A Historical Evolution of Prerogative Writs in English and Indian Law, evolved through landmark judgments

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Abstract—

This paper traces the historical evolution of writ jurisdiction from its origins in the English Royal Prerogative to its current status as a fundamental constitutional remedy in India. Initially, prerogative writs were discretionary commands from the English monarch designed to supervise inferior courts and uphold the law. The study examines the transplantation of this system into India through colonial charters and its subsequent codification in the Constitution of India, which transformed these royal powers into enforceable rights. It contrasts the limited scope of the English model with the expansive powers conferred on Indian courts under Articles 32 and 226. While Article 32 empowers the Supreme Court to enforce Fundamental Rights, Article 226 grants High Courts broader jurisdiction to address violations of legal rights and "any other purpose." The paper provides a detailed analysis of the five specific writs Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto highlighting their procedural distinctions and applications. Furthermore, it explores the modernization of this jurisdiction through Public Interest Litigation (PIL), which has relaxed traditional rules of standing to protect marginalized communities. The paper concludes by evaluating the future of writ jurisprudence, emphasizing the necessity for courts to adapt to technological advancements and the expanding role of private entities performing public duties.

Keywords: Prerogative Writs, Article 32 and Article 226, Judicial Review, Public Interest Litigation, Constitutional Remedy

I. AN OVERVIEW OF HISTORY OF WRITS

According to Dicey, "Prerogative writs are the bulwark of English Liberty, for thereby individual's rights are safeguarded even without the declaration that they are fundamental[1]."

The origin of writs can be understood by the following: The Court of Chancery was the writ office. The writ process was gradually developed on English soil in the twelfth century out of rough and even shapeless material. Originally, the writ was a command of the King in writing to the Sheriff, addressed to the defendant, to appear in the Court within a specified period of time.

Writs were of two types:

(a) Writs of Course: As complaints of the same kind came again and again before the Chancery where disputes involved individual rights (for example, property rights), a common form of writ was drawn for them. These were called Writs of Course. For instance, writs of Replevin, Debt, Detinue, Covenants, and Annuity were writs of course which were issued without the involvement of the Crown's governance of the country.

(b) Prerogative Writs: These had a relationship with the Crown's sphere of governance, for instance, breach of law and order or breach of peace. These writs were issued when the dispute involved individual rights of the parties and a solution was required where the common law was earlier deficient or silent. [2]

In early English law, a writ originated as a formal written command from the King, usually in Latin and sealed, required to bring a case before the superior Royal Courts. Unlike local courts which allowed informal complaints, accessing the King's justice necessitated purchasing a specific writ from the Chancery. The history of writs in English law traces their evolution from flexible royal commands under Henry II to rigid legal instruments; this power was restricted by the Provisions of Oxford 1258, which froze the "forms of action." The system remained static until the 19th century when the forms of action

[1] V.G. Ramachandran, "Law of Writs", Third Edition, EBC, 1981, p.1.
[2] R. J. Walker, M. G. Walker, "The English Legal System", 8th Edition, Butterworths, London, 1994. Pp.52–54.

were abolished, eventually leading to the replacement of the writ with a simplified "Claim Form" under the Civil Procedure reforms of the 1980s and 1999[3].

This English system was transplanted to India through British colonial administration, beginning with the establishment of Mayor Courts under the Charter of 1726. Writ jurisdiction became more formalized with the creation of the Supreme Court in Calcutta in 1774 under the Regulating Act. Specifically, Clause 21 of the Royal Charter dated March 26, 1774, served as the first instrument empowering a court in India to issue prerogative writs specifically Mandamus, Certiorari, Procedendo, and Error. Subsequent Supreme Courts in Madras (1800) and Bombay (1823) were vested with similar powers equivalent to the King's Bench in England, overseeing subordinate courts and public offices via writs like Habeas Corpus[4].

Following the Indian High Court Act of 1861, the Supreme Courts were replaced by High Courts in the presidency towns, which inherited their writ jurisdiction, though High Courts established later between 1865 and 1947 were not initially granted these powers.

A momentous transformation occurred with the enactment of the Constitution of India in 1950, which introduced Articles 32 and 226. These provisions established that appropriate proceedings could be moved for the issue of directions, orders, or writs for the enforcement of the rights guaranteed by Part III of the Constitution, thereby embedding the writ system as a fundamental constitutional remedy.

"Constitutional Framework of Writs: Enforcing Rights under Articles 32 and 226":

Under the Constitution of India, the power to issue prerogative writs is vested in the Supreme Court (Article 32) and the High Courts (Article 226). Article 32 acts as a guaranteed fundamental right for the enforcement of other rights, whereas Article 226 grants High Courts broader territorial and subject-matter jurisdiction, allowing them to issue writs for "any other purpose" beyond just Fundamental Rights. This structure ensures that while the Supreme Court acts as the ultimate guardian of the Constitution, High Courts serve as accessible plenary bodies for checking administrative and judicial actions[5]. A key judicial development in this area is the application of Res Judicata to writ petitions, as established *in Daryao v. State of Uttar Pradesh (1961),* where the Court ruled that a decision on merits bars subsequent litigation to ensure finality of judgments and public policy. However, this bar does not apply if the prior dismissal was based on technical grounds such as non-joinder of parties without a substantive hearing on the merits, or if the previous decision was obtained by fraud. Additionally, while High Courts can examine the constitutionality of state laws, the Supreme Court holds exclusive jurisdiction over the constitutionality of Central laws, with specific procedural distinctions regarding alternative remedies under Article 226.

II. PREROGATIVE WRITS:

Historically, these writs originated in English common law as exercises of the King's prerogative to ensure his officials observed the law. Unlike "judicial writs" used to commence ordinary suits, prerogative writs were extraordinary remedies issued by the Court of King's Bench to control inferior jurisdictions.

The special characteristics distinguishing prerogative writs from judicial writs were:

(a) Issuing Authority: Prerogative writs could only be issued by the Court of King's Bench (where the Sovereign was present in contemplation of law) to secure justice, whereas judicial writs were issued by various courts to commence suits between private parties.

(b) Nature of Issuance: A prerogative writ was extraordinary, granted only upon cause being shown ("why the extraordinary power of the Crown is called in"), whereas judicial writs were issued as a matter of course.

As noted in *Rex v. The Excise Commissioners (1788*), Lord Kenyon established that a writ may be "of right" (bound to be issued once a legal right is proven) but still not be "of course" (it does not issue automatically without a showing of grounds).[6]

[3] "History of Writs under English Law", www.wikipedia.com, visited on 21st Dec 2025.
[4] V.G. Ramachandran, "Law of Writs", Third Edition EBC, 1981 p.1.
[5] Prof. M.P. Jain, "Indian Constitution", Fifth Edition, Reprint, Wadhwa Nagpur'2006, Pp.1311-1315.
[6] Rex v. The Excise Commissioners,(R. V. Excise) (1788).

Its Modernisation: The modernization of writ jurisdiction was driven by the post-Second World War expansion of administrative bodies, compelling the House of Lords to relax rigid technical rules to better protect citizens' rights. This evolution began with the Administration of Justice (Miscellaneous Provisions) Act, 1938, which replaced archaic prerogative writs with simpler "orders" to streamline procedure, though Indian courts maintained that this was merely a procedural shift that did not alter the substantive common law principles adopted under Articles 32 and 226. A more significant transformation followed with the Rules of the Supreme Court (Order 53) in 1977, which consolidated remedies like mandamus, prohibition, and certiorari under a single head of "judicial review," allowing litigants to seek multiple reliefs without the risk of dismissal on technical grounds. Additionally, the requirement of "sufficient interest" for obtaining leave liberalized the rules of locus standi, ensuring that the judicial review process became a more flexible and accessible instrument for controlling administrative action.[7]

In India, the adoption of writ jurisdiction under Articles 32 and 226 was a deliberate move by the Constitution's framers to transcend the severe limitations of the pre-constitutional era, where only the High Courts in the Presidency towns of Calcutta, Madras, and Bombay possessed such powers, often restricted by territorial limits and legislative conflicts.

The Supreme Court, in *Election Commission v. Saka Venkata (1953)*, affirmed that the objective was to provide a quick and inexpensive remedy for Fundamental Rights, effectively placing Indian High Courts in a superior position to their English counterparts. This modern Indian jurisdiction is wider in scope as it encompasses the enforcement of both Fundamental Rights and ordinary legal rights, allows for the challenge of constitutional validity under Article 13, extends to revenue matters, and is entrenched within the Constitution to prevent legislative encroachment. While Article 32 is specifically tailored for the enforcement of Fundamental Rights, Article 226 offers a broader remedial scope, allowing courts to issue writs whenever a legal right is illegally invaded or threatened, thereby creating a more robust framework for judicial review than the English common law model[8].

Applications under Articles 32 and 226: While an application under Art. 32 lies only for the enforcement of fundamental rights, an application under Art. 226 has a wider scope, relating to the enforcement of fundamental as well as ordinary legal rights. A writ under Art. 226 can be issued in favour of a person only if he establishes that he has a legal right and that the right has been illegally invaded or threatened. If the validity of a state provision is challenged on grounds other than the contravention of fundamental rights, the court would not entertain that challenge in a proceeding under Art. 32.[9]

III. TYPES OF WRITS IN INDIA

There are five types of Writs in India:

i. Habeas Corpus

ii. Mandamus

iii. Prohibition

iv. Certiorari

v. Quo Warranto

(A) HABEAS CORPUS: The Prerogative writ of *Habeas corpus ad subjiciendum* is the most renowned contribution of the English common law to protection of human liberty. Originating in English common law and codified by the Habeas Corpus Act 1679, the writ of Habeas Corpus is a powerful instrument designed to protect individual liberty against unlawful detention, whether by the state or private individuals, as famously illustrated in Somersett's Case which affirmed that English law did not recognize slavery. Described as "a great constitutional privilege' or "the first security of civil liberty". It provides a prompt and effective remedy against illegal restraints. Within the Indian legal framework under Articles 32 and 226, this writ serves as a procedural mandate compelling the detaining authority to produce the detainee before the court to

[7] M. Hidayatullah's ,"Constitutional Law of India", 1st Edition, 1967.
[8] D.D. Basu, "Constitutional Law of India", 8th Edition, Reprint 2009, LexisNexis, p.196.
[9] Chiranjit Lal Chowdhuri v. Union of India, 1950. S.C.R. 809.

justify the grounds of confinement. The primary objective is the swift release of a person held without legal jurisdiction, establishing it as a cornerstone of personal freedom that operates effectively even against private parties who might unlawfully restrain another[10].

Despite its expansive reach, the writ is subject to specific limitations; it does not typically lie when a person is detained under a valid sentence from a criminal conviction, particularly if an appellate court has already upheld the lower court's jurisdiction. Courts generally assess the legality of detention at the time of the return rather than the petition's filing, meaning a subsequent valid detention order can render the writ infructuous. Additionally, the doctrine of constructive res judicata is inapplicable to these proceedings, allowing subsequent petitions if new grounds arise, though the remedy is constrained by the territorial jurisdiction of the High Court and the requirement that the petitioner must actually be in custody at the time of the hearing.

(B) MANDAMUS: Nature of Mandamus and its Object and its Meaning: In Halsbury's Law of England, it is stated that, the order of Mandamus is of a most extensive remedial nature, its object is to prevent disorder from a failure of justice and is required to be granted in all cases where law has established no specific remedy.[11] In simple English, it means a command. It differs from the writ of prohibition or certiorari in its demand for some activity on the part of the body or person to whom it is addressed. Mandamus is a command issued to direct any person, corporation, inferior Court, or Government, requiring him or those to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty.[12] Mandamus commands activity, while Prohibition commands inactivity.

Originating in England during the reign of Edward II, the writ of Mandamus evolved from a direct royal command into a high prerogative writ issued by the Court of King's Bench to compel the performance of public duties. Chief Justice Hyde in the *Darnel case*[13] observed: 'whether the commitment be by the King or other, this Court is a place where the King doth sit in person, we have power to deliver and discharge him.'

The core object of Mandamus is to "command and execute" rather than to adjudicate; it safeguards citizens by ensuring that authorities do not fail in obligations imposed by the Constitution or statute, thereby bridging the gap between public duty and individual rights. Mandamus takes the shape of a command to an inferior court, or a governmental or semi-governmental body, or a public officer, or an executive or administrative body to do something, or to abstain from doing something which is in the nature of public duty. In *Praga Tools Corpn.v. C.A. Imanual*[14], the Supreme Court rightly observed, the condition precedent for the issue of mandamus is that there is in one claiming it a legal right to the performance of a legal duty by one against whom it is sought".

(C) PROHIBITION: Nature and Meaning of Prohibition:

The writ of Prohibition is a preventive judicial remedy issued by a superior court to an inferior court or tribunal, effectively forbidding it from continuing proceedings that exceed its legal jurisdiction or contravene the law. Unlike Certiorari, which acts retrospectively to quash an order already passed, Prohibition operates prospectively while proceedings are still pending, serving the singular object of preventing the usurpation of jurisdiction. It compels judicial and quasi-judicial bodies to remain within their designated limits, issuing on grounds parallel to Certiorari, such as acting without jurisdiction, violating principles of natural justice, or proceeding under an unconstitutional law. [15]

Over time, the application of these writs evolved. By the seventeenth century, certiorari had transformed into a broad remedy used to cancel (quash) the proceedings of inferior tribunals, serving as a check on Justices of the Peace performing criminal and administrative duties.

[10] V.G Ramachandran, V. Sudhish Pai, "Law of Writs", Seventh Edition, Vol 2, EBC, 2022, Pp4-5.
[11] Union of India v. S.B.Vohra, (2004) 12 SCC 150: AIR 2004 SC 1402
[12] V.G. Ramachandran, "Law of Writs", Third Edition, EBC, 1981, p4.
[13] (1941) AC 284 (HL)
[14] (1969) 1 SCC 585, 589 : AIR 1969 SC 1306, 1309
[15] Halsbury's Laws of England.

According to Halsbury's Laws of England, the three prerogative writs prohibition, certiorari, and mandamus originally served distinct functions rooted in the authority of the Crown. Prohibition was a tool used by the common law courts to prevent other courts from hearing cases that fell outside their jurisdiction and belonged to the common law system. Certiorari was initially used to summon the records of lower courts to the King's Bench for review, or to transfer indictments for trial in that superior court. Mandamus functioned as a command directed at inferior courts, tribunals, and public officials, compelling them to carry out a mandatory public duty.

Prohibition applies exclusively to judicial or quasi-judicial bodies, excluding legislative, executive, or private entities. It targets only fundamental jurisdictional defects not mere errors and is unavailable if the tribunal has completed its proceedings (functus officio). Ultimately, the writ serves to correct jurisdictional overreach rather than function as an appeal against erroneous decisions.

(D) PREROGATIVE WRIT OF CERTIORARI: A significant shift occurred in 1700 with the cases of *R. v. Glamorganshire Inhabitants and Grenevile v. Burwell*. The Court of King's Bench asserted the right to scrutinize the actions of any jurisdiction established by Act of Parliament. The Court ruled that if such bodies attempted to claim powers greater than those granted by the statute effectively overstepping their jurisdiction the King's Bench could issue a certiorari. This writ would require the body to return its records for review, allowing the court to intervene and restrain them from exceeding their legal authority.[16]

The conditions for the issue of the prerogative writ of certiorari are:

"Whenever anybody of persons":

(a) Having legal authority,

(b) To determine questions affecting rights of subjects,

(c) Having the duty to act judicially, and

(d) Act in excess of their legal authority,

Certiorari may issue to quash a decision that goes beyond jurisdiction.

The writ of Certiorari serves as a corrective judicial mechanism issued by a superior court to quash orders from inferior judicial or quasi-judicial bodies that act without jurisdiction, in excess of it, or in violation of natural justice. Its primary objective is to ensure that these bodies remain within the legal limits of their authority by removing the record of proceedings to the High Court for annulment. In the Indian context, the scope of Certiorari is expansive; it lies not only for jurisdictional errors but also on constitutional grounds, such as when a decision infringes upon Fundamental Rights or proceeds under a law that is ultra vires the Constitution.[17]

Regarding the right to apply, the courts have established that a petition generally lies at the instance of a "person aggrieved" someone whose legal right has been denied or whose legal interest has been prejudiced, rather than just a party to the original proceeding. Procedurally, the writ requires the impleadment of specific necessary parties, including the inferior tribunal and any authority holding the relevant records, to ensure the order is effective. Furthermore, if the impugned order has been affirmed on appeal by a superior body, that superior authority becomes a necessary party, whereas a mere confirming authority does not, ensuring that the court can grant complete and final relief to the petitioner. In *Chiranjit Lal Chowdhury's Case*[18], it was generally stated that except in the case of a proceeding for habeas corpus, none but the person whose rights have been affected can apply under Art. 32. There is no doubt that a person aggrieved by the impugned order shall be entitled to apply. The order need not be expressly adverse to the petitioner in order to make him a 'person aggrieved'.

[16] SPECIAL APPEAL No. - 1046 of 2018 Appellant: - Mohd. Aurangzeb Respondent :- The Dist. Magistrate And 6 Ors (https://elegalix.allahabadhighcourt.in/elegalix/WebDownloadOriginalHCJudgmentDocument.do?) assessed on 27th Dec'2025

[17] V.G. Ramachandran, "Law of Writs", Third Edition, EBC, 1981, p.5.

[18] Chiranjit Lal Chowdhuri v. Union of India (1950) SCR 89.

(E) QUO WARRANTO: The term **Quo Warranto** literally meaning "by what authority," is a judicial remedy used to inquire into the legality of a person's claim to a public office, thereby preventing usurpation and protecting the public from unauthorized individuals holding positions of power. For this writ to issue, strict conditions must be met: the office must be public, substantive, and created by statute or the Constitution, and the respondent must have assumed the office or asserted a claim to it. The writ is invoked when the appointee lacks the necessary qualifications or when the appointment itself violates mandatory legal procedures, such as a lack of government sanction or appointment by an incompetent authority, rendering the claim invalid.

As a discretionary remedy, courts may refuse to issue Quo Warranto if the petition is deemed vexatious, motivated by malice, or futile, such as when the respondent has already ceased to hold the office. The courts also consider factors like the existence of alternative remedies, the principle of res judicata, or whether the irregularity in appointment was minor and did not affect the outcome. Unlike some other writs, the focus here is strictly on the legality of the appointment and the public nature of the duties, ensuring that the judiciary does not overstep into the realm of private employment or internal management of private associations.[19]

A distinctive feature of Quo Warranto is its liberal approach to locus standi; it can be sought by any private citizen acting in the public interest, even if they have no personal grievance or were not an aspirant for the post themselves. This allows members of the public, such as voters or taxpayers, to challenge unauthorized appointments to statutory bodies, making the writ a powerful tool for enforcing ministerial accountability. However, the courts maintain a check on this accessibility by dismissing applications from "straw men" or those acting with ulterior motives, ensuring the remedy serves the true purpose of upholding the rule of law rather than settling personal scores.

In *State of Haryana v. Inder Prakash, 1967,* the Supreme Court clarified that the rigid technicalities of English writ jurisdiction do not apply to Article 226 in India. The Court ruled that a petitioner can combine a prayer for Quo Warranto (challenging the right to hold office) with Certiorari (quashing the orders passed by that officer). It held that if the officer is a party to the case and the facts regarding their ineligibility are pleaded, the Court can grant both reliefs even without a specific prayer for Quo Warranto, treating the quashing of orders as a consequential result of the invalid appointment.

IV. "LANDMARK JUDGMENTS: SHAPING THE EVOLUTION OF WRIT JURISPRUDENCE IN INDIA"

1. **Golak Nath v. State of Punjab[20]:** Writ petition challenging various land reforms of different states like Punjab and Mysore on the grounds of violating Rights under Article 14, 19, and 31 of the Indian Constitution. It was contended by the State that there were no conflicts since the Constitution had been suitably amended by Article 31A and the corresponding acts had been put in the 9th Schedule, placing them beyond challenge of Fundamental Rights through Article 32 of the Constitution.

2. R.K. Garg v. Union of India [21]

Writ petitions raising a common question of law relating to the constitutional validity of the Special Bearer Bonds. The major challenge was on Article 14 since the contention was that by granting immunity to black money holders the Ordinance discriminated against honest taxpayers.

3. **Babubhai and Company v. State of Gujarat[22]:** By a notification dated July, 1965, the Government of Gujarat sanctioned certain portions of Town Planning Scheme and directed that the scheme would come into effect on September 1st, 1985. The lands of the petitioners were earmarked for acquisition by the Municipal Corporation free from all encumbrances. Thereafter notices were issued by the Corporation asking the appellant to vacate the lands since they vested in the municipalities under the process of summary eviction. The appellant filed a writ under Article 226 challenging the validity of the notices primarily on the ground that Article 14 of the Indian Constitution was violated, since Section 54 of the

[19] V.G. Ramachandran, "Law of Writs", Third Edition, EBC, 1981, p.5.
[20] AIR (1967) SC 1643.
[21] (1981) 4 SCC 675.
[22] (1985) 2 SCC 732.

Bombay Town Planning Act, 1954 conferred absolute discretion on the municipal authority to either pursue normal remedy or summary eviction. There was no guideline prescribed or indicated any process or method allowing the local authority to pick and choose subjecting some of the occupants to the more drastic remedy.

4. **Olga Tellis v. Bombay Municipal Corporation[23]:** The petitions are Public Interest Litigation (PIL) through writ under Article 32 of the Indian Constitution by a journalist and two pavement dwellers along with a group of writ petitions by the residents of Kamraj Nagar, a basti or habitation near the Western Express Highway, Bombay. PUCL and Committee for the Protection of Democratic Rights and a journalist have joined the petitioners. The petitioner challenged the decision of the State of Maharashtra regarding the forcible eviction and demolition of their slum dwelling under Section 314 of the Bombay Municipal Corporation Act as a violative of their rights under Article 19 and 21.

5. **Acharya Jagdishwaranand Avadhuta v. Police Commissioner, Calcutta[24]:** The petition challenged police prohibitions under Section 144 Cr.P.C that prevented the 'Ananda Marga' sect from performing the 'Tandava' dance with weapons in public processions. The Court clarified that while religious practices are protected, the State can impose reasonable restrictions under Article 25 to maintain public order and morality; freedom of religion is not absolute in public spaces. An application to take out a procession with the Tandava dance was rejected, resulting in an Article 32 writ application to the Supreme Court.

6. **PUDR v. Union of India (Asiad Case) [25]:** In connection with the ensuing Asian Games to be held in Delhi the Government of India entrusted various construction works to the Delhi Development Authority and New Delhi Municipal Committee. For carrying out these works contractors had to be engaged, who in turn employed labour force from different parts of the country through middlemen called jamadars'. The first petitioner, which was an organisation for protecting democratic rights, engaged three social scientists to investigate and enquire into the working of the workers so employed by the contractors. On the basis of their report the petitioner addressed a letter to one of the judges of the Supreme Court alleging violation of fundamental rights of the workmen because of their exploitation by the contractor in contravention of the relevant labour laws viz. Minimum Wages Act, Equal Remuneration Act and the Inter-State Migration Workmen Act. This public interest communication was treated by the Court as a writ petition on the judicial side.

7. Nilabati Behera v. State of Orissa[26]: The deceased aged 22 years was taken to police custody by Assistant Sub-Inspector of Police in connection with the investigation of the offence of theft in the village. He was handcuffed and kept at the police station. Next morning his body was found on the railway tracks with multiple injuries on December 2, 1987. The mother of the deceased sent a letter to the Supreme Court alleging custodial death and claiming compensation for violation of Article 21. The court treated the letter as a writ petition under Article 32.

8. **Bhim Singh v. Union of India[27]:** In this landmark case, a sitting MLA was illegally detained by the police and was not produced before the magistrate within the requisite time. The Supreme Court treated the illegal detention as a gross violation of Article 21 (Right to Life and Personal Liberty) and awarded monetary compensation to the petitioner, setting a precedent that compensation is a remedy for violation of Fundamental Rights.

9. Shriniwas Harinarayan Lahoti and others v. Dnyaneshwar Ganesh Pawar and another [28]**.T**he Court held that the scope and power of Writ Jurisdiction is not restricted by observations made by the Writ Court at the stage of admission of the petition. However, its importance at the stage of final hearing cannot be overlooked. In this case, the learned counsel for the petitioner relied on *Ramji Bhagla v. Kirshnarao Karirao Bagra (AIR 1982).*

[23] (1985) 3 SCC 545.
[24] (1983) 4 SCC 522.
[25] (1982) 3 SCC 235.
[26] (1993) 2 SCC 746.
[27] (1981) 1 SCC 166.
[28] 2005, A I H C 4373 (Bombay High Court).

10. **In Bandhua Mukti Morcha v. Union of India**[29]: the Supreme Court reprimanded the State Government for obstructing an inquiry into bonded labor, asserting that a government dedicated to socio-economic justice should welcome judicial scrutiny. The Court further clarified that Public Interest Litigation (PIL) is not adversarial, but rather an opportunity for the state to enforce human rights and ensure justice for vulnerable communities.

V. CONCLUSION

The journey of writs from the royal prerogatives of the English Crown to the constitutional mandates of the Indian Republic represents a profound evolution in the quest for justice. While the British system relied on the gradual evolution of common law to protect individual liberties, the framers of the Indian Constitution proactively codified these remedies under Articles 32 and 226, transforming the Sovereign's command into the citizen's right. This transition ensures that the protection of Fundamental Rights such as freedom of speech, livelihood, and personal liberty is not merely a theoretical declaration but an enforceable reality. Today, writ jurisdiction stands as the cornerstone of Indian democracy, empowering the judiciary to act as the ultimate guardian of the Constitution and ensuring that state action remains confined within the limits of law.

Over the decades, the utility of writs has transcended the traditional boundaries of correcting jurisdictional errors, emerging as a dynamic instrument for social welfare and accountability. The High Courts, exercising jurisdiction under Article 226, have expanded the scope of these remedies beyond Fundamental Rights to cover ordinary legal rights, thereby democratizing access to justice. Through the mechanism of Public Interest Litigation (PIL) and the relaxation of locus standi, writs have become a potent tool for addressing complex societal issues, bridging the gap between executive power and individual vulnerability. This judicial activism has ensured that the writ jurisdiction remains a living, breathing instrument capable of responding to the changing needs of a developing nation.

Looking ahead to the legal landscape of year 2024-2025, the practice of writ jurisdiction in Indian High Courts must adapt to the dual challenges of technological advancement and the expanding scope of "state function." First, with the digitization of governance and the judiciary, there is a pressing need to streamline e-filing and virtual hearing protocols for writ petitions to reduce pendency and ensure speedy justice. Second, as private entities such as digital platforms, private hospitals, and corporatized public utilities increasingly perform public duties, the High Courts must clarify and standardize the application of writ jurisdiction against these non-state actors to prevent a vacuum of accountability. Strengthening these procedural and substantive aspects will ensure that the writ remains a robust, efficient, and accessible remedy for the citizens of the future.

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