

REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.465 OF 2004

Jyotsna Dwivedi

.....Petitioner

Versus

Union of India &amp; Ors.

.....Respondents

## 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

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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

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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

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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.

.....J.

(Dr. AR. LAKSHMANAN)

.....J.

(ALTAMAS KABIR)

New Delhi,

February 19, 2007

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ITEM NO.33

COURT NO.7

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 465 OF 2004

JYOTSNA DWIVEDI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for DIRECTIONS and exemption from filing O.T. and impleadment as

party respondent and office report)

Date: 19/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Petitioner-In-Person

For Respondent(s)

Mr. G.E. Vahanvati, S.G.

Mr. T.S. Doabia, Sr. Adv.

Mr. H. Baruah, Adv.

Mrs Anil Katiyar ,Adv

Mr. P. Parmeswaran, Adv.

Mr. Manpreet Singh Doabia, Adv.

Mrs. Shobha Dikshit, Sr. Adv.

Mr. Pradeep Misra ,Adv

Mr. Sandeep Singh, Adv.

Mr. A.S. Rawat, Addl. Adv. Genl.

Mr. J.K. Bhatia, Adv.

UPON hearing counsel the Court made the following

O R D E R

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.

In view of the Additional Affidavit filed, there is no need to keep the

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instant Writ Petition No.465 of 2004 pending in this Court. Accordingly, the writ petition is disposed of.

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 Writ Petition is disposed of in terms of signed reportable judgment placed on the file. No orders on application for impleadment is now necessary. I.As., applications for directions, are also disposed of. No costs.

( A.D. Sharma )

Court Master

( Phoolan Wati Arora )

Court Master

(Signed Reportable Judgment is placed on the file)