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

+ W.P.(C) 15563/2024

M/S RIZHWAN HAJ AND UMRA SERVICESPetitioner

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

versus

UNION OF INDIARespondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Shivam Sachdeva, GP and Mr. Abhay Singh, Advocate

+ W.P.(C) 15584/2024

DHEEN HAJ SERVICEPetitioner

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

versus

UNION OF INDIARespondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Shivam Sachdeva, GP and Mr. Abhay Singh, Advocate

+ W.P.(C) 15602/2024

MUBARAK HAJ AND UMRAH SERVICESPetitioner

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



versus

UNION OF INDIA

.....Respondent

Through: Mr. Mukul Singh, CGSC with Mr.
Aakash Pathak, GP and Ms. Ira
Singh, Advocates for UOI

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **08.11.2024**

CM APPL. 65319/2024 (Exemption) in W.P.(C) 15563/2024, CM APPL. 65377/2024 (Exemption) in W.P.(C) 15584/2024 & CM APPL. 65498/2024 (Exemption) in W.P.(C) 15602/2024

1. Exemptions are granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the applications stand disposed of.

W.P.(C) 15563/2024 & CM APPL. 65320/2024 (for interim relief)

W.P.(C) 15584/2024 & CM APPL. 65378/2024 (Interim Relief)

W.P.(C) 15602/2024 & CM APPL. 65499/2024 (Interim Relief)

4. The present petitions impugn order dated 18th October, 2024, whereby the Ministry of Minority Affairs has blacklisted the Petitioners with effect from Haj-2022 for a period of 15 years, and forfeited their security deposit amounting to INR 20,00,000/- [in W.P.(C) 15563/2024 and W.P.(C) 15602/2024] and INR 30,00,000 [in W.P.(C) 15584/2024], originally furnished for Haj-2023.
5. This is the second round of litigation regarding the blacklisting order



issued against the Petitioners. In the first round, the Petitioners argued that they had not received show cause notice regarding the proposed blacklisting, prior to the passing of the impugned order, contravening principles of natural justice. By order dated 18th September, 2024, in W.P. (C) 10971/2024, this Court, without addressing the merits of the allegations, set aside the blacklisting order and directed the Ministry to intimate the Petitioners of specific allegations and the proposed actions of blacklisting and debarment. In compliance with this Court's directions, the Respondents issued fresh show cause notices, to which the Petitioners provided responses, culminating in the issuance of the impugned blacklisting order.

6. This Court, on 25th October, 2024, had passed an interim order in a batch of petitions, in favour of other Haj operators who had approached this Court impugning the blacklisting order. The Petitioners argue that the grounds considered by this Court for granting interim relief in the said case, are squarely applicable to the facts of the present case as well.

7. Nonetheless, the Court has heard the counsel for the parties for consideration of interim relief. In addition to the grounds similar to those urged in the previous petitions, the present batch of petitions raises a distinct contention pertaining to the violation of Clause No. 15 of the Haj Group organisers Policy, 2023, which reads as follows:

“Document (Affidavit/ declaration in application) that (i) no other member of family of the HGO has applied for Haj 2023 and also (ii) applicant has not applied in more than one HGO in his/ her capacity Director/ Partner/ Proprietor. It may be noted that only one member of the family would be eligible for registration for Haj. The family will include wife and dependent children. In case more than one member of a family satisfy the eligibility conditions and if one of them a lady, the lady would given preference for registration to the exclusion of others and if there no lady, preference would given to member who is oldest in the business for registration for Haj quota. No applicant can



apply in more than one HGO application in his/her capacity as Director/Partner/Proprietor/Trustee/Management Board of Society/ Employee of any other HGO organisations applying for Haj 2023. The affidavits should be signed by Proprietor/all partners/all directors/all trustee.”

8. Mr. Sulaiman Mohd. Khan, Counsel for the Petitioners, states that the aforementioned clause has been misinterpreted as none of the Haj operators herein are being operated by any of the dependent children of the family. He submits that all the entities specified in Paragraph No. 10 of the impugned order, run independently, although he clarifies that one of the respective partners of M/s Dheen Haj Service namely Mr. Ahmed Thambi, and M/s Mubarak Haj & Umrah Service namely Mohd. Rizhwan, are related to each other as father and son, respectively.

9. Mr. Khan also emphasises that Clause No. 15 of the HGO Policy, which provides that only one member of the family would be eligible for registration for Haj, explicitly defines ‘family’ as “*wife and dependent children*”. The Petitioners have also urged other grounds, which have been taken into consideration by this Court, while granting the interim order on 25th October, 2024.

10. Issue notice. Counsel mentioned in appearance above accept notice.

11. Let counter affidavit be filed within four weeks from today. Rejoinder thereto, if any, be filed within four weeks thereafter.

12. In light of the foregoing, in the opinion of the Court, the Petitioners have made out a *prima facie* case in their favour. Accordingly, till the next date of hearing, the impugned order shall remain stayed.

13. It is further clarified that the security deposit of the Petitioners submitted for Haj-2023, shall be rolled over for Haj-2025, subject to the



Petitioners paying any enhanced deposit amount, if so required.

14. Re-notify on 06th February, 2025.

SANJEEV NARULA, J

NOVEMBER 8, 2024/ab