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## Writ Of Mandamus: Legal Imperatives And Doctrinal Limitations

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### Abstract

The writ of mandamus functions as a vital judicial tool for ensuring the enforcement of public and statutory duties by governmental authorities and public officials. Rooted in English common law and incorporated into the Indian legal framework under Articles 32 and 226 of the Constitution, mandamus—literally meaning “we command”—serves to compel the performance of a legal duty that has been neglected or wrongfully denied. Within the Indian context, this writ plays a pivotal role in enhancing administrative accountability and securing legal rights, particularly where state inaction undermines constitutional or statutory entitlements. Mandamus has evolved into a mechanism that not only facilitates the oversight of administrative actions but also strengthens the rule of law by mandating compliance with established legal obligations. Indian courts have employed this remedy in diverse situations—from correcting bureaucratic indifference to reinforcing fundamental rights. However, despite its efficacy, the writ is circumscribed by important limitations: it can be invoked only when there is a clear legal duty, and it cannot direct the exercise of discretion in a particular way or interfere with matters of policy. Moreover, mandamus is generally inapplicable in cases lacking statutory or public duty or where the issue is not justiciable.

This paper undertakes a critical examination of the application and constraints of the writ of mandamus in India, highlighting its jurisprudential development, practical relevance, and inherent limitations in a constitutional democracy.

### Keywords

Writ of mandamus, Writ of mandamus applications, Writ of mandamus limitations, administrative law, Indian law

### INTRODUCTION

The authorities exhibit significant divergence regarding the scope of mandamus. In the mid-nineteenth century, mandamus was employed to enforce a wide range of public duties. It was used to compel towns to meet their obligations under specific statutes, to order elections, admissions, or restorations of individuals deemed 'aggrieved' to any public office or franchise, whether spiritual or temporal. Additionally, it secured the use of meeting houses, facilitated the production, delivery, and inspection of public documents, and compelled local officials to disburse owed sums and perform various other functions. Furthermore, it mandated justices of the peace to issue warrants, establish rates, appoint overseers, and pass accounts, as well

as compelled corporate bodies to surrender their regalia or affix their common seal. Following this period, the importance of mandamus diminished, in part due to the legislation that structured local governments, placing them under Central Administrative Control through district audits of accounts, service inspections, and other measures that ensured the effective execution of local responsibilities. Additionally, the establishment of statutory rights of appeal and reforms in corporate administration contributed to this decline. Renowned jurist C.K. Allen supports this perspective by stating that in contemporary practice, the predominant application of mandamus is to compel inferior courts or tribunals to 'hear and determine' cases they have declined to address, as well as to ensure that local and public utility authorities fulfill their obligations.<sup>1</sup>

## NEED OF THE STUDY

The writ of mandamus serves as an essential judicial instrument for upholding public responsibilities and promoting accountability within administrative systems. Nevertheless, given its significance, it is essential to conduct a thorough analysis of its application and limitations, particularly in relation to contemporary governance and judicial oversight. The rising number of mandamus cases in India underscores its significant role in ensuring accountability among public authorities. However, its application frequently relies on judicial interpretation, resulting in diverse outcomes and a degree of uncertainty. This study is crucial for exploring the nuances of mandamus, as it aims to understand its evolution and application while also examining the boundaries of its enforcement. The study seeks to provide a comprehensive understanding of the circumstances under which mandamus is applicable, thereby enhancing clarity for judicial authorities and the public by addressing existing limitations. The findings will enhance legal understanding, assist in identifying judicial gaps, and foster efficient governance by promoting the appropriate application of this writ in current legal issues.

## RESEARCH AIM AND OBJECTIVES

The aim of this study is to comprehend and analyse the concept of writ of mandamus, along with its application and limitations. The objectives of this study are as follows:

1. To examine the concept, historical background and evolution of writ of mandamus.
2. To analyse the application of writ of mandamus.
3. To study and examine the limitations of the writ of mandamus.

## REVIEW OF LITERATURE

### WRIT OF MANDAMUS AS A CONCEPT

The term “Writ of Mandamus” (which literally translates to “We Command”) originates from the English language.<sup>2</sup> In the past, the King of England, who was considered to be the “authoritarian autocrat” of the

<sup>1</sup> Syed Sarfaraj Hamid & Dipinty Fairooz Aanika, *Enforcement of Writ of Mandamus: A Legal Analysis* (2019) 1 *EBAUB Journal of Law*.

<sup>2</sup> J. Jonas Anderson, Paul R. Gugliuzza, and Jason A. Rantanen, “Extraordinary Writ or Ordinary Remedy? Mandamus at the Federal Circuit” 100 *Wash. UL Rev.* 327 (2022).

administrative structure, would frequently issue a mandamus to his people, directing them to do the public duty that was requested of them. This would occur several opportunities throughout the day.<sup>3</sup>

It is a difficult task to trace the genesis of the issue of mandamus, which is the prerogative of the royal court of England. This is primarily due to the fact that it was never believed to be an absolute judicial act, but rather an act of quasi-judicial character. Mandamus was utilised by the King of England for the purpose of overseeing and superintending the police (as well as other public authorities of the same genre) in order to maintain social peace and public order at all levels of the state.

Since its inception, the mandamus has been used to compel the performance of a wide variety of public and quasi-public duties that had been unlawfully refused to be performed. This has been the case, for instance, in cases concerning the restoration of office, the holding of elections, and the prevention of the dissolution of local municipal bodies and authorities.<sup>4</sup>

Therefore, a writ in the nature of mandamus is described as the royal command issued in the name of the Crown, from the Court of the King's Bench to the subordinate court, a lower tribunal, a corporation, a board, or any other person ordering it (or him) to fulfill a public duty. This command is issued to the subordinate court, the inferior tribunal, the corporation, or the board. This kind of obligation can be imposed by the Constitution (also known as the Supreme Law), legislation, or, more generally, by the principle of common law. The word "mandamus" originates from Latin and can be translated as either a "command" or an "order."<sup>5</sup> Thus, a writ of mandamus mandates or orders or directs a person to whom it is directed to perform the public duty, which appertains to his office.<sup>6</sup> In the event that a court, tribunal, authority, board, company, or any other individual who is tasked with the execution of a public duty fails to fulfill that responsibility, mandamus is a legal remedy that can be used to compel that individual to discharge the duty or perform the function as required by the *suprema lex*, legislation, or common law.<sup>7</sup>

As far as India is concerned, the writ of mandamus is written in the same manner as the English pattern. There were three Supreme Courts in India before the country gained its independence. These courts were granted the authority to issue writs of mandamus inside the Presidency towns by their individual charters. *R v. Warren Hastings*<sup>8</sup> is the case that was said to be the first one in India that dealt with the writ of mandamus. In this particular instance, a mandamus petition was submitted against the Supreme Council of the Governor-General; however, the mandamus petition was not granted, and that decision was consequently rejected. *Tan Bug Taim v. Collector of Bombay*<sup>9</sup> was yet another case that was recorded in India before the country's independence. This case included the writ of mandamus. A mandamus was issued and an order that

<sup>3</sup> Sangeeta Mandal, *Judicial Review Under Indian Constitution: Its Reach and Contents* (2014) (Ph.D. thesis, University of North Bengal).

<sup>4</sup> Shivam Goel, "Scope of Article 226 of the Constitution of India, 1950: 20 Recent Judgments" 3401506 *SSRN* (2019).

<sup>5</sup> Robert H. Howell, "An Historical Account of the Rise and Fall of Mandamus" 15 *Victoria U. Wellington L. Rev.* 127 (1985).

<sup>6</sup> Monika Bisht and Munni Padalia, "Safeguarding Environment by Constitutional Provisions in India" 27 *Journal of Acharya Narendra Dev Research Institute* (2019).

<sup>7</sup> Shivam Goel, "Writ of Mandamus" 258 *SSRN* 1630 (2015).

<sup>8</sup> *R v. Warren Hastings* (1775) 1 ID (OS) 1005

<sup>9</sup> *Tan Bug Taim v. Collector of Bombay* AIR 1946 Bom 216.

requisitioned immovable property was held ultra vires in this particular case. The order was given in accordance with the Defence of India Rules. It was maintained by the government that there was no “law” that could be used to request that the Collector refrain from requisitioning and that Section 45 of the Specific Relief Act, 1877 could not be applied in this situation. According to the decision of the Court, the term “law” encompassed the Royal Charter, statutes, and the common law. Furthermore, Section 299(1) of the Government of India Act, 1935 was found to be relevant to the acquisition of property. This was sufficient to attract Section 45. It was in fact exemplified in a different case, which was *Commissioner of Police, Bombay v. Gordhandas Bhanji*.<sup>10</sup> In this case, it was determined that the terms “any law” were sufficiently broad to encompass all types of laws, whether they were statutory or otherwise. Following the implementation of the Constitution of India, the Supreme Court of India is granted the authority, as stipulated in Article 32 of the Constitution, to issue a writ of mandamus for the purpose of enforcing fundamental rights.<sup>11</sup> Additionally, every High Court in India is vested with the authority to issue a writ in the nature of mandamus, as stipulated in Article 226 of the Constitution, for the purpose of enforcing fundamental rights and also for “any other purpose” across the territories over which it exercises jurisdiction.<sup>12</sup>

## WRIT OF MANDAMUS AND ITS APPLICATION

A writ of mandamus is a command that is issued against the authority or state in accordance with Article 226 and Article 32 by the High Court or Supreme Court to carry out a specific task that is stipulated in law or by operation of law. The purpose of this writ is to fulfill a public obligation by ensuring that judicial enforcement is carrying it out.<sup>13</sup> When it comes to public law remedies, the writ of mandamus is a remedy that has a wide range of potential therapeutic applications. Both Article 32 and Article 226 of the Constitution of India contain provisions that pertain to writs in the nation. The Supreme Court has the authority to issue appropriate directions, orders, or writs, including writs in the type of habeas corpus, mandamus, prohibition quo warranto, and certiorari, in order to enforce any basic rights that are protected by Article III of the Constitution. This authority is granted to the Supreme Court by clause (2) of Article 32.<sup>14</sup> It is not possible for the Supreme Court to refuse to hear petitions that seek to enforce basic rights once a citizen has demonstrated that his fundamental rights have been violated.<sup>15</sup> This is because the Supreme Court has been established as a defender and guarantor of fundamental rights by this article. “Article 226(1) empowers every High Court, notwithstanding anything in Article 32, throughout the territories in relation to which it exercises jurisdiction to issue any person or authority, including appropriate cases any government, within those territories

<sup>10</sup> *Commissioner of Police, Bombay v. Gordhandas Bhanji* AIR 1952 SC 16.

<sup>11</sup> Derek T. Muller, “Election Subversion and the Writ of Mandamus” 65 *Wm. & Mary L. Rev.* 327 (2023); Sarakshie Sonawane, “Conspectus on Article 32: Analysis of Writs and Public Interest Litigation” 2 *Jus Corpus LJ* 53 (2021).

<sup>12</sup> Mihika Poddar and Bhavya Nahar, “Continuing Mandamus’ – A Judicial Innovation to Bridge the Right-Remedy Gap” 10 *NUJS L. Rev.* 555 (2017); Satyam Singh and Sagufta Parveen, “Comparative Analysis of Article 32 and Article 226” 6(3) *Int’l JL Mgmt. & Human.* 647 (2023); Rehan Abeyratne and Didon Misri, “Separation of Powers and the Potential for Constitutional Dialogue in India” 5 *J. Int’l & Comp. L.* 363 (2018).

<sup>13</sup> Rakesh Kumari, “Study about Writs in India and Habeas Corpus in India” 5(1) *Universal Research Reports* 122-125 (2018).

<sup>14</sup> Bhavna, “An Analysis of the Writ Jurisdiction of the Supreme Court” 4(4) *Indian JL & Legal Rsch.* 1 (2022); Shanya Shrey and Sarthak Sabbarwal, “Occupational Health & Safety Association v. Union of India & Ors.” (2023).

<sup>15</sup> Mohd Aqib Aslam, “Judicial Review of Administrative Actions: An Overview” (2020).

directions, orders or writs including writs in the nature of habeas corpus, mandamus, quo warranto, prohibition and certiorari for the enforcement of Fundamental Rights or for any other purpose.”<sup>16</sup>

The rules and principles that are outlined in our Constitution serve to direct, preach, and support all of the rights that are accessible to citizens of the nation as well as the obligations that are placed upon those who are not citizens of the nation itself. There is no provision or legal concept that is contained in the constitution that would genuinely have any significance if there was not a system in place to ensure that it is enforced.<sup>17</sup> Due to the fact that it is one of the enforcement devices that might lead to the realization of basic rights in their literal sense, the notion of issuing a writ has attained its significance. The term “writ” refers to a type of special order that is sealed to any authority, government, or sovereign body in order to facilitate the execution of a certain act or abstain from that conduct.<sup>18</sup>

The writ of mandamus is a form of judicial remedy that takes the form of an order issued by the Supreme Court or High Courts to any lower court, government, or other public authority. This order is intended to either carry out a “public duty” that has been entrusted upon them by statute or by common law or to refrain from performing a particular act that the authority is required to refrain from performing in accordance with the law. An obligation to the public must be present in order for the writ of mandamus to be granted. The superior courts have the ability to tell an authority to carry out a public obligation or to refrain from carrying out an act that is in violation of the law.<sup>19</sup>

Mandamus is a type of writ that can be issued to any authority that possesses judicial, quasi-judicial, or administrative power. The primary purpose of this writ is to ensure that public authorities continue to carry out their designated responsibilities within the boundaries of their respective jurisdictions. A mandamus is a legal remedy that requires certain conditions to be met. The petitioner must possess the authority to force the execution of the duty. It is not possible to invoke this writ if the person who is complaining does not have any legal rights.<sup>20</sup>

There must be an obligation to the public body. It is imperative that this obligation be obligatory and not subjective.

On the other hand, if discretionary power is misused or wrongly exercised, this would be considered a lack of exercise of discretion, and the court would have the jurisdiction to order the authority to exercise discretion in accordance with the law.<sup>21</sup>

A specific demand for the execution of the obligation must have been made by the petitioner, and the authority must have made a refusal to fulfill the duty after receiving the petition. Only a writ of mandamus

<sup>16</sup> Itika Sharma, “Right to Constitutional Remedies: The Heart and Soul of Constitution” 4(3) *Int’l JL Mgmt. & Human.* 2478 (2021).

<sup>17</sup> Ruparekha Jena and Shreyasi Nath, “Understanding Judicial Review in Administration” 4(6) *Int’l JL Mgmt. & Human.* 152 (2021).

<sup>18</sup> Ravi, “Constitutional Remedies Under Article 32 and 226: An Overview” 4(4) *International Journal of Law, Policy and Social Review* (2022).

<sup>19</sup> Shrinkhala Prasad, “Statutory Judicial Remedies” 5(1) *Indian JL & Legal Rsch.* 1 (2023).

<sup>20</sup> Amit Kumar Srivastava, “How to Control Administrative Action by Judiciary in India” 6(2) *Journal of Positive School Psychology* 6102-6108 (2022).

<sup>21</sup> Prachi Oza, “Comparative Study on Writ Jurisdiction in India and the UK” 5(5) *Int’l JL Mgmt. & Human.* 839 (2022).



can be requested in such a scenario.<sup>22</sup>

Mandamus is not a legal mechanism that may be utilized to pursue a civil responsibility that arises from a contract. The decision to award a mandamus is solely up to the judge. It is possible for the court to reject a mandamus petition if there is a sufficient alternative remedy or if there is an undue delay in the filing of the petition.

## GROUND:

While the grounds for a writ of mandamus are comparable to those for certiorari and a prohibition, they are as follows:<sup>23</sup>

Instances that fall under this category include:

- (a) a lack of jurisdiction;
- (b) an error of jurisdiction;
- (c) an excess of jurisdiction;
- (d) an abuse of jurisdiction;
- (e) a breach of the principles of natural justice;
- (f) an error of law that is obvious from the record; and so on.

Administrative entities in this day and age have a great deal of leeway to make decisions on their own.

There are several instances in which judicial review of administrative acts proves to be required.<sup>24</sup> Furthermore, the judicial review of administrative duties is included within the purview of the mandamus principle. The writ of mandamus is an unusual remedy that can be used in situations when an administrative authority that possesses the power of discretion fails to act in a genuine manner, when it abuses or exceeds the jurisdiction, and when it does not use "mind" when it comes to finding solutions to problems.<sup>25</sup>

In order to fulfill a public or common law obligation, the mandamus can only be used to lie. In light of this, this writ is not able to issue any duties that are derived from the contract.<sup>26</sup> Any legislation or rule of common law be used to establish public responsibility in order for it to be enforceable.<sup>27</sup> An obligation must be obligatory, which means that it must be an absolute duty and not a discretionary duty. In the case of *Manjula Manjari Dei v. Director of Public Instruction*,<sup>28</sup> the court declined to grant a mandamus in order to compel the authority to make a decision about the absolute discretion of the relevant authorities. However, if the authority is required by law to use discretion, then the doctrine of mandamus would be invalid.

<sup>22</sup> Kajal Prakash Revar, "Due Process in Administrative Law in India: A Critical Assessment" 6(1) *Int'l JL Mgmt. & Human.* 1907 (2023).

<sup>23</sup> Bhaswat Prakash, "Writ Petition under Indian Judiciary and the Ruling of Constitution?" (2021), available at SSRN 3926657.

<sup>24</sup> Jayashree Dey, "An Analytical Study on Judiciary and Its Judicial Review Power in USA and India" 4(5) *Indian JL & Legal Rsch.* 1 (2022).

<sup>25</sup> Shyam Prakash Pandey, "Constitutional Provision of Judicial Review in India: An Evaluation" *Asian Journal of Advances in Research* 291-301 (2020).

<sup>26</sup> Ripon Bhattacharjee, Sarbani Bhowmik, and Kankana Ghosh, "Judicial Activism on Sustainable Development: Dawn of Indian Environmental Jurisprudence" 5 *NUJS J. Regul. Stud.* 1 (2020).

<sup>27</sup> Prashant Saurabh, "The Judicial Review of Administrative Action: An Analysis" 2 *Indian J. Integrated Rsch. L.* 1 (2022).

<sup>28</sup> *Manjula Manjari Dei v. Director of Public Instruction* AIR 1952 Ori 344.

2. The authority must have made a particular demand for the performance of duty, which has been later rejected or refused by the authority. It is possible for the court to draw the same conclusion from the circumstances if it so chooses.
3. It is necessary to have the legal right to compel the authority to carry out a responsibility that has been assigned to them. In the same manner, as in the case of *S.P. Manocha v. State of M.P.*,<sup>29</sup> the court did not grant a mandamus for the admission of an application because the applicant did not demonstrate that he had the legal right to be admitted.
4. The right must have been exercised at the time the petition was submitted.

### WHO IS ELIGIBLE TO APPLY?:

In most cases, the individual who is impacted has the legal right to seek this resolution. There are a few exceptions to this rule:

- (a) The writ of mandamus cannot be administered against the president or the governors of the states. Neither the exercise of powers nor the performance of obligations can be imposed upon them.
- (b) It is not possible to issue a writ of mandamus against the state legislature in order to prohibit it from carrying out a statute that is believed to be in violation of the provisions of the Constitution.
- (c) When an officer is acting in accordance with the directives of his superior, the writ of mandamus cannot be granted to that officer.<sup>30</sup>

### ARGUMENTS AGAINST THE MANDAMUS BEING GRANTED:

Due to the fact that mandamus is a remedy that falls within public law, it cannot be utilized to enforce civil liberty that is pertaining to contracts. It is not possible to grant a writ of mandamus if there is an undue delay in the filing of the petition and if there is another sufficient alternative remedy.

A writ of mandamus, in point of fact, serves a more intentional purpose than a certiorari or a prohibition. It takes the elements of both of the writs and combines them to provide a solution that is more efficient and effective.<sup>31</sup>

In the matter of *Youth Bar Association of India vs. UOI*,<sup>32</sup> a Writ of Mandamus was submitted by the petitioner to the Supreme Court of India, seeking to compel the Union of India and the States to upload every FIR registered in all police stations across the territory of India onto the official websites of the police in all States, as promptly as possible, ideally within 24 hours of registration. The counsel for the petitioner argued that the uploading of the First Information Report on the official police website following its registration would alleviate numerous challenges encountered by the accused individuals and their families. He argued

<sup>29</sup> *S.P. Manocha v. State of M.P.* AIR 1973 MP 84.

<sup>30</sup> Orby Mootham, *Constitutional Writs in India in Changing Law in Developing Countries* 97-113 (Routledge, 2021).

<sup>31</sup> Harsh Pathak, "The Prerogative Writs – Indian Perspective" 2 *Revista de Drept Constitutional* 44-54 (2016).

<sup>32</sup> *Youth Bar Association of India vs. UOI & Others (W.P. (CRL) No.68/2016)*.

that when criminal law is invoked and an individual's freedom is at risk, it is essential for them to have access to information in order to take appropriate measures to safeguard their liberty. He cited the judgment in the State of West Bengal and Ors. v. Committee for Protection of Democratic Rights, West Bengal and Ors.,<sup>33</sup> which clearly articulates that the State has an obligation to uphold the human rights of citizens by ensuring fair and impartial investigations into any individual accused of a cognizable offence.

In the case of Som Mittal v. Government of Karnataka,<sup>34</sup> it was stated that the right to liberty Article 21 of the Constitution represents a significant right and should not be subject to casual interference. This statement pertains to the accused's entitlement to timely access to information, ensuring a fair opportunity to safeguard his liberty.<sup>35</sup>

## WRIT OF MANDAMUS AND ITS LIMITATIONS

The use of the Mandamus is not a cure-all. Like any other treatment, it will have certain restrictions attached to it. Despite these limits, however, its effectiveness is not in any way diminished. Mandamus, on the other hand, is applicable in a collection of election subversion scenarios and has the potential to deliver a value that is unique.

1. **The Governor may be subject to the following potential limitations:** When it comes to the states, there are possible difficulties about the separation of powers that may arise in the event that the state supreme court is required to force the governor to carry out a duty. A problem of this nature does not occur with subordinate executives, but governors are a different story.

Despite the fact that the state constitution established executive offices, it does not appear that the conflict arises with other constitutional officers. When it comes to the Secretary of State or any other state or local election authorities, this indicates that mandamus is undoubtedly accessible. If the governor is the side that chooses not to take action, then the only potential conflict that may arise is that.<sup>36</sup>

When it comes to ministerial responsibilities, however, there have been certain decisions made by state courts that have pushed in the direction of acknowledging the possibility of a mandamus being issued against the governor. It is only in the context of state or municipal elections that this challenge to the separation of powers is brought into play. Concerns with the conventional separation of powers of the state court are eliminated when it comes to federal elections after Congress has imposed an affirmative responsibility on a state official. Although there is no direct obligation to communicate the results of elections in the House of Representatives, there are obligations in place for elections to the Senate and the presidency. Additionally, as long as the majority of election administration functions continue to fall under the purview of lower-ranking authorities in state and municipal elections, there will be very few instances in which an issue with the

<sup>33</sup> West Bengal and Ors. v. Committee for Protection of Democratic Rights, West Bengal and Ors (2010) 3 SCC 571

<sup>34</sup> Som Mittal v. Government of Karnataka (2008) 3 SCC 753.

<sup>35</sup> Debasmitta Panda and Rucha Bhimanwar, "ONLINE FILING OF FIR Youth Bar Association of India v. Union of India" 4 *Supremo Amicus* 143 (2018).

<sup>36</sup> Kelly D. Alley and Tarini Mehta, "The Experiment with Rights of Nature in India" in *Sustainability and the Rights of Nature in Practice* 365-383 (CRC Press, 2019).



separation of powers might occur.<sup>37</sup>

2. If election officials simply refuse to certify election results because there is a court backup that would do the job for them, would situations like this motivate more bad behaviour and demand greater judicial intervention?

This is the question that may be raised by the potential incentives for grandstanding. It is possible that there will be some form of moral hazard.

It will become more appealing for local election officials to disregard their responsibilities if a mandamus is brought up as a tool that may be used against election officials who are unwilling to comply with the law. Let's face it: why not just delegate the responsibility of certifying the election or carrying out those other ministerial responsibilities to the military?

To begin, it may be nothing more than an unavoidable calamity. In order to execute electoral obligations, they are required to issue a mandate. In the few cases throughout the history of the United States in which election officials have failed to fulfill their duties, the judicial system has intervened to ensure that the elections are conducted in accordance with the law. This unwillingness to recognize the results of the election has been made public by officials in prominent positions. When election administrators are aware that the judiciary is present as a potential "enemy" to their cause, a body that may attempt to impose its will on an election, there is a risk that becomes even more severe with this knowledge.<sup>38</sup> It is, however, a cause to accept remedies that are least invasive in the event that election officials continue to disobey mandamus. The ideal mechanisms are those that strive to achieve the intended goal in the quickest and most discrete manner possible, as opposed to processes that may promote grandstanding, such as contempt, in which an election official might play the martyr by promoting an arrest. Courts are able to handle election disputes in an effective manner without allowing grandstanding when they rely on processes such as Rule 70.

3. **Allowable Only for Acts of Discretion:** The fact that mandamus does not apply to discretionary acts, with very few exceptions, is one of the most significant limitations of this legal doctrine. Mandamus, on the other hand, is useful for a specific kind of election problem, which is election subversion. Election subversion refers to actions taken after the election by election officials that go against the accepted legal procedures for resolving election disputes in order to benefit the candidate who lost by refusing to certify the winner. Petitioning or objections to ballot access could be effective in other instances, as was discussed before. On the other hand, when it comes to the specific issue of electoral subversion, its most significant application is for activities that go beyond the scope of discretion. After the canvassing of an election is over, there is very little room for discretion left for the authorities who are accountable for the election. As part of their responsibilities, they are supposed to certify the results and issue election certificates that are in accordance with those results. Mandamus is a strong instrument that may be used to bring together all of the loose ends of

<sup>37</sup> Harshal Merwale, "Arbitration Versus Writ Petition against the State Entities in India: How to Resolve the Jurisdictional Conundrum?" 10 *Indian J. Arb. L.* 53 (2021).

<sup>38</sup> Megha Nagpal, "Minimizing Vulnerability of Persons with Disabilities through Legislative Responses in Criminal Procedure in India" 6 *Nirma ULJ* 51 (2017).

an election.<sup>39</sup>

That mandamus is not available to grant fast and speedy remedy when discretionary acts are at issue is merely a result of the fact that it may not be useful for election officials to exercise their discretionary powers. The processes that are followed by parties seeking injunctive or declaratory remedies are followed when confronting election officials who abuse their authority. That is merely a longer period of time. In addition, these additional methods are more beneficial in situations that one could not necessarily characterise as “election subversion,” but rather other behaviours of election officials who may delay their feet, attempt to undercut the chosen policies of the legislature, or aim to adversely impact the behaviour of election voters.<sup>40</sup>

## METHODS

To achieve the objectives of the study, the present research has specifically employed the existing literature. The study utilized journal papers, articles, books, and published newspapers. The research employed the following boolean search strings: “writs”; “writ of mandamus”; “mandamus”; “application of mandamus”; “Indian law”; “legal provisions”; “judicial review”; and “limitations of mandamus”. All papers were initially provided in English; no papers were intentionally translated for this purpose. Furthermore, the study excluded any research that was in the pre-publishing phase. Only papers that had already been published were included.

## DISCUSSION

The rule of law is considered to be the highest authority in India, and the judicial system has the authority to intervene anytime there is a shift away from this dominance. Writ jurisdiction refers to the process by which the courts examine administrative acts. To ensure that all administrative actions are within the bounds of the law, the Judiciary is responsible for examining administrative actions to determine whether or not the authority has exercised its powers, whether or not the authority has abused or exceeded its powers, whether or not the authority has committed an error of law, whether or not the authority has violated the principles of natural justice, and whether or not the authority has infringed upon the fundamental rights of individuals. Therefore, the writ jurisdiction is a judicial restriction on policy actions that are unjust, unfair, and against the interest of the public.

The writ of mandamus, as a fundamental instrument under judicial review, is essential in guaranteeing that public authorities execute their legal responsibilities and obligations. This functions as a robust tool to address administrative inaction and ensure that authorities fulfill their legal obligations. The writ of mandamus serves to offer citizens a legal avenue to challenge inefficiency and the arbitrary exercise of power, thereby reinforcing the principles of good governance and accountability. Judicial precedents have consistently established that the issuance of a writ of mandamus is permissible only when there exists a clear legal obligation that has been overlooked, underscoring the importance of an enforceable right for judicial intervention.

<sup>39</sup> Gopika Thakur, "Writ Jurisdiction: Scope and Limitations Faced by the Courts" 2 *Indian Journal of Law & Legal Research* 1 (2021).

<sup>40</sup> Munmun Singh, "Judicial Overreach in India: The Current Scenario" 4(6) *Int'l JL Mgmt. & Human.* 1329 (2021).

The practical application of mandamus, while significant, encounters several limitations. Courts frequently demonstrate caution in the issuance of the writ, especially in relation to policy issues, national security matters, and discretionary administrative functions. Furthermore, procedural complexities and judicial delays can diminish the effectiveness of the mandamus, thereby lessening its impact on the timely administration of justice. Furthermore, the narrow interpretation of mandamus in certain instances restricts its application to statutory obligations, thereby excluding discretionary powers. This limitation raises important concerns regarding the scope of administrative accountability. The growing dependence on technology in governance has led to the emergence of new challenges, requiring an expansion of writ jurisprudence to tackle issues concerning digital governance, algorithmic decision-making, and data protection by public authorities.

## CONCLUSION AND RECOMMENDATIONS

The writ of mandamus is an essential court remedy that serves the purpose of ensuring that public authorities are held accountable and that legal obligations are carried out. In doing so, it strengthens constitutional and statutory rights, so ensuring that the rule of law is maintained. This is accomplished by pressing governmental and quasi-governmental entities to execute their legal commitments. Nevertheless, despite the relevance of mandamus, its applicability is frequently limited by the intricacies of the procedures involved, the discretion of the judges, and the continuous evolution of interpretations. In spite of the fact that the courts have played a dynamic role in developing its reach, there are substantial obstacles that arise from contradictions in decisions and restrictions in the possibility of enforcement. Because maintaining a healthy equilibrium between court involvement and administrative autonomy continues to be a primary priority, it is absolutely necessary to improve the framework that governs the issuing of mandamus.

The efficiency of this writ can be improved by the implementation of a number of modifications. It is necessary to develop more transparent legal standards in order to reduce the amount of judicial ambiguity and guarantee that its implementation is consistent. In order to enable swift justice and minimize administrative inefficiency, it is necessary to limit the amount of time that procedures take. In addition, expanding the scope of mandamus to include developing areas such as digital governance and technology improvements might bring about an increase in its importance in contemporary administrative systems. It is also possible to create uniformity in interpretation through the provision of specialized training on writ jurisdiction to various legal practitioners and judges. Furthermore, public awareness activities should be carried out in order to educate individuals about their rights to pursue mandamus against public officials who are not executing their duties. It is possible for the writ of mandamus to continue to function as an efficient instrument of judicial review if these issues are addressed. This will ensure that administrative accountability is maintained and basic rights are protected in a legal environment that is constantly changing.