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W.P.Nos.16258, 16259 & 21436 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition Nos.16258, 16259 and 21436 of 2011

and

M.P.Nos.1 to 3 of 2011 in WP No.16258 of 2011,

M.P.Nos. 1 to 3 of 2011 in WP No.16259 of 2011 and

M.P.No.1 & 2 of 2011 in WP.No.21436 of 2011

WP No.16258 of 2011

M/s. National Association of Private Tour Operators,
Rep. By its President,
62/49, Burkit Road,
T.Nagar, Chennai – 600 017.

... Petitioner

-Vs-

1. Government of India,
Rep. By its Secretary to Government,
Ministry of External Affairs,
South Block, New Delhi.

2. The Additional Secretary to Government,
Ministry of External Affairs,
Government of India, South Block,
New Delhi.

3. The Deputy Secretary to Government/
Director of Haj, Ministry of External Affairs,
Government of India, South Block,
New Delhi.



W.P.Nos.16258, 16259 & 21436 of 2011

4. The Haj Committee of India,
Rep. By its Chairman / CEO,
Haj House, No.7A, MRA Marg,
Palton Road, Mumbai.

... Respondents

Prayer in WP No.16258 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of Haj-2011 Notification dated 24.06.2011 issued by the 4th respondent and quash Clause 3 & 4 of the Notification and sub-clause vii, viii, ix, xvii of Clause (A) and sub-clause 11 of Clause (C) of Annexure A of the Notification and consequently direct the respondents to accept and process its members application for Haj-2011 and allot 50 Pilgrims quota to each member.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : No Appearance (for R1 to R3)
Mr.S.Haja Mohideen Gisthi (for R4)

WP No.16259 of 2011

M/s. Rahmath Haj Service,
Rep. By its Proprietor,
28, Cemetery Road,
Old Washermanpet, Chennai -21.

... Petitioner

-Vs-

1. Government of India,
Rep. By its Secretary to Government,
Ministry of External Affairs,
South Block, New Delhi.

2. The Additional Secretary to Government,
Ministry of External Affairs,
Government of India, South Block,
New Delhi.

3. The Deputy Secretary to Government/



W.P.Nos.16258, 16259 & 21436 of 2011

Director of Haj, Ministry of External Affairs,
Government of India, South Block,
New Delhi.

4. The Haj Committee of India,
Rep. By its Chairman / CEO,
Haj House, No.7A, MRA Marg,
Palton Road, Mumbai.

... Respondents

Prayer in WP No.16259 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of Haj-2011 Notification dated 24.06.2011 issued by the 4th respondent and quash the same and consequently direct the respondents to accept and process petitioner application and allot 50 pilgrims quota to the petitioner.

For Petitioner : Mr.S.Thirumavalavan
For Respondents : No Appearance (for R1 to R3)
Mr.S.Haja Mohideen Gisthi (for R4)

WP No.21436 of 2011

M/s. Moosa Haj Services,
Rep. By its Proprietor,
Mr.P.M.Mohammed Illiyas,
No.1/1, First Floor, VSR Complex,
Venkatasamy Street,
Fort, Salem – 636 001

... Petitioner

-Vs-

1. Government of India,
Rep. By its Secretary to Government,
Ministry of External Affairs,
South Block, New Delhi.

2. The Joint Secretary (Gulf and Haj)
Ministry of External Affairs,
South Block, New Delhi.



W.P.Nos.16258, 16259 & 21436 of 2011

3. The Deputy Secretary (Haj),
Ministry of External Affairs, Akbar Bhavan,
Chanakyapuri, New Delhi.

4. The Haj Committee of India (CHC),
Rep. By its Chairman
Haj House, No.7A, MRA Marg,
Palton Road, Mumbai.

5. Union of India,
having its office at
3rd Floor, Aayakar Bhavan,
M.K.Road, Mumbai – 400 020.

... Respondents

Prayer in WP No.21436 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration, declaration that the impugned Notification / Press releases dated 24th June 2011 in so far as the Clause (iii) is concerned followed by various modifications thereto as well as the list dated 14th September 2011 issued by the respondents 1 to 3, as ultra vires, illegal and of no legal force and effect and also since the same are arbitrary, unjust and unfair in so far as the petitioner is concerned.

For Petitioner : Mr.K.Sivakumar

For Respondents : Mr.T.V.Krishnamachari
Senior Panel Counsel

COMMON ORDER

The issue involved in all the three writ petitions are one and the same and hence, they are taken up together, heard and disposed of by this common order.



W.P.Nos.16258, 16259 & 21436 of 2011

2. The petitioners herein are Private Tour operators, engaged in the business of Haj and Umraj Pilgrimage and the writ petitions have been filed to quash Clause 3 & 4 of the Notification and sub-clause vii, viii, ix, xvii of Clause (A) and sub-clause 11 of Clause (C) of Annexure A of the Haj-2011 Notification dated 24.06.2011, issued by the 4th respondent and consequently, direct the respondents to accept and process the applications of the members of petitioners' Association for Haj-2011 and allot 50 Pilgrims quota.

3. Twelve years lapsed and the relief as such sought for in the writ petitions has lost its relevance. Thus, no further adjudication is required.

4. Accordingly, the writ petitions stand closed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

31.03.2023

Index: Yes/No
Speaking/Non-speaking order.
Neutral Citation: Yes/No.
ars



W.P.Nos.16258, 16259 & 21436 of 2011

S.M.SUBRAMANIAM, J.

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ars

To

1. The Secretary to Government,
Government of India,
Ministry of External Affairs,
South Block, New Delhi.

2. The Additional Secretary to Government,
Ministry of External Affairs,
Government of India, South Block, New Delhi.

3. The Deputy Secretary to Government/
Director of Haj, Ministry of External Affairs,
Government of India, South Block, New Delhi.

4. The Haj Committee of India,
Rep. By its Chairman / CEO,
Haj House, No.7A, MRA Marg,
Palton Road, Mumbai.

5. The Joint Secretary (Gulf and Haj)
Ministry of External Affairs,
South Block, New Delhi.

6. Union of India,
having its office at
3rd Floor, Aayakar Bhavan,
M.K.Road, Mumbai – 400 020.

W.P.Nos.16258, 16259
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