

Transport Authorities under the Motor Vehicles Act; the Rent Controller under the State Rent Control Acts. Besides, there are special tribunals which are not a part of the judicial administration but have all the "trappings" of a court. Nevertheless, they are not courts in the proper sense of the term, in view of the special procedure followed by them. All these tribunals have one feature in common, *viz.* that they determine questions affecting the rights of the citizens and their decisions are binding upon them.

Since the decisions of such tribunals have the force or effect of a judicial decision upon the parties, and yet the tribunals do not follow the exact procedure adopted by courts of justice, the need arises to place them under the control of superior courts to keep them within the proper limits of their jurisdiction and also to prevent them from committing any act of gross injustice.

In *England*, judicial review over the decisions of the quasi-judicial tribunals is done by the high court in the exercise of its power to issue the prerogative writs.

In *India*, there are several provisions in the Constitution which place these tribunals under the control and supervision of the superior courts of the land, *viz.* the Supreme Court and the high courts:

(i) If the tribunal makes an order which infringes a fundamental right of a person, he can obtain relief by applying for a writ of *certiorari* to quash that decision, either by applying for it to the Supreme Court under Article 32 or to the high court under Article 226. Even apart from the infringement of the fundamental right, a high court is competent to grant a writ of *certiorari*, if the tribunal either acts without jurisdiction or in excess of its jurisdiction as conferred by the statutes by which it was created, or it makes an order contrary to the rules of natural justice or where there is some error of law apparent on the face of its record.

(ii) Besides the power of issuing the writs, every high court has a general power of superintendence over all the tribunals functioning within its jurisdiction under Article 227 and this superintendence has been interpreted as both administrative and judicial superintendence. Hence, even where the writ of *certiorari* is not available but a flagrant injustice has been committed or is going to be committed, the high court may interfere and quash the order of a tribunal under Article 227.¹⁵

(iii) Above all, the Supreme Court may grant special leave to appeal from any determination made by any tribunal in India, under Article 136 wherever there exist extraordinary circumstances calling for interference of the Supreme Court. Broadly speaking, the Supreme Court can exercise this power under Article 136 over a tribunal wherever a writ for *certiorari* would lie against the tribunal; for example, where the tribunal has either exceeded its jurisdiction or has approached the question referred to it in a manner which is likely to result in injustice or has adopted a procedure which runs counter to the established rules of natural justice. The extraordinary power would, however, be exercised by the Supreme Court in rare and exceptional circumstances and not to interfere with the decisions of such tribunals as a court of appeal.

Besides the above, the Supreme Court as well as the high courts possess what may be called an extraordinary jurisdiction, under Articles 32 and 226 of the Constitution, respectively, which extends not only to inferior courts and tribunals but also to the State or any authority or person, endowed with State authority. The peculiarity of this jurisdiction is that being conferred by the Constitution, it cannot be taken away or abridged by anything short of an amendment of the Constitution itself. As has already been pointed out, the jurisdiction to issue writs

**The Writ Jurisdiction
of Supreme Court
and High Court.**