

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3794/2019**

FEDERATION HAJ PTOS OF INDIA

..... Petitioner

Through Mr Sulaiman Mohd. Khan, Mohd
Ainul Ansari, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Anurag Ahluwalia, CGSC with Mr
Kartikeya Rastogi, Mr Sumit Goel, Advocate
for Ministry of Minority Affairs, Haj Division
R1 to R3.

Mr |Anurag Ahluwalia, CGSC with
Mr Kavindra Gill, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

12.04.2019

CM No.17356/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 3794/2019 & CM APPL. 17357/2019

3. The petitioner has filed the present petition, *inter alia*, praying that a writ, order or direction directing respondent nos. 1 and 3 (Ministry of Minority Affairs, Haj Division) to register/recognize the petitioner as an association of Private Tour Operators (PTOs).
4. The petitioner is a company incorporated under the Companies Act, 2013, as a non-profit organization. The petitioner is incorporated with the

main object to encourage, promote and protect the interest of Haj Umrah and Ziarat Tour organizers and Haj pilgrims. The petitioner further claims that it has over 140 members who are Private Tour Operators (PTOs) engaged in undertaking and facilitating Haj and Umrah Pilgrimage to the Kingdom of Saudi Arabia every year. The petitioner claims that it is the second largest association in India.

5. The principal relief sought by the petitioner is to be recognized as an association by the Ministry of Minority Affairs. In this regard, the petitioner had filed a similar petition (***W.P. (C) No. 12721/2008*** captioned ***Federation Haj PTOs of India v. Union of India and Ors.***). The said petition was disposed of by an order dated 28.11.2018, directing respondent No. 3 to consider the petitioner's representation and make an informed decision.

6. In compliance with the aforesaid order, the petitioner's representation was considered and an order dated 04.02.2019 was passed. A perusal of the said order indicates that the Ministry of Minority Affairs does not have any procedure or protocol to recognize any PTO association. It is stated that certain PTO Associations were recognized, when the matters relating to Haj were under the management and control of the Ministry of External Affairs. It is also stated that there is no particular role that a recognized association is required to perform since the registration applications are required to be made by the PTOs online and individual PTOs are required to collect the registration certificates, individually. It also appears that earlier, the distribution of registration certificates was being done through PTO Associations, which has now been discontinued.

7. The aforesaid communication also indicates that there is a proposal to recognize associations of Haj Operators and the said proposal is being currently examined.

8. Since the substratal basis for rejecting the petitioner's application is that the associations have no specific role to perform and there is no procedure for recognizing any association, the denial of the petitioner's request for recognition cannot be faulted.

9. It is also necessary to observe that the principal grievance of the petitioner is that the Ministry of Minority Affairs should hold negotiations and discussions with the recognised PTO Associations as representatives of PTOs. Thus, although there is no specified role that the associations of PTOs are required to undertake, nonetheless, for the purpose of discussion, the respondent should involve associations of PTOs. The petitioner is being excluded from all such discussions, despite being the second largest association of PTOs.

10. In view of the above, this Court considers it apposite to direct the respondents to also call the petitioner for discussions as and when any recognized association of PTOs is called. In other words, it would be apposite to treat the petitioner in the same manner as other recognized associations are treated. It is so directed.

11. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

APRIL 12, 2019

pkv