

Five writs: match the remedy to the wrong

Judicial remedies under Article 32 (Supreme Court) and Article 226 (High Courts)

• Constitutional Writs (Art 32 & Art 226)

◆ Habeas corpus

- Protects personal liberty against unlawful detention.
- The court examines the legal basis for holding a person.
- Key question: is this detention lawful?

○ Mandamus

- Directs performance of a public or statutory duty where legally required.
- Focus: an authority’s failure or refusal to perform that duty.
- Key question: which legally owed duty remains unperformed?

◇ Prohibition

- Restrains a lower court or tribunal from exceeding its jurisdiction.
- Its usual focus is an ongoing proceeding.
- Key idea: prevent proceedings beyond lawful authority.

□ Certiorari

- Can quash an unlawful order of a lower court or tribunal.
- Grounds include jurisdictional error or breach of natural justice.
- Key idea: review and correct an impugned order.

△ Quo warranto

- Questions a person’s legal authority to hold a public office.
- Focus: legal eligibility for the office, not personal popularity.
- Article 32 protects Fundamental Rights; Article 226 has a wider remedial scope.

REMEMBER Match the harm to the remedy; the court and legal facts determine whether a writ is available.