

GAHC010069292024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1884/2024

AFTAB UDDIN MAZUMDER AND 2 ORS.
S/O- ABDUL MUSABBIR MAZUMDER, R/O- BHAJANTIPUR PT-II,
HAILAKANDI-788155.

2: SAIYADUR RAHMAN CHOUDHURY
S/O- SIRAJ UDDIN CHOUDHURY
R/O- RANGAUTI
HAILAKANDI-788155.

3: ABUL HUSSAIN LASKAR
S/O- LATIFUR RAHMAN LASKAR
R/O-KANCHANPUR PT-1
HAILAKANDI-788152. REPRESENTING THE HAILAKANDI HAJJ PILGRIMS
WELFARE COMMITTEE
HAVING SAME CAUSE OF ACTION

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, DEPTT. OF
MINISTRY OF MINORITY AFFAIRS, 11TH FLOOR PT. DEENDAYAL
UPADHAYA BHAWAN, CGO COMPLEX, LODHI ROAD, NEW DELHI-110003.

2:CHIEF EXECUTIVE OFFICER

CENTRAL HAJ COMMITTEE OF INDIA
HAJ HOUSE-7-A
M.R.A MARG
MUMBAI-400001
INDIA.

3:THE EXECUTIVE OFFICER

ASSAM STATE HAJ COMMITTEE

DISPUR
NEAR TREASURY OFFICE
ASSAM SECRETARIAT COMPLEX
DISPUR
GHY-781006.

4:CHAIRMAN
JOINT STATE HAJ COMMITTEE
ASSAM
MEGHALAYA ETC
DISPUR
GHY-781006.

5:STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
MINORITY AFFAIRS
DISPUR
GHY-781006

Advocate for the Petitioner : MR. N H MAZARBHUIYAN

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

22.05.2024

Heard Mr. M.H. Saikia, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned counsel for the respondents No. 1 & 2 and Ms. M.D. Bora, learned counsel for the respondent No. 3 & 5.

- 2.** None appears for the respondent No. 4.
- 3.** The present writ petition has been disposed at the motion stage as proposed by the learned counsel for the parties.
- 4.** The case of the petitioner as projected by the learned counsel for the petitioner is that petitioners are Haj pilgrims during Haj 2023. In 2023, tender was called for chartered flight and after finalising the tender selected Haj pilgrims of Assam were

asked to deposit Rs. 3,82,297/- for Haj expenditure including the air fare of the chartered flight.

5. The learned counsel for the petitioner submits that out of Rs. 3,82,297/-, Rs. 1,54,694/- was collected as air fare of the chartered flight from Guwahati to Jeddah. However, during the boarding at Guwahati embarkation pilgrims of Assam were asked to take normal passenger flight instead of international chartered flight. It is the case of the petitioner that though the Haj Committee of India had cancelled the chartered flight from Guwahati but the excess amount which was deposited by the pilgrims for the chartered flight was not refunded. The petitioners accordingly submitted two representations addressed to the Chief Executive Officer, Haj Committee of India on 27/09/2023 seeking for the refund of the excess amount which was collected from Haj pilgrims but the Haj Committee as of date has not disposed the representations nor refunded the amount to the petitioners. Being aggrieved, the present petition has been filed with the limited prayer to direct the Haj Committee of India to dispose the representations dated 27.09.2023 submitted by the petitioner in accordance with section-42 of the Haj Committee Act, 2002.

6. Mr. M.H. Saikia, learned counsel for the petitioner, Mr. K. Gogoi, learned counsel for the respondents No. 1 & 2 and Ms. M.D. Bora, learned counsel for the respondent No. 3 & 5 are in unanimity that the present writ petition can be disposed of, with the direction to the Haj Committee of India to dispose of the representations dated 27.09.2023 in accordance with section-42 of the Haj Committee Act, 2002.

7. In the light of the submissions made by the learned counsel for the parties, this Court proposes to dispose of the writ petition with a direction to the Chief Executive Officer, Central Haj Committee Office, Mumbai Pin-400001, Maharashtra to dispose the representations submitted by the petitioner on 27.09.2023 strictly in the light of the provisions contain in section-42 of the Haj Committee Act, 2002.

8. Accordingly, the Haj Committee of India i.e. the respondent No. 2 shall dispose

the representations dated 27.09.2023 submitted by the petitioner by speaking order after hearing the petitioners and by adhering to the mandate of section-42 of the Haj Committee Act, 2002. All exercise for compliance of this order shall be completed within a period 90(ninety) days from the day of passing of this order.

9. Writ petition stands disposed.

JUDGE

Comparing Assistant