector banks to initiate issuance of the Look Out Circular, as ultra virus to the Constitution of India;

(c) That this Hon'ble Court be pleased to direct the Respondent No. 3 to pay to the Petitioner a total amount of Rs. Rs. 26,81,481 (Rupees Twenty Six Lakhs Eighty One Thousand Four Hundred and Eighty One only) towards reimbursement of the costs spent by the Petitioner in booking flight tickets and towards compensation for the

*breach of the fundamental rights of the
Petitioner;”*

2. We find that the issue raised in the above Writ Petition is squarely covered by a Division Bench judgment of this Court in the case of ***Viraj Chetan Shah Vs. Union of India Through The Ministry of Home Affairs & Anr.*** (Writ Petition No. 719 of 2020 and other connected matters decided on 23rd April, 2024).

3. In these circumstances, the Petition partly succeeds and the LOC issued against the Petitioner at the instance of Bank of Baroda is hereby quashed and set aside.

4. It is clarified that the Writ Petition is dismissed insofar as it seeks compensation in terms of prayer clause (c) reproduced above.

5. The Bureau of Immigration will ignore and not act upon any LOCs issued at the instance of the Bank of Baroda against the present Petitioner. All databases will be updated accordingly. We direct the Bureau of Immigration and or the Ministry of Home Affairs to do the needful in this regard.

6. We, however, clarify that this order will not and does not affect any existing restraint order issued by a competent authority, Court, tribunal, 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 LOCs cannot and will not affect such orders.

7. The Writ Petition is accordingly disposed of. However, there shall be no order as to costs.

8. In light of the disposal of the above Writ Petition, nothing survives in any Interim Applications pending therein, and the same are disposed of accordingly.

9. 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.]