

FORMAT FOR WRIT PETITION

WRIT OF HABEAS CORPUS

IN THE HON'BLE SUPREME COURT OF INDIA, NEW DELHI

(Original Civil Jurisdiction)

Writ Petition No _____ of _____ 20__

Mr/Ms _____ (Name) _____ (Age)

son/daughter/wife of _____,

resident of _____

...Petitioner

Versus

1. Additional Secretary, Ministry of Finance

Government of _____

2. The Superintendent, _____ Jail _____

3. The State of _____

...Respondents

PETITION FOR THE ISSUE OF WRIT OF HABEAS CORPUS UNDER ARTICLE 32 OF

THE CONSTITUTION OF INDIA

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Application if Any

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION CIVIL NO. _____

BETWEEN

Mr/Ms _____ (Name) _____ (Age)

son/daughter/wife of _____,

resident of _____

...Petitioner

Versus

1. Additional Secretary, Ministry of Finance

Government of _____

2. The Superintendent , _____ Jail _____

3. The State of _____

...Respondents

**Legality
Viability**
BEST SHOT at success !!

To

The Hon'ble Chief Justice and his Lordship's companion Judges of the Court aforesaid.

The humble petition of the above named Petitioner

Most respectfully sheweth:

1. That the petitioner is a resident of _____ and he stays and lives peacefully in his residence.
2. That on _____ (date) Respondent No. 1 made an order under Section _ of _____ Act by which the Petitioner was directed to be arrested and detained for a period of three months. A copy of the Annexure is attached hereunder as Annexure 1.
3. That the Petitioner was arrested on the same day and was taken to the ____ Jail. The grounds of detention were not supplied to the Petitioner on that day. The grounds were actually supplied on _____. The copy of the grounds supplied is annexed hereunder as Annexure 2.
4. That on _____ the petitioner submitted a representation against the detention through Respondent No. 2 but the same was considered after one month _____ by the Advisory Board and was rejected on _____.
5. That the grounds were supplied to the Petitioner in English which the Petitioner does not speak or understand.
6. The Petitioner has not filed any other petition before the Hon'ble Court seeking such similar relief as sought in this present Writ Petition.
7. The Petitioner is desirous to file this present writ petition on the following grounds:

GROUND

- A. The order has been passed by an officer not duly authorized.
- B. The grounds were supplied after undue delay.
- C. The grounds were in English and this prevented him from making an effective representation.
- D. There was undue delay in the disposal of the representation which was submitted by the Petitioner.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Issue the Writ of Habeas Corpus under the Article 32 or any other Writ as may be appropriate in the eyes of the Hon'ble Court and direct the Respondents to _____.
- b) To pass any such further order or direction to the Respondents as may deem necessary or fit on the facts and circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL
AS INDUTY BOUND, EVER PAY.

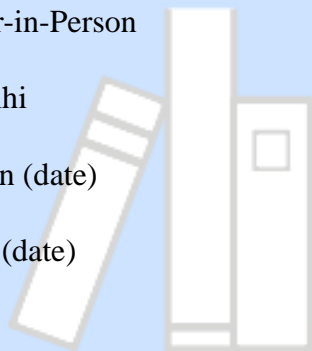
DRAWN AND FILED BY

Petitioner-in-Person

New Delhi

Drawn on (date)

Filed on (date)



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WRITS

1. Habeas Corpus

A **writ of habeas corpus** is used to bring a prisoner or other detainee (e.g. institutionalized mental patient) before the court to determine if the person's imprisonment or detention is lawful.

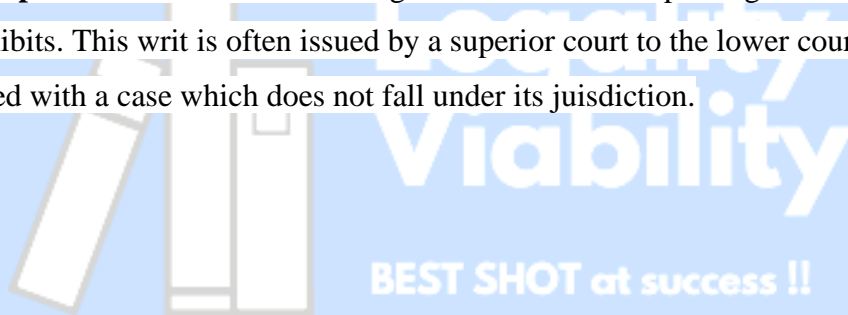
A habeas petition proceeds as a civil action against the State agent (usually a warden) who holds the defendant in custody.

2. Mandamus

A writ of **mandamus** is an order from a court to an inferior government official ordering the government official to properly fulfil their official duties or correct an abuse of discretion.

3. Prohibition

A **writ of prohibition** is a writ directing a subordinate to stop doing something the law prohibits. This writ is often issued by a superior court to the lower court directing it not to proceed with a case which does not fall under its jurisdiction.



CERTIORARI

The literal meaning of the writ of 'Certiorari' is "to be certified" or "to be informed". The writ is against issued by a court higher in authority to a lower court or tribunal ordering them either to transfer a case pending with them to itself or to squash their order in a case. It is issued on the grounds on the grounds of an excess of jurisdiction or lack of jurisdiction or error of law. It only prevents but also cures for the mistakes in the judiciary.

In the simple terms, one can issue the writ of certiorari when the subordinate courts or the quasi- judicial bodies act in:

- The absence of their jurisdiction, or
- Exceeds their jurisdiction, or
- Fails to make use of their jurisdiction

Conditions for issue of Certiorari:

1. There should be court, tribunal or an officer having the legal authority to determine the question with a duty to act judicially
2. Such a court, tribunal or officer must have passed order acting without jurisdiction. Or in excess of the judicial authority vested by law in such court, tribunal or officer.
3. The order could also be against the principles of natural justice. Or the order could contain an error of judgment in appreciating the facts of the case.

FORMAT OF WRIT OF CERTIORARI

A. SYNOPSIS AND LIST OF DATES MENTIONING THE IMPORTANT DATES AND EVENTS LEADING TO THE FILING OF THE WRIT PETITION IN SUPREME COURT OF INDIA CHRONOLOGICALLY IS TO BE GIVEN.

B. FROM NEXT PAGE


IN THE SUPREME COURT OF INDIA ORIGINAL JURISDICTION
CIVIL WRIT PETITION NO. _____ OF 2018

IN THE MATTER OF

ABC Petitioner

Versus

XYZ Respondents



**PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR
ISSUANCE OF A WRIT IN THE NATURE OF _____ UNDER
ARTICLE _____ OF THE CONSTITUTION OF INDIA.**

To,

Hon'ble The Chief Justice of India and His Lordship's Companion Justices of the Supreme Court of India. The Humble petition of the Petitioner above named:

MOST RESPECTFULLY SHEWETH:

1. Facts of the case (Give a brief of the facts leading to the filing of the writ)
2. Question(s) of Law (State in brief the questions of law involved)
3. Grounds (Grounds on which petitioner is seeking relief)
4. Averment: (Give facts of the case)

That the present petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.

PRAYER

In the above premises, it is prayed that this Hon'ble Court may be pleased:

- i. relief claimed by the petitioner
- ii. to pass such orders as may be deemed necessary on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY.

FILED BY:

PETITIONER-IN-

PERSON

DRAWN:

FILED ON:

C. The Writ Petition should be accompanied by:

- i. Affidavit of the petitioner duly sworn.
- ii. Annexure as referred to in the Writ Petition.

- iii. Court fee of Rs.500per petitioner (In Crl. Matter no court fee is payable)
- iv. Index (as per Specimen enclosed)
- v. Cover page (as per Specimen enclosed)
- vi. Any application to be filed, Rs.120/-per application.
- vii. Memo of Appearance.
- viii. Application seeking permission to appear and argue in person (in case of petition filed by petitioner-in-person), Court fee Rs.120/-



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IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

CIVIL WRIT PETITION NO. _____ OF 2018

ABC

Petitioner

Versus

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Respondents

PAPER-BOOK

FOR INDEX KINDLY SEE INSIDE



**Legality
Viability**

FILED BY:

BEST SHOT at success !!

**(ADVOCATE FOR THE
PETITIONER/**

PETITIONER-IN-PERSON)

Filed on:

QUO WARRANTO

According to Webster Dictionary meaning, it is “a formal order in writing issued under seal, in the name of sovereign, government, court or other authority commanding an officer or other person to whom it is issued to do or refrain from doing some act specified therein.”

The literal meaning of Quo Warranto is “by what authority” or “on whose authority is one holding a public office”. Specific provision has been made in Article 32 and 226 of the Constitution of India for the issuance of directions, orders or writs in the nature of quo warranto by the Supreme Court and the High Courts. Quo Warranto is regarded as an appropriate and adequate remedy to determine right or title to a public office and to oust one who has unlawfully usurped or intruded into such office.

Objective

The fundamental basis of the proceeding of quo warranto is that the public has an interest to see that an unlawful claimant does not usurp a public office.

Conditions for issue of Quo Warranto:

4. The office must be a public one and it must be created by the constitution
5. It must be of a substantive character.
6. There must be a contravention in constitution in appointing the person for that office.

FORMAT OF WRIT OF QUO WARRANTO

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FILED BY:

**PETITIONER/ (ADVOCATE FOR THE
PETITIONER-IN-PERSON)**

Filed on: