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

+ **W.P.(C) 13474/2024 & CM APPLs. 56385/2024, 56386/2024**

RIZHWAN HAJ AND UMRA SERVICESPetitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Bhanu Malhotra, Mr. Gopeshwar Singh Chandel, Mr. Abdul Bari Khan and Ms. Aditi Chaudhary, Advocates.

versus

UNION OF INDIARespondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Kaushal Jeet Kait, G.P. and Ms. Hridyanshi Sharma, Advocates.

+ **W.P.(C) 13476/2024 & CM APPLs. 56389/2024, 56390/2024**

DHEEN HAJ SERVICEPetitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Bhanu Malhotra, Mr. Gopeshwar Singh Chandel, Mr. Abdul Bari Khan and Ms. Aditi Chaudhary, Advocates.

versus

UNION OF INDIARespondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Kaushal Jeet Kait, G.P. and Ms. Hridyanshi Sharma, Advocates.
Mr. Mukul Singh, CGSC with Mr. Aakash Pathak, G.P. with Ms. Ira Singh, Advocate.

+ **W.P.(C) 13486/2024**

MUBARAK HAJ AND UMRA SERVICESPetitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Bhanu Malhotra, Mr. Gopeshwar Singh Chandel, Mr.



Abdul Bari Khan and Ms. Aditi Chaudhary, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Kaushal Jeet Kait, G.P. and Ms. Hridyanshi Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.09.2024

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1. The question urged in the present petitions has already been considered by the Court and decided through order dated 18th September, 2024 passed in W.P.(C) 10971/2024 and others wherein this court gave certain directions for a fresh decision.
2. Mr. Sulaiman Mohd. Khan, counsel for Petitioners, requests for the similar order to be passed in the present cases. He, in fact, highlights that in the instant cases, there was no show cause notice issued by the Respondent (Union of India)
3. Mr. Anurag Ahluwalia, counsel for Union of India, explains that the Impugned order of blacklisting was passed pursuant to the orders passed by the High Court of Judicature Madras dated 28th April, 2022 in W.P.(C) 12257/2016. Thus, Mr. Ahluwalia urges that the impugned order, calls for no interference. Further, there is another direction issued by this Court in W.P.(C) 7206/2023 and others. In the said petitions, the Petitioners HGOs challenged the communication sent by the Respondents rejecting their representation and declaring them ineligible for registration and allocation



for Haj Quota for 2023. This Court directed the Respondents to consider the representation of the Petitioners and also the grounds urged in the writ petitions while adjudicating the representation.

4. The Court has considered the aforementioned contentions. The proceedings before the Madras High Court in Writ Petition no. 12257/2016 were initiated at the instance of complainant who had made certain allegations against the Respondents HGOs. While hearing the said petition, the Court issued directions to the Ministry of External Affairs, the erstwhile Ministry dealing with the subject matter, to conduct inquiry on the complaint given by the Petitioner (M/s. Y Son & Co) in that case after issuing notice to the alleged violators and passed appropriate orders in accordance with law. In compliance with the aforementioned directions, the Respondent has passed the impugned order dated 29th February, 2024 blacklisting the Petitioners

5. Although Mr. Ahluwalia correctly submits that the impugned order is passed pursuant to the directions issued by the Madras High Court, however it does not in anyway take away the Petitioners' right of being notified of the impugned blacklisting order prior to taking the final decision. Therefore, in the opinion of the Court, the reasoning given by this Court in decision dated 18th September, 2024 in W.P.(C) 10971/2024 and others will apply mutatis mutandis to the present petitions as well.

6. Accordingly, the Impugned order is set aside. The present petitions are allowed with similar directions as issued in decision dated 18th September, 2024 passed in W.P.(C) 10971/2024. It is further clarified that the timelines specified in paragraph no. 11 of the said order shall apply to the present petitions effective from the date of release of this order.



7. With the above directions, the present petitions, along with pending application(s), if any, are disposed of.

SANJEEV NARULA, J

SEPTEMBER 26, 2024
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