

2025 LiveLaw (SC) 335

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

SURYA KANT; J., NONGMEIKAPAM KOTISWAR SINGH; J.

WRIT PETITION (C) NO.35/2025; March 20, 2025

KOLKATA TOURS AND TRAVELS (I) PVT. LTD. & ORS. *versus* UNION OF INDIA

Haj Policy 2025 - These Writ Petitions, filed by various Haj Group Organisers (HGOs), challenged the Union of India's quota allocation for Haj pilgrims under the Haj-2025 Policy. The petitioners alleged arbitrary and discriminatory allocation. The Court, after hearing the parties, initially directed a meeting to facilitate equitable redistribution of quota among HGOs. Following this, some redistribution occurred, and the Court extended the deadline for submission of revised Memoranda of Understanding (MoUs) to allow for further discussions. The Court clarified that it was not interfering with the Haj-2025 Policy itself, but addressing its initial implementation issues. The petitions were disposed of, with liberty granted to parties to raise future grievances before the appropriate forum. Interlocutory applications seeking to raise additional issues were dismissed as not maintainable. (Para 8 – 12)

WITH W.P.(C) No.126/2025, W.P.(C) No.116/2025, W.P.(C) No.127/2025, W.P.(C) No.218/2025, W.P.(C) No.219/2025

For Petitioner(s): Mr. Nikhil Goel, Sr. Adv. (in It.12) Mr. Arunabh Chowdhury, Sr. Adv. Mr. Mohd. Ainul Ansari, Adv. Mr. Manoj Kumar Goel, Adv. Mr. Kripa Shankar Prasad, AOR (in It.16) Mr. Sulaiman Mohd Khan, Adv. Ms. Taiba Khan, Adv. Mr. Gopeshwar Singh Chandel, Adv. Mr. Abdul Bari Khan, Adv. Mr. Chandra Bose, Adv. Dr. Hilaluddin, Adv. Mr. Ashish Choudhury, AOR

For Respondent(s): Mr. K.M. Nataraj, A.S.G. Mr. Adwaitya Awasthi, Adv. Ms. Satvika Thakur, Adv. Mr. Siddhant Kohli, Adv. Mr. Vinayak Sharma, Adv. Mr. Sharath Nambiar, Adv. Mr. Ajay Kumar Prajapati, Adv. Mr. Sudarshan Lamba, AOR Mr. Joel, AOR Mr. Ujjval Gupta, Adv. Mr. Shivank Agnihotri, Adv. Mr. Sulaiman Mohd Khan, Adv. Ms. Taiba Khan, Adv. Mr. Gopeshwar Singh Chandel, Adv. Mr. Abdul Bari Khan, Adv. Mr. Chandra Bose, Adv. Dr. Hilaluddin, Adv. Mr. Ashish Choudhury, AOR Mr. Prateek Yadav, AOR

ORDER

1. These Writ Petitions have been filed by different Haj Group Organisers (for short, “HGOs”), who facilitate Indians’ Haj pilgrimage, challenging orders dated 06.01.2025 and 07.01.2025, by which the Union of India has notified allocation of quota for Haj pilgrims among the different HGOs. The allocation is said to have been done as per the Haj-2025 Policy dated 07.09.2024. The petitioners allege that the allocation has been made in an arbitrary and discriminatory manner. They are consequently seeking reallocation through these petitions.

2. Notice was issued to the Union of India on 24.01.2025, and the matter has been taken up and heard at length from time to time thereafter.

3. When the matter came up for hearing on 06.03.2025, the following order was passed by us:

“1. The matter has been substantially heard. It seems that the teething problems being experienced as a result of introduction of Government of India’s policy dated 07.09.2024, which has been formulated in consultation with the Kingdom of Saudi Arabia, does not warrant any intervention, except to persuade the lead HGOs and non-lead HGOs to part with marginal allocation of pilgrims falling to their share and redistribution of such surplus among those HGOs who are getting very less allocation. Such a solution bases on equitable principles can effectively solve the issues.

2. For this, we have impressed upon Mr. K.M. Nataraj, learned Additional Solicitor General of India to instruct the Authorities to convene a meeting of lead HGOs and non-lead HGOs and apprise them with the observations made by us.

3. We are hopeful that the parties will resolve the issue keeping the principle of give and take in mind and of course without inviting any judicial intervention.

4. Post the matter on 20.03.2025.”

4. Today, when the matter has been taken up, we are informed by learned senior counsel for the petitioners that the discussions, which took place pursuant to our order dated 06.03.2025, have borne some fruit, and in at least three Combined HGOs (for short, “CHGOs”), redistribution of quota has taken place to create a more equitable allocation. We are further informed that similar promising discussions are going on at different stages in the other CHGOs also, which would conclude soon and result in fresh internal allocations.

5. In this context, learned senior counsel for the petitioners has brought our attention to a notice dated 18.03.2025 issued by the Union, by which the various HGOs have been allowed to submit final MoUs, etc., which would contain the terms of the CHGO as well as the internal allocation of quota among its constituent HGOs, by 20.03.2025, i.e., today, after which no change would be permissible. Highlighting the pending discussions in the other CHGOs, learned senior counsel have sought an extension of this deadline till 26.03.2025, i.e., Wednesday. Mr. K.M. Nataraj, learned Additional Solicitor General of India, has very fairly agreed to such extension. Since the parties are in agreement, we hereby extend the last date for submission of revised MoUs with the Ministry of Minority Affairs (Haj Division) from 20.03.2025 to 26.03.2025.

6. At this stage, it may be pertinent to reiterate our observations made on 06.03.2025, that the Haj-2025 policy has been formulated by the Union in consultation with the Kingdom of Saudi Arabia. Various considerations and negotiations go into the formulation of such a policy. What emerges from the arguments made before us is that the HGOs and other parties are not seeking to challenge the policy itself. Instead, the challenge is to its implementation.

7. Ordinarily, any new policy like the Haj-2025 policy would have teething issues in its initial implementation. Many peculiarities and anomalies come to the fore when the policy is first applied to the conditions of the real world. Policymakers may take all precautions, but it would be untenable to expect any policy to be foolproof from day one. It would, therefore, only be proper to allow reasonable time to the policymakers to identify, consider, and address such issues.

8. In such consideration, it would, of course, follow that the interests of all stakeholders are kept in mind. The most important beneficiaries of the policy are the pilgrims, whose religious interests are the basis of the policy. Apart from these, commercial interests of the HGOs are also to be considered, for which the instant Writ Petitions have been filed. It would go without saying that all these interests would be kept in mind by the policymakers in its approach to implementation of the Haj policies in the future.

9. Given that the instant petitions do not challenge the Haj-2025 Policy and its implementation in the present manner has already taken shape, we are not inclined to further interfere with the implementation of the Haj-2025 Policy at this stage. The steps already taken in our order dated 06.03.2025 and in Paragraph 5 of this order merit the closure of these matters.

10. It ought to be clarified that by declining to interfere in the process at this stage, we are not conclusively opining on any substantive issues raised before us. The parties are at liberty to raise their contentions before the appropriate forum for any future discrimination or other issue with the implementation of the Haj policies.

11. These Writ Petitions are, therefore, disposed of in the above terms.

12. Before concluding, it may be pertinent to observe that various other entities have sought to intervene in the present Writ Petitions through Interlocutory Applications. Some of them have also sought to raise additional issues with the policy and its implementation. We find that this method of seeking to raise individual issues and additional aspects is untenable. All the interlocutory applications are, therefore, dismissed as not maintainable, with liberty to the applicants to avail the remedy as per law.

13. As a consequence, all other pending interlocutory application(s), if any, are disposed of.

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