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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 588/2019

DELHI GARMIN VIKAS MANCH ..... Petitioner

Through: Mr. S.H. Ansari, Adv.

versus

MINISTRY OF PETROLEUM AND NATURAL GAS AND ANR.

..... Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC  
for UOI

Ms. Mala Narayan, Mr. Rahul Narayan &  
Ms.Neha Dawar, Advs. for R-2

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

% **27.02.2019**

This public interest litigation seeks a mandamus to the respondents to provide 70% reservation for residents of various villages in Delhi in the matter of selection of dealers for regular and rural petroleum outlets primarily on the ground that most of the villagers have lands which have been acquired by the Government and after acquisition of land they have become landless. They submit that the policy for allotment of petroleum outlet should be amended and 70% reservation should be provided to the members of the petitioner Manch in the ratio of 50% for bhumidar and 50% for non-bhumidar *inter alia* contending that reservations are only provided for Scheduled Castes, Scheduled Tribes, OBCs, Defence personnel,

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Government and public sector personnel, physically handicapped persons, outstanding sports persons etc. and there is no reservation for persons affected by land acquisition, hence this petition in public interest.

Learned counsel appearing for the respondents on advance notice refuted the aforesaid and argued that providing guidelines and laying down a policy for grant of petroleum outlet is a policy matter laid down by the Ministry on various considerations and in a writ petition this Court cannot issue a mandamus for the relief claimed, particularly when for the acquisition of land acquisition person concerned is being paid compensation, alternate land is being provided to them and even certain benefits by the Government are extended. Learned counsel for the respondents contended that such a petition is not maintainable and pray for dismissal of the writ petition.

We are of the considered view that the question of providing reservation or laying down guidelines and policies for grant of license to establish a petrol pump or any other matter connected thereto is a policy matter evaluated and laid down by the respondent No.1 after consultation with various stakeholders based on various conditions and this Court in exercise of its extraordinary jurisdiction cannot issue a mandamus of the nature prayed for. Apart from the fact that the question of providing reservation to persons represented by petitioner's association in a policy matter executive in nature to be determined by the executive authorities and which is not covered by any statutory rule or regulation, we find that merely because land of certain persons have been acquired, there is nothing in the statutory acquisition laws which provide for such a reservation. Benefit for

acquisition of land which is provided by suitable legislation is a matter purely within the domain of the legislative and executive authority and we cannot issue any mandamus particularly when various benefits are already provided for acquisition of land under the statute. Accordingly, finding the petition to be wholly misconceived, we dismiss the same.

**CHIEF JUSTICE**

**V. KAMESWAR RAO, J**

**FEBRUARY 27, 2019***/ns*