

SUPREME COURT OF INDIA

Indian Oil Corporation Limited

Vs

Meena Kumari and Others

Appeal (Civil) 7215 of 2000

(S. B. Sinha and Markandeya Katju, JJ)

01.05.2007

JUDGMENT

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.
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.

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.

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.

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