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W.P.No.8645 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.4.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,  
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8645 of 2022

and W.M.P.No.8565 of 2022

Popular Front of India  
Represented by its Secretary,  
Mr. Abdul Kader

.. Petitioner

VS

1. Haj Committee of India,  
Represented by its Executive Officer,  
Haj House, 7-A, M.R.A. Marg (Palton Road),  
Mumbai,  
Maharashtra – 400 001.
2. The Union of India,  
Represented by its Secretary,  
Ministry of Minority Affairs,  
New Delhi – 100 001.
3. The Union of India,  
Represented by its Secretary,  
Ministry of External Affairs,  
New Delhi – 100 001.



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4. The Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Chennai- 9.

5. Tamil Nadu State Hajj Committee,  
Represented by its Executive Officer,  
Rosy Tower,  
New No. 13, Mahathma Gandhi Road,  
Nungambakkam High Road,  
Chennai – 600 034.

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned guidelines for Haj -1443(H) – 2022 (C.E.) of the first respondent with regard to Embarkation Points in Para 12 and quash the same as unreasonable and arbitrary and consequently direct the respondents herein to restore/include Chennai Airport as one of the Haj Embarkation Points for Haj 2022 by considering the petitioner's representation dated 04.1.2022 within the time frame fixed by this court.

For Petitioner : Mr. I. Abdul Basith

For Respondents : Mr. Haja Moideen Gisthi  
for R1 & R5

Mr.R.Shunmugasundaram,  
Advocate General  
assisted by  
Mr.P.Muthukumar,  
State Government Pleader  
for R4



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ORDER

(Order of the Court was made by  
the Hon'ble Chief Justice)

We have heard the respective learned counsel appearing for the parties.

2. The writ petition has been filed challenging the guidelines framed by the Haj Committee for the year 2022 regarding embarkation point given in paragraph 12 of the guidelines.

3. It is submitted by the learned counsel for the petitioner that Chennai Airport was one of the destinations for embarkation of the Haj pilgrims. However, as Chennai Airport has not been shown as one of the embarkation points in the impugned guidelines, consequences would be heavily on the pilgrims going to the Haj from the State of Tamil Nadu. Therefore, he prays for a direction to the Haj Committee to include Chennai Airport as one of the embarkation points for the Haj pilgrims.



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4. The learned Advocate General appearing for the State submits that recommendations have been sent to the Haj Committee to add Chennai Airport as one of the destinations for embarkation point for the Haj pilgrims.

5. The learned Standing Counsel appearing for the Haj Committee submits that the recommendations of the State Government have been received and embarkation for the Haj pilgrims would be in the month of August 2022 with the visa processing scheduled to commence this month (April) end. The matter is under consideration of the Haj Committee. Paragraph 12.1 was brought in the guidelines in view of Covid-19 pandemic. In view of the above, the issue raised by the petitioner would be considered by the Haj Committee appropriately.

6. Taking into consideration the submissions of the learned Advocate General appearing for the State and the learned Standing Counsel appearing for the Haj Committee, this Court would not



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issue a definite order against paragraph 12.1 of the guidelines, as the policy decision has been taken in consonance with the guidelines in view of Covid-19 pandemic. In fact, if the plea of the petitioner is accepted that anyone who intends to go for Haj from the State of Tamil Nadu has to cover the area of 700-800 Km to reach Cochin, it would cause inconvenience and would become a costly affair, such pleas can be raised by the members intending to go for Haj from the States of Madhya Pradesh, Jharkhand, Chattisgarh, as those States have also not been included in the embarkation points. Same is the position in respect of Punjab and Haryana as well as Rajasthan. Thus, it is not for this Court to decide on the policy decision taken by the Haj Committee.

7. Accordingly, this writ petition is disposed of with an observation that if it is found appropriate, the Haj Committee may take a decision to make necessary amendment in paragraph 12.1 of the guidelines to include certain other embarkation points, keeping in mind the recommendations of the State Government and the



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number of persons, who travel for Haj from any of the embarkation points. Consequently, the connected WMP is closed. There will be no order as to costs.

(M.N.B., CJ.) (D.B.C.J.)  
08.4.2022

Index : Yes/No

To:

1. The Executive Officer,  
Haj Committee of India,  
Haj House, 7-A, M.R.A. Marg (Palton Road),  
Mumbai, Maharashtra – 400 001.
2. The Secretary, Union of India,  
Ministry of Minority Affairs,  
New Delhi – 100 001.
3. The Secretary, Union of India,  
Ministry of External Affairs,  
New Delhi – 100 001.
4. The Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Chennai- 9.
5. The Executive Officer,  
Tamil Nadu State Hajj Committee,  
Rosy Tower, New No. 13,  
Mahathma Gandhi Road,  
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D.BHARATHA CHAKRAVARTHY,J

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