

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

**WRIT PETITION NO.2822 OF 2024
ALONG WITH
INTERIM APPLICATION (LODGING) NO.22102 OF 2024**

Vijay Narayan Athalye,	]	
R/of Vibhav Apartment, Dadar (W), Mumbai	]	.. Petitioner-Applicant
<i>Versus</i>		
1. Bank of Baroda,	]	
Stressed Assets Recovery Branch,	]	
Horniman Circle, Fort, Mumbai	]	
2. Union of India,	]	
Through Bureau of Immigration,	]	
Department of Home Affairs, Mumbai	]	.. Respondents

Mr. P.G. Sabnis, Advocate for the Petitioner-Applicant.
Mr. Harish Raman, i/by Mrs. Rathina Maravarman, Advocates for Respondent No.1.
Mr. Niranjana Shimpri, Advocate for Respondent No.2.

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

DATE : 23RD JULY, 2024.

PC. :

1. The above writ petition is filed seeking the following reliefs :

“(a). This Hon’ble Court be pleased to direct the respondent no.1 to provide a copy of the Look Out Circular issued against the petitioner;

(b). This Hon’ble Court be pleased to quash and set aside the Look Out Circular issued against the petitioner by the respondent no.1 after examining the legality and propriety thereof;

(c). Pending the hearing and final disposal of this petition, this Hon'ble Court be pleased to permit the petitioner to travel to the United Kingdom and the United States of America from 25th October 2023 to 25th January 2024 as per the itinerary at Exhibit "C";

(d). For ad-interim order in terms of prayer clause (c)."

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 the 1st respondent-Bank of Baroda is hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any *LOC* issued by the 1st respondent-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. 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.]