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# WRIT JURISDICTION OF THE SUPREME COURT

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## INTRODUCTION

In India, the Supreme Court is the ultimate authority on all law matters. This includes cases that are heard in lower courts and those that may be appealed to the Supreme Court. The writ jurisdiction of the Supreme Court is an important part of its authority and allows it to issue orders or writs (court orders) to protect the rights of individuals or groups. This article will explore the writ jurisdiction of the Supreme Court in more detail and explain why it is such an important part of Indian law.

### 1. What is the writ jurisdiction of the Supreme Court of India?

The writ jurisdiction of the Supreme Court of India is derived from Article 32 of the Constitution. This article gives the Supreme Court the power to issue writs for the enforcement of Fundamental Rights. The writs issued by the court are:

- Habeas corpus;
- Mandamus;
- quo warranto;
- prohibition and;
- Certiorari.

In addition, the court also has the power to issue writs like habeas corpus and writs of mandamus and prohibition in relation to any matter concerning the election of a President or Vice-President. The Supreme Court has also been vested with the power to review its orders and judgments. This power is known as the 'supervisory jurisdiction' of the court. The writ jurisdiction of the Supreme Court is thus quite extensive and covers a wide range of matters.

2. What are the types of writs that fall within this jurisdiction?

The writ jurisdiction of the Supreme Court of India is set out in Article 32 of the Indian Constitution. This jurisdiction allows the Supreme Court to issue writs to enforce fundamental rights. The writs within this jurisdiction are habeas corpus, mandamus, prohibition and quo warranto.

Habeas corpus is a writ that is used to challenge the legality of detention. Mandamus is a writ used to direct a public authority to perform its duties. Prohibition is a writ that prevents a lower court or tribunal from exceeding its jurisdiction. Quo warranto is a writ used to challenge a person's right to hold office.

The writ jurisdiction of the Supreme Court plays an important role in safeguarding the fundamental rights of citizens. This jurisdiction allows citizens to challenge any action that violates their fundamental rights. It also helps to ensure that public authorities perform their duties in accordance with the law.

3. How can a person apply for a writ from the Supreme Court of India?

A writ is a court order that commands a person or authority to do something or to refrain from doing something. To apply for a writ from the Supreme Court, an individual must first file a writ petition. This petition must be accompanied by a copy of the relevant judgment, if one exists, and any supporting documentation. Once the petition has been filed, the court will set a date for a hearing. At this hearing, both parties will have an opportunity to present their arguments. The court will then decide on whether or not to issue the writ. If the writ is granted, the court will issue an order that must be followed by the person or authority against whom it is directed.

4. What are the benefits of obtaining a writ from the Supreme Court of India?

The writ jurisdiction of the Supreme Court of India is vast, and it confers an extraordinary power on the apex court to issue writs for the enforcement of the Fundamental Rights enshrined in Part III of the Constitution or for any other purpose. The writs issued by the Supreme Court are habeas corpus, mandamus, certiorari, quo warranto and prohibition. The writ of habeas corpus is issued to protect the personal liberty of an individual, whereas the writ of mandamus is issued to compel a public authority to perform its statutory duty. The writ of certiorari is

issued to quash an order or decision of a subordinate court or tribunal beyond its jurisdiction or contrary to law. The writ of quo warranto is issued to determine the question as to whether a person who holds a public office has been validly appointed to that office or not. The writ of prohibition is issued to prevent a lower court or tribunal from exceeding its jurisdiction or acting contrary to law. All these writs are powerful instruments in the hands of the Supreme Court for enforcing the Fundamental Rights of citizens and ensuring that public authorities perform their duties in accordance with the law.

5. How does the process work, and what are the timelines involved?

The writ jurisdiction of the Supreme Court is set out in Article 32 of the Constitution. It states that the Supreme Court shall have the power to issue writs for the enforcement of Fundamental Rights. The writs issued by the Supreme Court are habeas corpus, mandamus, prohibition, quo warranto and certiorari. In addition to these writs, the Supreme Court has also evolved the writ of habeas data. This writ is used to protect an individual's right to privacy. It can be issued against the State or a private individual. The timelines involved in the writ jurisdiction of the Supreme Court are as follows:

- A writ can be filed any time after violating a Fundamental Right.
- A writ must be filed within 60 days of violating a Fundamental Right.
- A writ can be filed against anyone who has committed or is about to violate a Fundamental Right.

6. What are some common grounds on which a petition for a writ can be based?

The writ jurisdiction of the Supreme Court of India is quite vast and covers a wide range of writs that the court can issue. Some of the more common writs that are issued by the court include writs of habeas corpus, mandamus, prohibition, and certiorari. These writs are often used in cases where an individual's rights have been violated or where there is a need to compel someone to take action. In addition, the court also has the power to issue writs of quo warranto and injunction. The former is used to challenge someone's right to hold office, while the latter is used to prevent someone from taking an action that would cause harm. As such, the writ jurisdiction of the Supreme Court of India is very broad and covers a wide range of potential cases.

## BOTTOM LINE!

The writ jurisdiction under the Supreme Court of India is a powerful tool that can be used to protect the rights of citizens. This blog post has explored some of the cases in which the writ jurisdiction was successfully used. It is important for lawyers and law students to understand this process so they can use it when necessary to protect the rights of their clients or constituents.