

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

WRIT PETITION NO.2886 OF 2024

- | | | |
|------------------------------------|---|----------------|
| 1. Kunal Kishore Gandhi |] | |
| R/of Khar (W), Mumbai – 400052. |] | |
| 2. Bhunit Kishore Gandhi |] | |
| R/of Vile Parle (W), Mumbai-400056 |] | .. Petitioners |

Versus

- | | | |
|--|---|----------------|
| 1. Union of India, |] | |
| Through Ministry of Home Affairs, Mumbai |] | |
| 2. Bureau of Immigration, |] | |
| Ministry of Home Affairs, New Delhi. |] | |
| 3. Bank of Baroda, |] | |
| Nariman Point, Mumbai – 400 021. |] | .. Respondents |

**SNEHA
ABHAY
DIXIT**

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Date: 2024.07.09
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Mr. Rohit Agarwal with Ms. Deshna Parikh, i/by Mr. Devang Manjrekar,
Advocates for the Petitioners.

Mr. Keshav Thakur, Advocate for Respondent Nos.1 and 2.

Mr. A.R. Bamne, Advocate, i/by A.R. Bamne & Co., for Respondent No.3.

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

DATE : 9ND JULY, 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 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 Look Out Notice
pending against the petitioners;

- (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 petitioners 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 of 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 petitioners to travel anywhere outside India with an immediate effect and not to commit any further delay in cancelling and/or withdrawing and/or rescinding and/or setting aside the decision to off-load the petitioners and not allow the petitioners 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 respondents against the petitioners 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 petitioners in pursuance of the impugned LOC and/or any other LOC, of which the petitioners are not aware about thereof;
- (h). For ad-interim reliefs in terms of prayer clauses (e) to (g) hereinabove;
- (i). For costs.”

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 petitioners 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 petitioners. 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.

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

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]