

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

WRIT PETITION NO. 988 OF 2024

Karan Jai Kaushik Petitioner.

V/s

Union of India and Others Respondents.

Ms. Komal Gogad instructed by Mr. Puneet Gogad, Advocates for the Petitioner.

Mr. D.A. Dube a/w Sachidanand T. Singh, Advocates for Respondent No.2.

Mr. Tejasvi Dalvi, Advocate for Respondent No.3.

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

DATE : 24TH JUNE, 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 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 No.25016/31/2010-Imm. Dated October 27, 2010 and the consequent amendments thereto and upon examining the legality, propriety and validity thereof quash the Impugned 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 as ultra-virus to the Constitution of
India;

(c). That this Hon'ble Court be pleased to direct the
Respondents No. 3 to 5 jointly to pay to the Petitioner
a total amount of Rs 5,00,000/- towards compensation
for the breach of the fundamental rights of the
Petitioner.

(d). That pending the hearing and final disposal of the
Writ Petition, the operation, effect and implementation
of the Look Out Circular issued against the Petitioner
be stayed and the Petitioner be allowed to travel to
Australia and/or any other country as and when so
required by the Petitioner;

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

(erstwhile Allahabad Bank) 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. However, there shall be no order as to costs.

7. In view of disposal of the above writ petition, Interim Application(s) pending, if any, also stands disposed of.

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

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]