

A

INDIAN OIL CORPORATION LTD.

v.

MEENA KUMARI AND ORS.

MAY 1, 2007

B

[S.B. SINHA AND MARKANDEY KATJU, JJ.]

*Constitution of India, 1950; Article 226:*

C

*Writ Petition—Writ of Mandamus for direction to appellant—Corporation to grant her licence for Petrol Pump in preference to other applicant on ground of residential requirement—Held: High Court was right in directing the Corporation to grant the licence to respondent no. 1 in preference to other applicant on the ground of residential requirement in terms of guidelines on the subject.*

D

The writ petitioner is a resident of village Jheenjhak, district Kanpur Dehat and is a war widow. On the other hand, respondent No. 2 in this appeal who is also a war widow of an ex army personnel is a resident of district Farrukhabad, Respondent No. 1 filed the impugned writ petition in the High Court praying for a writ of mandamus directing the appellant-Indian Oil Corporation Limited, to grant her a licence for retail outlet/petrol pump in pursuance of the Notification dated 30.12.1977 which was allowed by the High Court. Hence, the present appeal.

E

Dismissing the appeal, the Court

F

**HELD: 1.1.** One of the terms mentioned in the policy guidelines for selection of dealers/distributors was that preference would be given to the candidate belonging to the district in which the proposed dealership/distributorship is advertised. [Para 5] [1059-E]

G

**1.2.** In the Fact and circumstances of the case, the High Court was right in directing that respondent No. 1 should have been given preference and granted the licence for the petrol pump since she is a resident of kanpur Dehat for which locality the dealership was being granted, she had preference.

[Para 6] [1059-F]

H

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 7215 of 2000.

From the Final Judgment and Order dated 14.09.2000 of the High Court of Judicature at Allahabad in Civil Misc. Petition No. 40236 of 1999. A

H.K. Puri for the Appellant.

Dinesh Dwivedi, (for K.L. Mehta & Co.) for the Respondents.

The Judgment of the Court was delivered by B

**MARKANDEY KATJU, J.** 1. This appeal has been filed against the impugned judgment and order dated 14.9.2000 of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No. 40236 of 1999.

2. Heard learned counsel for the parties and perused the record.

3. Respondent No. 1, Smt. Meena Kumari, filed the impugned writ petition in the High Court praying for a *writ of mandamus* directing the appellant, Indian Oil Corporation Limited, to grant her a licence for retail outlet/petrol pump in village Jheenjhak, district Kanpur Dehat, in pursuance of the Notification dated 30.12.1977. C

4. The writ petitioner is a resident of village Jheenjhak, district Kanpur Dehat and is a war widow whose husband was an army personnel who died during the 1971 war. On the other hand, respondent No. 2 in this appeal, Smt. Asha Devi, who is also a war widow of an ex army personnel, is a resident of district Farrukhabad. D

5. One of the terms mentioned in the policy guidelines for selection of dealers/distributors of 1977 was that preference would be given to the candidate belonging to the district in which the proposed dealership/distributorship is advertised. E

6. In these circumstances, we are of the opinion that the High Court was right in directing that respondent No. 1 Smt. Meena Kumari should have been given preference and granted the licence for the petrol pump. Since she is a resident of Kanpur Dehat for which locality the dealership was being granted, she had preference. F

7. For the reasons given above, we find no merit in this appeal. The appeal is dismissed accordingly. No costs. G

S.K.S.

Appeal dismissed.