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

WRIT PETITION NO.2225 OF 2024
WITH
INTERIM APPLICATION NO.3367 OF 2023
IN
WRIT PETITION NO.2225 OF 2024
WITH
INTERIM APPLICATION NO.3727 OF 2023
IN
WRIT PETITION NO.2225 OF 2024

Rakesh Biyani

...Petitioner/Applicant

Versus

Deputy Director,
Bureau of Immigration & Ors.

...Respondents

Mr. Ankit Lohia a/w. *Kewal Buddhadev i/b. Link Legal,
Advocates for Petitioner/Applicant.*

Mrs. Rathina Maravarman, *Advocate for Respondent No.3.*

Mr. Arjun Gupta, *Advocate for Respondent Nos.1 & 2.*

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

DATE : MAY 02, 2024

P. C.

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

“a) This Hon’ble Court be pleased to declare that the impugned Office Memorandums viz. the Office Memorandums dated 27.10.2010 (*Exhibit A*) read with the Office Memorandum dated 05.12.2017, 19.07.2018, 19.09.2018, 04.10.2018, 12.10.2018, 22.11.2018 and 22.02.2021 are unconstitutional, ultra vires, invalid and of no legal effect.

b) This Hon’ble Court be pleased to declare that the Respondents’ act of preventing the Petitioner from travelling abroad is illegal, ultra vires, and unconstitutional and upon doing so, be pleased to quash and set aside the Look Out Circular issued by the 1st/2nd Respondent against the Petitioner as being ultra vires, invalid, illegal and unconstitutional.”

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 Petitioner at the instance of State Bank of India is hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any LOC issued by State Bank of India against the present Petitioner. All databases will be updated accordingly. We direct the Bureau of Immigration or the Ministry of Home Affairs to do the needful in this

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

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, 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.]