

GAHC010106512024



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

Case No. : WP(C)/2859/2024

MUJIBUR RAHMAN AND 24 ORS
SON OF NAZMUL HOQUE, RESIDENT OF VILLAGE- MOINAALA, P.O.-
ERALIGOOL, DIST- KARIMGANJ, ASSAM

2: KURBAN NESSA
WIFE OF NAZMUL HOQUE
RESIDENT OF VILLAGE- MOINAALA
P.O.- ERALIGOOL
DIST- KARIMGANJ
ASSAM

3: MD. RIAZUL HOQUE
SON OF MD. ABDUL MATIN
RESIDENT OF VILLAGE- BATAIYA
P.O.- MULLAGANJ
DIST- KARIMGANJ
ASSAM.

4: FAKRUNNESSA KHANAM
WIFE OF RIAZUL HOQUE
RESIDENT OF VILLAGE- BATAIYA
P.O.- MULLAGANJ
DIST- KARIMGANJ
ASSAM.

5: KHALIL UDDIN
SON OF MUZOMIL ALI
RESIDENT OF VILLAGE- EAST KANISHAIL
P.O.- KANISHAIL
DIST- KARIMGANJ
ASSAM.

6: RAHENA BEGUM
WIFE OF KHALIL UDDIN

RESIDENT OF VILLAGE- EAST KANISHAIL
P.O.- KANISHAIL
DIST- KARIMGANJ
ASSAM.

7: S. M. DILDAR HUSSAIN
SON OF ABDUR RAHMAN
RESIDENT OF VILLAGE- HIZIM
P.O.- DASGRAM
DIST- KARIMGANJ
ASSAM

8: KHADIZA KHANAM
WIFE OF ABDUR RAHMAN
RESIDENT OF VILLAGE- HIZIM
P.O.- DASGRAM
DIST- KARIMGANJ
ASSAM.

9: TANBIR MUSTAFIZ HASSAN
SON OF ATAUR RAHMAN
RESIDENT OF VILLAGE- SOUTH KACHUBARI P.O.- CHANDKIRA
DIST- KARIMGANJ
ASSAM.

10: HAZIRA BEGUM
WIFE OF ATAUR RAHMAN
RESIDENT OF VILLAGE- SOUTH KACHUBARI
P.O.- CHANDKIRA
DIST- KARIMGANJ
ASSAM

11: CHALEMA BEGUM
WIFE OF MAHMOD ALI
RESIDENT OF VILLAGE- SAGARPAR
P.O.- CHATAL
DIST- KARIMGANJ
ASSAM.

12: ABDUL MANNAN
SON OF RAMJAN ALI
RESIDENT OF VILLAGE- SOUTH KACHUBARI P.O.- CHANDKIRA
DIST- KARIMGANJ
ASSAM

13: AYMUN NECHA
WIFE OF ABDUL MANNAN
RESIDENT OF VILLAGE- SOUTH KACHUBARI P.O.- CHANDKIRA

DIST- KARIMGANJ
ASSAM

14: ABUL KALAM
SON OF ABDUR RAHIM
RESIDENT OF VILLAGE- BANDARKONA
P.O.- ERALIGOOOL
DIST- KARIMGANJ
ASSAM.

15: LAYALI BEGUM
WIFE OF ABUL KALAM
RESIDENT OF VILLAGE- BANDARKONA
P.O.- ERALIGOOOL
DIST- KARIMGANJ
ASSAM

16: ABDUL MUNIM
SON OF TAFAZZUL HUSSAIN CHOUDHURY
RESIDENT OF VILLAGE- FARAMPASHA
P.O.- NILAMBAZAR
DIST- KARIMGANJ
ASSAM.

17: LUTFA BEGUM CHOUDHURY
WIFE OF ABDUL MUNIM
RESIDENT OF VILLAGE- FARAMPASHA
P.O.- NILAMBAZAR
DIST- KARIMGANJ
ASSAM.

18: ABUL KALAM AZAD
SON OF AKBAR ALI CHOUDHURY
RESIDENT OF VILLAGE- WEST KANISHAIL
P.O.- KANISHAIL
DIST- KARIMGANJ
ASSAM.

19: RAHIMA BEGUM CHOUDHURY
WIFE OF ABUL KALAM AZAD
RESIDENT OF VILLAGE- WEST KANISHAIL
P.O.- KANISHAIL
DIST- KARIMGANJ
ASSAM

20: ASAB UDDIN
SON OF ABDUL KUDDUS
RESIDENT OF VILLAGE- SOUTH BANDARKUNA

P.O.- ERALIGOOL
DIST- KARIMGANJ
ASSAM.

21: ABDUL SHUKKUR
SON OF ABDULHOQUE
RESIDENT OF VILLAGE- KOTONPUR
P.O.- KOTAMONI
DIST- KARIMGANJ
ASSAM

22: ABDUL HOQUE
SON OF MUBACHIL ALI
RESIDENT OF VILLAGE- WEST TONGIBARI
P.O.- RATABARI
DIST- KARIMGANJ
ASSAM

23: SIRAJ UDDIN
SON OF MAHMAD ALI
RESIDENT OF VILLAGE- ERALIGOOL
P.O.- ERALIGOOL
DIST- KARIMGANJ
ASSAM

24: BAHAR UDDIN
SON OF MUBASIL ALI
RESIDENT OF VILLAGE- ISLAMBASTI
P.O.- ERALIGOOL
DIST- KARIMGANJ
ASSAM

25: SUMARTTA BIBI
WIFE OF MUBASIL ALI
RESIDENT OF VILLAGE- ISLAMBASTI
P.O.- ERALIGOOL
DIST- KARIMGANJ
ASSAM

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF MINORITY AFFAIRS, NEW DELHI, CGO COMPLEX, LODHO
ROADD, NEW DELHI-110003

2:THE CHIEF EXECUTIVE OFFICER
HAJ COMMITTEE OF INDIA

HAI HOUSE
7-A
MRA MARG
MUMBAI-400001.

3:THE CHIEF EXECUTIVE OFFICER
JOINT STATE HAJ COMMITTEE
ASSAM
DISPUR
GUWAHATI-0

Advocate for the Petitioner : MR. A B T HAQUE

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

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

03.06.2024

Heard Mr. ABT Hoque, learned counsel for the petitioners. Also heard Mr. S.S. Roy, learned CGC for the respondents.

The present writ petition has been disposed at the motion stage as proposed by the learned counsel for the parties.

The case of the petitioner as projected 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. The learned counsel for the petitioners 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 petitioners 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 various representations addressed to the Chief Executive Officer, Haj Committee of India 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 submitted by the petitioners in accordance with section-42 of the Haj Committee Act, 2002.

Mr. ABT Haque, learned counsel for the petitioners, Mr. S.S. Roy, learned CGC 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 accordance with section-42 of the Haj Committee Act, 2002.

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 petitioners strictly in the light of the provisions contain in section-42 of the Haj Committee Act, 2002. Accordingly, the Haj Committee of India i.e. the respondent No. 2 shall dispose the representations submitted by the petitioners 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.

Accordingly, the Writ petition stands disposed.

JUDGE

Comparing Assistant