

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

WRIT PETITION NO.2160 OF 2024
WITH
INTERIM APPLICATION NO.1169 OF 2024
IN
WRIT PETITION NO.2160 OF 2024

Harita Hiten Mehta

..... Petitioner.

V/s

Union of India and others

..... Respondents.

Mr. Rohit Agarwal, i/b Ms. Kruti Bhavsar a/w Mr. Devang Majrekar,
Advocates for the Petitioner.

Mr. S.K. Halwasia, Senior Panel Counsel for Respondent No.1-Union of
India.

Mr. Archit Virmani, Advocate for Respondent No.3.

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

DATE : 25TH JUNE, 2024.

PC. :

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

- (a) That this Hon'ble Court be pleased to pass an order declaring that Look Out Circular issued by Bank of Baroda office memorandum dated 5/12/2017 as bad-in-law, null and void and same may be quashed and set aside by this Hon'ble Court;
- (b). That this Hon'ble Court may be pleased to issue a writ of Mandamus or a writ in the nature of a writ of Mandamus or any other appropriate writ to direct the Respondents to produce the Impugned Lookout Notice

pending against the Petitioner;

- (c). That this Hon'ble Court may be pleased to issue a writ of certiorari or a writ in the nature of a writ of certiorari or any other appropriate writ, order or direction calling for the papers and proceedings culminating into the issuing of the impugned LOC against the Petitioner and after going through the same, be pleased to quash and set aside the Impugned LOC issued by the Respondent No.3.
- (d). That this Hon'ble Court may be pleased to issue a writ of prohibition or a writ in the nature of a writ of prohibition or any other appropriate writ, order or direction restraining the Respondents and/or each of them from prohibiting the Petitioner to travel anywhere outside India with an immediate effect and not to commit any further delay in canceling and/or withdrawing and/or rescinding and/or setting aside the decision to off load the Petitioner and not allow the Petitioner to travel outside India;
- (e). That pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to stay the operation, implementation and the effect of the Impugned LOC issued by the Respondents against the Petitioner and any other orders /directions /communications issued in furtherance of the Impugned LOC;

- (f). That pending the hearing and final disposal of the present Petition, this Hon'ble Court to restrain all Respondents from stopping the Petitioners from traveling within India and abroad;
- (g) That pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to direct the Respondents, its authorities or any person acting on behalf of the Respondent authorities to not take any coercive steps against the Petitioner in pursuance of the Impugned LOC and/or any other LOC, of which the Petitioner are not aware about thereof;"

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

7. In view of disposal of the above writ petition, Interim Application No.1169 of 2024 filed therein does not survive and the same is disposed of accordingly.

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

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]