

Learn in a Minute: Writ of Mandamus

Mihika Kanani · 20 Apr 2026

Introduction

The writ of mandamus is a judicial remedy that commands a public authority, a lower court, or a public official to enforce a duty it is legally obligated to perform. For example, under a writ of mandamus, the court can compel a police station to register an FIR.

The word “Mandamus” is derived from Latin, and it means “we command”. This remedy is a feature of English and American common law systems.

Writs are an important mechanism of the judiciary to ensure justice. The constitution permits for the filing of a writ petition in the High Court under Article 226, and under Article 32 for the Supreme Court.

Examples of writs include prohibition, quo warranto, certiorari, habeas corpus, etc. One can file a writ in order to seek justice from the judiciary where executive and administrative actions fail.

In the decided case of **Union of India v. S.B. Vohra**, the Supreme Court of India remarked the following:

“A writ of mandamus may be issued in favour of a person who establishes a legal right in himself. It may be issued against a person who has a legal duty to perform but has failed or has neglected to do so...The object of mandamus is to prevent disorder emanating from failure of justice and is required to be granted in all cases where law has established no specific remedy.”

Types of Mandamus

The following are the various types of mandamus:

1. Certiorarified Mandamus

This writ is issued when a lower court or tribunal commits a legal or jurisdictional error. It allows a higher court to call for the case records for examination. After reviewing the record, the higher court may direct the lower body to carry out a specific action.

2. Anticipatory Mandamus

This form of mandamus aims to prevent a likely violation of an individual's rights by a public official or authority. It can be issued even before any actual violation, as long as there is a credible threat that such a breach might happen.

3. Continuing Mandamus

This writ compels a public authority or official to consistently perform a public duty. It is generally used when the duty has been initiated but then discontinued without justification.

Exceptions to the writ of Mandamus

A writ of mandamus cannot be filed against the following entities:

1. The President of India.
2. The Governor of any state.
3. The Chief Justice and the judges of a High Court.
4. The Chief Justice and the judges Supreme Court.
5. A private individual/organisation.
6. A Member of Parliament (MP).
7. A Member of Legislative Assembly (MLA).

Landmark Cases on Mandamus

1. *Municipal Board v. Rashid Ahmad* (1950) – The Supreme Court decided that, particularly in cases involving Fundamental Rights, the availability of alternative remedies cannot be a complete deterrent to issuing a writ of mandamus. This ruling upheld the idea that the constitutional remedy of mandamus is unrestricted just because there is another remedy available in the event that it is unable to give sufficient and efficient relief.
2. *Sohanlal v. Union of India* (1957) – The Supreme Court held that a private organisation or individual cannot come under the scope of mandamus, unless it is integrated with a public authority, or is dispensing a public duty.

3. *AK Roy v. Union of India* (1981) – In 1980, the constitutionality of the National Security Act was challenged before the Supreme Court. One of the petitions asked the Court to issue a writ of mandamus to the government to operationalise Section 3 of the Act. The court declined to grant the petition, stating that it is not within the purview of the judiciary to act on a matter that lies within the jurisdiction of the parliament through the writ of mandamus.
4. *SP Gupta v. Union of India* (1981) – It was held that the president of India is excluded from the ambit of mandamus. This ruling reaffirmed Section 361 of the Indian constitution, which states that the President and the Governor of a state are exempted from judicial intervention for acts done in their official capacities.
5. *C.G. Govindan v. State of Gujarat* (1991) – In this case, it was held that a writ of mandamus cannot be directed against the official acts or inaction of a Governor. This case affirmed the principle of executive immunity in mandamus.
6. *Vemula Prabhakar v. Land Acquisition Officer* (2001) – Here it was ruled that when a remedy under the Code of Civil Procedure (CPC) exists, one cannot seek relief through a writ of mandamus.
7. *John Pailley v. State of Kerala* (2021) – In this case it was held that the writ of mandamus cannot be issued in order to give directions for setting up an adjudicatory body or a tribunal.

Conclusion

The writ of mandamus is an important constitutional tool that ensures public authorities, courts, and officials uphold their legal and public duties. It serves as a safeguard against administrative inaction or misuse of power, reinforcing accountability within the state machinery.

By allowing citizens to directly approach the courts when fundamental or statutory rights are at risk, mandamus strengthens the rule of law. However, its scope is limited by certain exceptions—such as immunity for constitutional dignitaries and the non-applicability to private individuals or matters already governed by adequate legal remedies.

Landmark judgments have further refined its contours, making it clear that while the writ is expansive, it is not limitless. Overall, mandamus remains a crucial mechanism for upholding democratic governance and ensuring that justice is not denied due to administrative failure or delay.