V G RAMACHANDRAN'S LAW OF WRITS (2006). Revised by Justice C.K. Thakker and. M.C. Thakker, Eastern Book Company, Lucknow, (Two volumes) Pp. (Vol. 1) clxxvi + 1020 and (Vol. 2) xl + 1021 to 2096, Price Rs. 1750 (Per set of two volumes).

'THE LAW of Writs' is an ever-expanding branch of law, which continuously affords enough scope for legal research, study and practice. It is a branch of public law, which encapsules certain effective remedies against state (in) action. The founding fathers of the Constitution of India, who envisaged 'rule of law' and 'limited government' for the governance of the country, have devised these remedies in order to translate them into a living reality. The Constitution of India expressly confers power upon the Supreme Court and high courts under articles 32 and 226 respectively, to issue certain writs including the writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo-warranto* and *certiorari*. However, the powers conferred under these provisions are not just confined to issue of certain writs specified therein, they can issue any other directions or orders for the purposes envisaged therein.

The Supreme Court, under article 32 can issue writs, orders or directions only for the purpose of enforcement of fundamental rights[1] whereas the high courts, under article 226, have wide powers. They can issue writs, orders or directions not only for enforcement of fundamental rights but 'for any other purpose' as well. Though the jurisdiction of high court is wide in that sense, the judicial interpretations have rightly narrowed down its scope. The existence of a (statutory) right is considered to be necessary for invoking the jurisdiction of high courts under article 226.[2] Further, in the scheme of our Constitution, all or any powers exercisable by the Supreme Court under article 32 can be conferred by Parliament on 'any other court' to be exercised within the local limits of its jurisdiction.[3] However, no law has been made by Parliament to this effect till date, thus,

1. However, there is no consistency in the approach of the Supreme Court in this regard. There are instances of granting relief under Art. 32 even in cases where fundamental rights are not involved. See for eg., *Theclamma Y.* v. *Union of India*, (1987) 2 SCC 516; *Raja Soni* v. *Air Officer Incharge Administration*, (1990) 3 SCC 261; *Raja Ram Pal* v. *Hon'ble Speaker, Lok Sabha*, (2007) 3 SCC 184.

2. See, for example, *State of Orissa* v. *Ram Chandra*, AIR 1964 SC 685; *Director of Settlements, A.P.* v. *M.R. Apparao*, (2002) 4 SCC 638.

3. Clause (3) of Art. 32.

leaving only the Supreme Court and high courts to have the power to issue writs.

The exercise of the power to issue writs by the Supreme Court and high courts is a field, which has seen the highest benchmark of judicial activism and ingenuity specially in diluting the concept of *locus standi* and in devising new principles and propositions to grant newer remedies and reliefs to the affected parties. Judicial approach and interpretations over the years have drastically widened the scope of writ remedies. Through the invention of 'Public Interest Litigation' (PIL), the doors of constitutional courts have been opened for the common man, who, otherwise, was not in a position to have access to the courts. However, the courts have evolved certain techniques to prevent frivolous petitions by busybody or meddlesome interloper, who masquerade as crusaders of justice.

Further, the courts discourage petitions under articles 32 and 226 of the Constitution if an alternative efficacious remedy is available. Since the remedy provided under article 226 is discretionary in nature, it is permissible for the high court to refuse to grant relief on the ground of availability of alternative efficacious remedy. But, the question whether the Supreme Court can refuse to grant relief under article 32 on similar grounds when petitioner complains of infringement of fundamental rights has generated lot of debate within and outside the judiciary. On an overview of judicial decisions on the question, one notices lack of consistency and uniformity.[4] Thus, the law of writs is one of the most sensitive areas of public law in India. It covers wide variety of subjects involving both substantive as well as procedural issues. *V.G. Ramachandran's Law of Writs* has meticulously encapsulated the development of law in the field. Ever since its publication in the year 1963, it has been considered to be a monumental work on the subject. The book has seen six editions till date. The second and the third editions were revised by the original author himself whereas C.K. Thakker revised the fourth and fifth editions. The current edition has been revised by C.K. Thakker and M.C. Thakker. The current edition is in two large volumes divided into five parts. The first part covers the historical background of law of writs in England and India. The second part deals with the general principles of writ jurisdiction. It encapsules the law relating to

4. See for example, *K.K. Kochunni* v. *State of Madras*, AIR 1959 SC 725; *Kharak Singh* v. *State of U.P.,* AIR 1963 SC 1295; *Louis Fernandes* v. *Union of India*, (1988) 1 SCC 201; *Balco Employee's Union (Regd.)* v. *Union of India*, (2002) 2 SCC 333; *Maharashtra State Judicial Service Assn.* v. *High Court of Judicature at Bombay,* (2002) 3 SCC 244; *Avinash Chand Gupta* v. *State of U.P.,* (2004) 2 SCC 726. The views expressed in *K.K. Kochunni, Kharak Singh* and *Maharashtra State Judicial Service Assn.* cases are diametrically opposite to the views expressed in *Louis Fernandes, Balco Employee's Union* and *Avinash Chand Gupta.*

'*locus standi'*, 'territorial jurisdiction', 'delay and laches', 'alternative remedy', 'purposes for which writs may be issued', 'against whom writ may be issued' and 'exclusion of judicial review', etc., comprehensively. The author has highlighted the inconsistencies in the judicial approach wherever they are evident. Part III deals with 'specific writs'. Part IV is a miscellaneous part dealing with supervisory jurisdiction of high courts, special leave petitions and constitutional amendments affecting the writ jurisdiction of high courts and the Supreme Court. Part V consists of procedural aspects.

Thus, the book covers the history, evolution, scope, extent and limitations of writ jurisdictions of the high courts and the Supreme Court. Procedural aspects have also been dealt with in great detail. On the whole, two large volumes of the book reflect the comprehensiveness and finest articulation of the law on the subject. C.K. Thakker who is a judge of the apex court is well known for his academic research and writings. His books on administrative law and Civil Procedure Code are of great utility particularly to the student's community. M.N. Venkatachalaiah J, in his foreword to the current edition, has rightly described him as "one of those few persons who have successfully combined their work and responsibilities on the high Bench with academic research and writings of a remarkable quality". The revision of the book by Thakker J has further enhanced the value of the book, which otherwise needs no introduction to men of law. Its timely revision is a value addition to the existing legal literature. It has kept abreast with the time. It is of great utility to the researchers, practitioners, judges, students and academicians. The book is available at an affordable price though printed on good quality paper for which Eastern Book Company deserves to be complimented.

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