GAHC010192872024



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

Case No.: WP(C)/6257/2024

SAMSUL HUSSAIN AND 90 ORS AGED ABOUT 63 YEARS, SON OF LT. MOFIZUDDIN AHMED, RESIDENT OF DEBERAPAR, DIST-JORHAT PIN-785635

2: KHELILUDDIN AHMED AGED ABOUT 62 YEARS SON OF KHIROTDDIN AHMED RESIDENT OF DAHIKHOOR GOANBAHANA DIST- JORHAT PIN- 785101

3: WAZID HUSSAIN AGED ABOUT 60 YEARS SON OF TAFFAZUL HUSSAIN RESIDENT OF PRAGATI PATH KOTOKYPUKHURI BY PASS NH-37 DIST- JORHAT

4: ASNA BEGUM
AGED ABOUT 64 YEARS
DAUGHTER OF NASIBUDDIN AHMED
RESIDENT OF NH37
LAHDOIGARH CHARALI
DIST- JORHAT

5: JULFI ARA BEGUM AGED ABOUT 60 YEARS DAUGHTER OF RUKUNUDDIN AHMED RESIDENT OF KAMALA BORIAGOAN JAIL ROAD DIST- JORHAT

6: SAHABUDDIN AHMED

AGED ABOUT 64 YEARS SON OF NASIBUDDIN AHMED RESIDENT OF KAMALABORIAGOAN JAIL ROAD DIST- JORHAT

7: KUTUBUDDIN AHMED AGED ABOUT 61 YEARS SON OF MANIRUDDIN AHMED RESIDENT OF NO.1 SENCHOWAGOAN JAIL ROAD DIST- JORHAT

8: ABDUL LATIF AGED ABOUT 39 YEARS SON OF NAZIR ALI RESIDENT OF KAKOJAN BONGOAN KAKOJAN DIST- JORHAT

9: REHANA BEGUM AGED ABOUT 56 YEARS DAUGHTER OF ROJOTUDDIN AHMED RESIDENT OF H/NO. 87 NEAR BONGOANALI CHUBURI DIST- JORHAT

10: KUTUBUDDIN AHMED AGED ABOUT 50 YEARS SON OF MAKBUL ALI

RESIDENT OF H/NO. 87 NEAR BONGOANALI CHUBURI DIST- JORHAT

11: NAZMIN YASMIN BORBHUYA AGED ABOUT 25 YEARS DAUGHTER OF ABDUR RAHIM BORBHUYA RESIDENT OF H/NO. 87 NEAR BONGOANALI CHUBURI DIST- JORHAT

12: MOHAMMED KAMAL WARIS AGED ABOUT YEARS SON OF MOHAMMED IBRAHIM ALI RESIDENT OF HEMLAIGOAN NAKACHARI 13: REHENA KHANAM
AGED ABOUT 56 YEARS
DAUGHTER OF MOHAMMED BAHARUL
RESIDENT OF HEMLAIGOAN
NAKACHARI
DIST- JORHAT

14: JULEKHA BEGUM AGED ABOUT 51 YEARS DAUGHTER OF SAFIULLAH RESIDENT OF 264 BAGHMORIAGOAN DAHIKHORGOAN DIST- JORHAT

15: GIASUDDIN AHMED AGED ABOUT 60 YEARS SON OF MAHAMOD ALI RESIDENT OF BAGHMORIAGOAN DIST- JORHAT

16: JEWEL HUSSAIN AGED ABOUT 64 YEARS SON OF ABDUL MONOF RESIDENT OF NEW DAHIKHUR MUSLIMGAON DAHIKHORGAON DIST- JORHAT

17: HAFIZUDDIN AHMED AGED ABOUT 63 YEARS SON OF TOMIZUDDIN AHMED RESIDENT OF 70 ARANDHARAGAON KAKOJAN DIST- JORHAT

18: MOHAMMED NEKIBUDDIN AGED ABOUT 62 YEARS SON OF TOMIZUDDIN AHMED RESIDENT OF H/NO. 16 ARANDHORAGOAN KAKOJAN DIST- JORHAT

19: MD. ABDUL MOTIN
AGED ABOUT 48 YEARS
SON OF MD. DALILATUDDIN
RESIDENT OF ARONDHARAGOAN
KAKOJAN
DIST- JORHAT

20: ZAMILA BEGUM
AGED ABOUT 41 YEARS
DAUGHTER OF MUHIBUL HUSSAIN
RESIDENT OF AROANDHARAGOAN
KAKOJAN
DIST- JORHAT

21: MOINUL HUSSAIN
AGED ABOUT 24 YEARS
SON OF DOLILOTUDDIN AHMED
RESIDENT OF ARANDHARAGOAN
KAKOJAN
DIST- JORHAT

22: IQBAL ISLAM
AGED ABOUT 61 YEARS
SON OF ABDUL QUDDUS
RESIDENT OF BASIC ROAD
TITABOR TINALI
BEBEJIAGOAN
DIST- JORHAT

23: TOHIBUN NESSA
AGED ABOUT 56 YEARS
DAUGHTER OF MUBARAK ALI
RESIDENT OF H/NO.168A
RONGAMATI KAIBARTTA GOAN
RONGAMATI
DIST- JORHAT

24: NAFSA BEGUM
AGED ABOUT 63 YEARS
DAUGHTER OF DERAJAT UDDIN AHMED
RESIDENT OF BASIC ROAD
TITABOR TINALI
BEBEJIAGOAN
DIST- JORHAT

25: TAHIR ALI
AGED ABOUT 57 YEARS
SON OF MUBROK ALI
RESIDENT OF CHERELIPATHAR GOAN RAJABAHAR
BORHOLLA
DIST- JORHAT

26: MOHAMMED MOTIUR ROHMAN AGED ABOUT 71 YEARS SON OF MOHAMMED ALI BORA RESIDENT OF SAMANNAY PATH LICHUBARI NEAR BSNL OFFICE DIST- JORHAT

27: MIRA BEGUM
AGED ABOUT 62 YEARS
DAUGHTER OF ALLAUDDIN HEKIM
RESIDENT OF SAMANNAY PATH
LICHUBARI
DIST- JORHAT

28: MOHAMMAD PARVEZ RAHIM AGED ABOUT 32 YEARS SON OF MOHAMMAD MOTIUR RAHIM RESIDENT OF SAMANNAY PATH LICHUBARI NEAR BSNL OFFICE JORHAT

29: AMINA JAHAN AGED ABOUT 53 YEARS DAUGHTER OF FAIJUR RAHMAN RESIDENT OF RANGPURNAGAR BAGHCHUNG JORHAT

30: SYED SEKHUL ISLAM
AGED ABOUT 62 YEARS
SON OF SYED ATAUR ROHMAN
RESIDENT OF LICHUBARI NURSERY PATH
TENGABARI MAJGOAN
DIST- JORHAT

31: SYED ABOU NASIM AGED ABOUT 61 YEARS SON OF SYED BOSIRUL HUSSAIN RESIDENT OF ISBT SONALI JAYANTINAGAR JORHAT EAST JORHAT

32: SYEDA MURSHIDA AHMED

AGED ABOUT 55 YEARS
DAUGHTER OF SYED SAEEDUR ROHMAN
RESIDENT OF TENGABARI
NEAR SEED CORPORATION OFFICE MAJGOAN. DIST- JORHAT

33: SYEDA NASRIN KABIR AGED ABOUT 51 YEARS DAUGHTER OF SYED AHMED KABIR RESIDENT OF SONALI JAYANTINAGAR JORHAT EAST JORHAT

34: KAMARUL ISLAM AGED ABOUT 64 YEARS SON OF HOBIBUR RAHMAN RESIDENT OF KAKOJAN MAJGOAN DIST- JORHAT

35: SYED SAMSUR RAHMAN AGED ABOUT 64 YEARS SON OF SYED BOZLUR ROHMAN RESIDENT OF RONGPURNAGAR DIST- JORHAT

36: MUBAROK ALI AGED ABOUT 31 YEARS SON OF SUMSUL ALI RESIDENT OF DEFLATING TEA ESTATE TITABAR. DST- JORHAT

37: SYED MUBIDUR REHMAN AGED ABOUT 64 YEARS SON OF SYED SUMSUL HUDDA RESIDENT OF AT ROAD KAKOJAN DST- JORHAT

38: SYEDA MUSLIMA KHATUN AGED ABOUT 54 YEARS DAUGHTER OF SYED MAHMMED ISMAIL RESIDENT OF AT ROAD KAKOJAN DIST- JORHAT

39: MOHAMMED RIZAUL HUSSAIN AGED ABOUT 69 YEARS SON OF EMADUDDIN AHMED RESIDENT OF H/NO.77 TITABAR TINALI DIST- JORHAT

40: MAHMUDA KHATOON AGED ABOUT 72 YEARS DAUGHTER OF FIRDUS AHMED RESIDENT OF WARD NO.2 TITABORNA-ALI DIST- JORHAT

41: IMRAN ALI AGED ABOUT 57 YEARS SON OF AYUB ALI RESIDENT OF HOLDING NO. 73 WARD NO.1 RAJAMAIDAM NEW COLONY DIST- JORHAT

42: AMINA BEGUM AGED ABOUT 50 YEARS DAUGHTER OF MOHAMMAD SAHABUDDIN RESIDENT OF RAJAMAIDAM NEW COLONY WARD NO.1 DIST- JORHAT

43: SADIKA SHREEN
AGED ABOUT 24 YEARS
DAUGHTER OF IMRAN ALI
RESIDENT OF RAJAMAIDAM NEW COLONY
WARD NO.1
DIST- JORHAT

44: EHETESHAM ZEESHAN
AGED ABOUT 20 YEARS
SON OF IMRAN ALI
RESIDENT OF RAJAMAIDAM NEW COLONY
DIST- JORHAT

45: NOOR RAHMAN
AGED ABOUT 62 YEARS
SON OF JAMAL UDDIN RAHMAN
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

46: ANOWARA BEGUM AGED ABOUT 68 YEARS DAUGHTER OF FAIZUTDDIN AHMED RESIDENT OF LAHDOIGARH CHARALI LAHDOIGARH DIST- JORHAT

47: ABDUL MATLIB BORBORA AGED ABOUT 67 YEARS SON OF SAHJALAL BORBORA RESIDENT OF H/NO. 139 NH-37 KAKOJAN BAMKUKURACHARALI DIST- JORHAT

48: SAHAJATDIN AHMED AGED ABOUT 61 YEARS SON OF ABDUL RAHMAN RESIDENT OF LAHDOIGARH CHARIALI SORUMONA PORIA DIST- JORHAT

49: ASHAD ALI AHMED
AGED ABOUT 60 YEARS
SON OF KUDUROTDDIN AHMED
RESIDENT OF 16
KAKOJAN PURANI GAON
KAKOJAN
DIST- JORHAT

50: MONIKA BEGUM
AGED ABOUT 49 YEARS
DAUGHTER OF ABDUL KASHIM
RESIDENT OF 16
KAMARKHATUAL PURANI GOAN
KAKOJAN
DIST- JORHAT

51: SABERA SULTANA
AGED ABOUT 47 YEARS
DAUGHTER OF ABU SAYED AHMED
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

52: MAHMMAD NASIM AHMED AGED ABOUT 49 YEARS SON OF MAHMMAD ASLAM AHMED RESIDENT OF RAJAMOIDAM NETAJI COLONY DIST- JORHAT

53: JUNEMAI BIBI AGED ABOUT 37 YEARS DAUGHTER OF ABDUL BARIK RESIDENT OF RAJA MAIDAM ROAD NETAJI COLONY DIST- JORHAT

54: MUKHTAR AHMED AGED ABOUT 53 YEARS SON OF ASLAM AHMED RESIDENT OF 253 RAJAMAIDAM ROAD NETAJI COLONY DIST- JORHAT

55: AISA BEGUM AGED ABOUT 56 YEARS DAUGHTER OF MOHD MONJUR RESIDENT OF 3 RAJAMAIDAM WARD NO.4 NETAJI COLONY DIST- JORHAT

56: HAFIZUR ROHMAN AGED ABOUT 62 YEARS SON OF LATIFUL ROHMAN RESIDENT OF ALI CHUBURI GOAN BONGOAN KAKOJAN DST- JORHAT

57: SAHIDUR ROHMAN SAIKIA AGED ABOUT 65 YEARS SON OF KHALNUR ALI SAIKIA RESIDENT OF DAW GOAN BHARALOWA SONARI KAKOJAN DIST- JORHAT

58: HIRAMAI BEGUM AGED ABOUT 62 YEARS DAUGHTER OF HAFIZUR RAHMAN RESIDENT OF DA GOAN KAKOJAN DIST- JORHAT

59: MOSFIKA BEGUM AGED ABOUT 52 YEARS DAUGHTER OF MOHAMMAD MOFIJUDDIN RESIDENT OF 20 KAKOJAN ALI CHUBURI BONGAON KAKOJAN DIST- JORHAT

60: MOMINA KHATOON AGED ABOUT 65 YEARS DAUGHTER OF NAZIMUDDIN AHMED RESIDENT OF DEBERAPAR GOAN GOHAINBARI NAKACHARI

DIST-JORHAT

61: GIASUDDIN AHMED
AGED ABOUT 55 YEARS
SON OF FAIZUTDDIN AHMED
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

62: REEMA HAZARIKA
AGED ABOUT 51 YEARS
DAUGHTER OF AFTABUDDIN HAZARIKA
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

63: SAHAJAT DIN AHMED AGED ABOUT 61 YEARS SON ABOUT FAZLITDIN AHMED RESIDENT OF AT ROAD LAHDOIGARH CHARIALI LAHDOIGARH DIST- JORHAT

64: SYED KHALILUR ROHMAN AGED ABOUT 68 YEARS SON OF AZIZUR RAHMAN AT ROAD MUDOIJAN MUSLIM GOAN MUDOIJAN DIST- JORHAT

65: ABDUL KALAM AGED ABOUT 45 YEARS SON OF ABDUR ROSHID RESIDENT OF GANDHI NAGAR MORIANI GRANT MORIANI DIST- JORHAT

66: ABDUS SALAM
AGED ABOUT 50 YEARS
SON OF ABDUR RASHID
RESIDENT OF DAKSHINKUL
WARD NO. 7
GP OFFICE ROAD
DIST- JORHAT

67: SYED ABDUL GAFFAR AGED ABOUT 64 YEARS SON OF ABDUL KHALIQUE SYED RESIDENT OF KAKOJAN DEWAN GAON H/NO.42 KAKOJAN DIST- JORHAT

68: SYEDA JENAT FARHA
AGED ABOUT 52 YEARS
DAUGHTER OF SYED OHIDUZ ZAMAN
RESIDENT OF KAKOJAN DEWAN GOAN
H/NO.42
KAKOJAN
DIST- JORHAT

69: ABBAS ALI AGED ABOUT YEARS SON OF MONIRUDDIN AHMED RESIDENT OF 118 MAJGOAN KAKOJAN DIST- JORHAT

70: QUISER ZAMAN AHMED
AGED ABOUT 41 YEARS
SON OF SALARUZ ZAMAN AHMED
RESIDENT OF OLD CIRCUIT HOUSE
OPP. VETERINARY HOSPITAL
DIST- JORHAT

71: FARHAT ZAMAN AHMED AGED ABOUT 28 YEARS SON OF SALARUZ ZAMAN AHMED RESIDENT OF OLD CIRCUIT HOUSE OPP. VETERINARY HOSPITAL DIST- JORHAT

72: ABDUL HAQUE AGED ABOUT 68 YEARS SON OF MAZHAR ALI RESIDENT OF H/NO.717 WARD NO.2 GANDHINAGAR DIST- JORHAT

73: TURAB ALI
AGED ABOUT 52 YEARS
SON OF KAMALUDDIN ALI
RESIDENT OF DAFALATING TEA ESTATE
DIST- JORHAT

74: FAIJUN ARA BEGUM

AGED ABOUT 49 YEARS
DAUGHTER OF RICH BABA ALI
RESIDENT OF 24
LAHDOIGARH CHARIALI
LAHDOIGARH
DIST- JORHAT

75: SOFIQUL ISLAM
AGED ABOUT 60 YEARS
SON OF JAMALUDDIN AHMED
RESIDENT OF 24
LAHDOIGARH CHARIALI
LAHDOIGARH
DIST- JORHAT

76: NAZNEEN KHATOON AGED ABOUT 62 YEARS DAUGHTER OF REAZUL HAQUE RESIDENT OF PRAGATI PATH JIRONI HOTEL KOTOKY PUKHURI BYPASS NH-37 DIST- JORHAT

77: MD ROHIM ALI AGED ABOUT 53 YEARS SON OF BHEKLA SHEK RESIDENT OF 3RD GATE MADARASSA ROAD WARD NO.3 DIST- JORHAT

78: GULENA BEGUM
AGED ABOUT 50 YEARS
DAUGHTER OF KERIMUDDIN
RESIDENT OF MADRASA ROAD
3RD GATE
WARD NO.3
DIST- JORHAT

79: MOHAMMAD RUSELL AHMED
AGED ABOUT 64 YEARS
SON OF KESIRUDDIN NEOG
RESIDENT OF TAKARUCHUK BALIGAON
J B ROAD
KOKILAMUKH
DIST- JORHAT

80: SYED ABIDUR ROHMAN AGED ABOUT 64 YEARS SON OF SYED ABU SAID RESIDENT OF DEWAN GOAN KAKOJAN DIST- JORHAT

81: SYEDA MUSLIHA BEGUM AGED ABOUT 48 YEARS DAUGHTER OF SYED WAHID AHMED RESIDENT OF H/NO.40 DEWAN GOAN KAKOJAN DIST- JORHAT

82: SYEDA HASINA AGED ABOUT 48 YEARS DAUGHTER OF SYED ABUL KALAM RESIDENT OF DEWAN GOAN KAKOJAN DIST- JORHAT

83: SYED TAYYEBUR
AGED ABOUT 64 YEARS
SON OF SYED SAYEEDUR RAHMAN
RESIDENT OF DEWAN GOAN
KAKOJAN
DIST- JORHAT

84: SYED MUINUL ISLAM AGED ABOUT 63 YEARS SON OF SYED AMINUDDIN AHMED RESIDENT OF BURHA MASJID PATH NEAR NAHARANI BURHA MASJID DIST- JORHAT

85: SYEDA NAZMA BEGUM AGED ABOUT 55 YEARS DAUGHTER OF SYED ABDUL HALIM RESIDENT OF BURHA MASJID PATH NEAR NAHARANI BURHA MASJID DIST-JORHAT

86: SYED SAKIL MAROOF AGED ABOUT 25 YEARS SON OF SYED MUINUL ISLAM RESIDENT OF DEWAN GOAN PATH DIST- JORHAT

87: SYED WAKILUR RAHMAN AGED ABOUT 66 YEARS SON OF AHMED HUSSAIN RESIDENT OF BONGAON NEAR MASJID KACHARIHA TGOAN **DIST-JORHAT**

88: WAHIDA HUSSAIN AGED ABOUT 65 YEARS DAUGHTER OF FAZAL HAQUE HAZARIKA RESIDENT OF ABBAS NAGAR JAIL ROAD DIST- JORHAT

89: REHANA BANU AGED ABOUT 58 YEARS DAUGHTER OF HABIBUR RAHMAN RESIDENT OF MOLOKHUBASA DIST-JORHAT

90: KHALEDA IKRAM AHMED AGED ABOUT 69 YEARS DAUGHTER OF FAZAL HAZARIKA RESIDENT OF LIGIRI PUKHURI DIST- JORHAT

91: ATAUR RAHMAN AGED ABOUT 61 YEARS SON OF SAHIDUR RAHMAN RESIDENT OF JURBARI ROAD WARD NO.3 DERGAON DIST- GOLAGHA

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, DEPTT. OF
MINISTRY OF MINORITY AFFAIRS, 11TH FLOOR PT. DEENDAYAL
ANTYODAYA BHAWAN, CGO COMPLEX, LODHI ROAD, NEW DELHI.PIN110003

2:THE CHIEF EXECUTIVE OFFICER
THE CENTRAL HAJ COMMITTEE OF INDIA
HAJ HOUSE 7-A
M.R.A MARG
MUMBAI PIN- 400001

3:THE EXECUTIVE OFFICER
ASSAM STATE HAJ COMMITTEE
DISPUR
NEAR TREASURY OFFICE
ASSAM SECRETARIAT COMPLEX

DISPUR GUWAHATI PIN-78100

Advocate for the Petitioner : MR H K J AHMED,

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

BEFORE HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.11.2024

Heard Mr. H.K.J. Ahmed, learned counsel for the petitioners. Also heard Mr. S.K. Medhi, 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 petitioners 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 embareation 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.

The learned counsel for the parties 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 respondent No. 2 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 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