

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 4277 of 2009

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Order:

By this writ petition, the petitioner, namely M/s. Bismillah Tours and Travels, a private tour operator, is questioning the action of the respondents in not allotting quota of Hajis to private tour operators in the State of Andhra Pradesh, as illegal and arbitrary.

According to the petitioner, the fixation of quota for allotment of Hajis to private tour operators, should be based on the muslim population of the State, and more the number of muslim population, the more the quota for allotment of Hajis should be fixed. He submits that even though the muslim population in the State of Andhra Pradesh, is far more than the population of other States, yet the respondents have fixed the quota for allotment of Hajis at 1650, which is far less than the quota fixed for other States. Hence, he submits that the action of the respondents in not fixing the required quota, based on the muslim population of the respective States, and not allotting the Hajis to all the tour operators, is illegal and arbitrary and amounts to discriminating the private tour operators in the State.

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General for respondent No.1 and the learned Standing Counsel for respondent No.3.

The petitioner is one of the several registered tour operators in the State of Andhra Pradesh. Whether he has registered with the Wakf Board for transporting the Hajis is not known. The petitioner only states that in proportion to the muslim population in a given State, quota for allotment of Hajis to a State has to be fixed, and that in the allotment of Hajis, the State has been discriminated, because they have allotted less number of Hajis, even though the muslim population in the State is comparatively more than the muslim population in other States. In fact, the petitioner has not placed any material to show that fixation of quota for allotment of Hajis should be based on the muslim population of a particular State. The petitioner, as stated above, is only a private tour operator, and he cannot have any grievance with respect to allotment of Hajis to the State, much less question the non-allotment of Hajis to him, and more so when it is not known whether he is an

operator, recognized to transport Hajis. If less number of Hajis are allotted to the State, when compared to its muslim population, it is the State Government or the Wakf Board, which administers the wakfs or the Haj Committee that looks after the welfare of the muslims visiting the Haj, that should have grievance with regard to the allotment of Hajis. But the petitioner, who is only a private tour operator, can neither be allowed to question the allotment of Hajis nor the non-allotment of any Haji to him, for transportation.

For the foregoing reasons, I find no merit in the writ petition, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Dated: 31st March, 2009.
KSR