

CASE NO.:
Writ Petition (civil) 465 of 2004

PETITIONER:
Jyotsna Dwivedi

RESPONDENT:
Union of India & Ors

DATE OF JUDGMENT: 19/02/2007

BENCH:
Dr. AR. LAKSHMANAN & ALTAMAS KABIR

JUDGMENT:
JUDGMENT

Dr. AR. Lakshmanan, J.
Heard Ms. Jyotsna Dwivedi, Petitioner in person and Mr. Goolam E. Vahanvati, Learned Solicitor General of India, Mr. T.S. Doabia, learned Senior Counsel, Mrs. Shobha Dikshit, learned Senior Counsel and Mr. Avatar Singh Rawat, learned counsel for the respondents.

The Writ Petition was filed under Article 32 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to ensure that the promise of welfare packages made to the widows of the martyars of the Kargil war are fulfilled promptly.

During the pendency of the writ petition, several orders were passed by this Court issuing various directions. Several opportunities were given to the parties. At the request of the learned counsel for the States, permission was granted to file affidavits.

Pursuant to our directions, the Union of India (Ministry of Petroleum and Natural Gas) has filed an additional affidavit explaining the steps taken to dispose of the pending cases for allotment including 22 cases where land is to be identified. The Additional Affidavit is filed in pursuance to the directions issued by this Court. The status of cases as on 31.12.2006 under the Special Scheme "Operation Vijay" Kargil has been mentioned in the Affidavit. The total 492 cases were recommended for grant of the benefit under the Scheme. 47 cases were advised by the Directorate General of Resettlement to be kept in abeyance, since the parties are not interested. Thus, there is 445 effective recommendations. The break-up figure has also been clearly mentioned in the tabulated statement.

It is also further stated that as on 31.12.2006 there are only 9 cases pending for commissioning, and out of these, 5 are retail outlet cases and 4 are LPG distributorships cases and details of the 9 pending cases are also mentioned in the tabulated statement. The prime reason for the pendency of the cases had been the non-availability of commercially viable suitable land for the retail outlets or LPG distributorships at the location of choice of the allottee concerned. To expedite the commissioning in the pending cases, the answering respondent has from time to time written to the Chief Secretaries of the State concerned wherein land was not available or where the approvals from where authorities were pending, requesting for a personal intervention and expediting needful action in the matter. Copies of these letters have also been annexed along with Additional Affidavit. The Minister (Petroleum & Natural Gas) has also written to the Chief Ministers of the State concerned in this regard and copies of those letters have also been annexed along with the

Affidavit.

In cases, where the approval from the National Highway Authorities is required, the Minister has also written to the Minister, Ministry of Road, Transport and Highways requesting for a personal intervention and expediting needful action in the matter. Copies of these letters have also been filed and marked as annexures to the Affidavit. It is also stated that the regular meetings were held by the officials of the Ministry and the Oil Marketing Companies in presence of the representatives of the Directorate General Resettlement, with the allottees, State Administration and District Authorities of the States concerned in the month of June, 2006 to clear the bottlenecks in the commissioning of the pending cases. The answering respondent, by letter dated 30.8.2006, has also directed the Oil Marketing Companies to endeavour to commission all the pending cases by 31.12.2006.

It is, thus, seen that the Ministry has substantially complied with the directions issued by this Court. Except 9 pending cases, out of which 2 cases, bearing W.P. No.18289-91 of 2006, are pending in the High Court of Delhi. Likewise, another writ petition filed by the Contractors in W.P. 190192-20/2006 is also pending before the High Court of Delhi. We direct the parties to approach the High Court for an early disposal of the pending cases.

In view of the Additional Affidavit filed, there is no need to keep the instant Writ Petition No.465 of 2004 pending in this Court. Accordingly, the writ petition is disposed of.

No orders on application for impleadment is now necessary.
I.As., applications for directions, are also disposed of.
No costs.