

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 5th OF DECEMBER, 2022

WRIT PETITION No. 26103 of 2022

BETWEEN:-

**ISHIPAL KAUR BHATIA W/O HARSHVARDHAN BHATIA,
AGED ABOUT 57 YEARS, PRAGATI VIHAR EXT. BICHOLI
HAPPSI, INDORE (MADHYA PRADESH)**

.....PETITIONER

***(SHRI HUSSAIN ALI, LEARNED COUNSEL ALONG WITH SHRI KUSHAGRA
SINGH, LEARNED COUNSEL FOR THE PETITIONER)***

AND

- 1. UNION OF INDIA THROUGH THE HOME
SECRETARY MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DLHI (DELHI)**
- 2. BUREAU OF IMMIGRATION THROUGH
COMMISSIONER EAST BLOCK VIII LEVEL V
SECTOR I R.K. PURAM NEW DELHI (DELHI)**
- 3. BANK OF BARODA BRANCH MANAGER BRANCH
SNEHLATA GANJ INDORE (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI HIMANSHU JOSHI, LEARNED COUNSEL FOR THE RESPONDENT /
UNION OF INDIA.***

***SHRI ABHINAV P. DHANODKAR, LEARNED COUNSEL FOR THE
RESPONDENT / BANK OF BARODA [R-3])***

*This petition coming on for orders this day, the court passed the
following:*

ORDER

Heard finally with the consent of the learned counsel for the parties.

This petition has been filed by the petitioner under Article 226 of the
Constitution of India seeking the following relief: -

7. RELIEF PRAYED FOR:

In view of the facts and in light of the circumstances of the case it is most humbly prayed that this Honâ€™ble court may graciously be pleased to:

a) Declare and issue an appropriate writ of similar nature, thereby quashing the illegally opened Look-Out Circular (LOCâ€™s) against the Petitioner; and/or

b) Direct the Respondents to service the notice of the LoC as the same has not been received by the Petitioner till date, further directing the Respondents not to take any action on the LoC issued against the Petitioner; and/or

c) Direct the Respondents to remove the name of the Petitioner from the list of persons against whom LoC is opened; and/or

d) Direct the Respondent No.3 to provide the Petitioner with exemplary monetary compensation in light of *Rudul Shah v. State of Bihar and Anr.* [(1983) 3 SCR 508] and *Noor Paul vs. Union of India & Ors.* [MANU/PH/0561/2022]; and/or

e) Pass any other order or such further orders as this Honâ€™ble Court may deem fit and proper in the facts and circumstances for which act of kindness the humbly Petitioner as in duty bound shall every pray.â€™

2. Counsel for the petitioner, at the outset, has submitted that the case of the petitioner is squarely covered by the decision rendered by this Court in the case of petitioner's family members, Gurvinder Singh Bhatia in W.P. No.17601/2022 dated 04.11.2022 and Smt. Veena Bhatia in W.P. No.26094 of 2022 dated 28.11.2022. It is further submitted that the case of the petitioner is similar to that of other family members of the petitioner, who have already been granted the same relief.

3. Counsel for respondent Nos.1 and 2 / Union of India as well as counsel for respondent No.3 / Bank of Baroda, on the other hand, have opposed the prayer.

4. On due consideration of submissions and on perusal of the documents filed on record, including the orders dated 04.11.2022 and 28.11.2022 passed in W.P. No.17601 of 2022 and W.P. No.26094 of 2022 respectively in respect of petitioner's family members, the petition stands allowed on the ground of parity, in the following terms: -

"(a) The Petitioner shall be entitled to travel abroad for his/her personnel and professional obligations, subject to the conditions imposed herein below.

(b) Respondent No.2, under the aforementioned office memoranda, would be entitled to being informed about the travel details, including dates of departure and arrival of the petitioner, in and out of India. Accordingly, the petitioner

shall inform Respondent No.2 about his/her travel details in future when he/she travels abroad for business or personal visits. He/She shall give the details of his/her departure from and arrival in India in connection with such visits. The petitioner shall also inform the respondent No.2 about his/her address at such destinations abroad during such visits and his/her contact numbers at such places.

(c) The respondent No.2 shall furnish to the petitioner details of contact numbers including mobile numbers, e-mail addresses and other details of its officials to whom the petitioner shall provide the details as mentioned in clause (b) above, within two weeks from today.

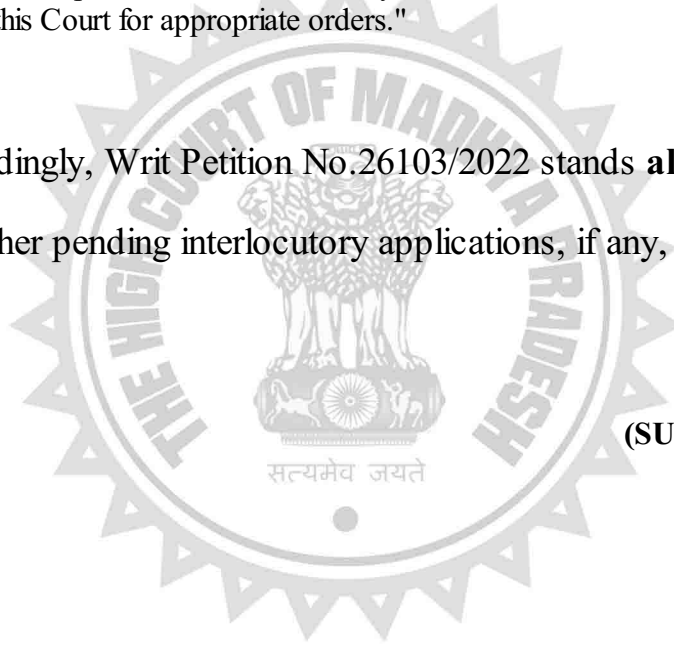
(d) The petitioner shall co-operate with Respondent No.2 if the said Respondent calls upon him/her to attend its office.

(e) The petitioner is also directed to apprise the respondent No.3 bank regarding his/her date of return and also if any member of his/her family is already abroad or intends to fly abroad in the near future before the petitioner's return to India. In case if the bank apprehends any untoward action on the part of the petitioner or his/her family members, bank would be free to approach this Court for appropriate orders."

5. Accordingly, Writ Petition No.26103/2022 stands allowed and disposed of.

All the other pending interlocutory applications, if any, shall stand disposed of.

rcp



**(SUBODH ABHYANKAR)
JUDGE**