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OILING THE MACHINE OF JUDICIAL REVIEW: MNS ENTERPRISES v. THE DISTRICT COLLECTOR AND THE SCOPE OF CERTIORARI

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ABSTRACT

The legal foundation and importance of the writ of certiorari in the context of administrative law are examined in this article, focussing on how it was used in the case of *M/s. MNS Enterprises, Rep. by its Proprietor V. Mohana Priya v. The District Collector, Chengalpet & Ors*¹⁴⁴. The case began when the fourth respondent, who claimed the petitioner's lubricant oil distribution company created a public nuisance in a residential neighbourhood, issued an adverse administrative decision against the petitioner. By requesting judicial review via a writ of certiorari, the petitioner contested this ruling on the grounds that the administrative authority had overreached its jurisdiction and had neglected to take pertinent information into account.

This article looks at the fundamental ideas behind the writ of certiorari and how it might be used as a supervisory judicial tool to rectify procedural injustice, illegality, and jurisdictional flaws in administrative decisions. Further, it seeks to explain the conditions under which certiorari is granted by examining the ruling rendered by the High Court of Madras. It focuses on situations where administrative bodies overreach their authority, behave arbitrarily, or disregard due process. The balance between judicial oversight and administrative discretion is also discussed, with an emphasis on how courts prevent the abuse of quasi-judicial powers. In the end, the paper demonstrates how certiorari serves as an essential check on administrative power, guaranteeing that choices pertaining to fundamental rights—like the right to carry on trade—are taken in compliance with the law and justice.

Keywords: Certiorari, Administrative law, procedural fairness, judicial review, MNS Enterprises.

GRASP - EDUCATE - EVOLVE

¹⁴⁴ MNS Enterprises, rep. by its Proprietor V. Mohana Priya v. The District Collector, Chengalpet & Ors., WP No. 1048 of 2024 & WMP. No. 1111 of 2024.

1. INTRODUCTION

Administrative law plays a crucial role in governing the actions and decisions of administrative authorities, ensuring they operate within legal boundaries and do not abuse their power. One of the key remedies available in administrative law is the writ of certiorari, which allows higher courts to review and potentially quash decisions made by lower courts or administrative bodies. This article examines the concept of certiorari and its application in administrative law, with a focus on the case of *MNS Enterprises v District Collector*.

2. WRIT OF CERTIORARI: CONCEPT AND SCOPE

Certiorari, (*to be searched*) is the present passive infinitive of Latin *Certiorare*, (*to search*). The writ of certiorari, one of the five writs – Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition, is a prerogative writ issued by a superior court to an inferior court or tribunal, directing them to transmit the records of a particular case for review. It can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals: these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction.¹⁴⁵

Historically, it was first used in 1280¹⁴⁶. It was used to move cases and records from various local courts, such as the Shire, to the royal courts. It evolved from the writs of pone, recordi facias and praecipe. Further, a case in 1326 indicates a connection between certiorari and habeas corpus. A writ of certiorari had been issued to ascertain the cause of arrest of a man called Henry. The relevant paragraph of the judgement is as follows –

“And because the king sent word to his justices here that, after examination of the cause of Henry’s arrest and detention, further etc. what they think should be done etc., the sheriffs of London are ordered to

have the body of Henry before the king at Westminster this instant Tuesday at the Octave of St. John the Baptist to do and receive what the court etc. [sic] At that day the sheriffs sent here before the king the body of Henry..... And after examination of the cause of the arrest and detention, it seems to the court here that the cause is insufficient etc. Therefore, Henry of Wellingborough is released by the mainprise of Henry Basset, Peter of Newport... who undertook to have Henry of Wellingborough before the king.....”¹⁴⁷

In Indian jurisprudence, the power to issue writs, including certiorari, is enshrined in Article 226¹⁴⁸ of the Constitution. This article empowers High Courts to issue writs for the enforcement of fundamental rights and for any other purpose. The Supreme Court has similar powers under Article 32¹⁴⁹, but specifically for the enforcement of fundamental rights.

The essential features of a writ of certiorari, including a brief history, have been very exhaustively explained by *B.K. Mukherjea, J.* in *T.C. Basappa v. T. Nagappa and Anr*¹⁵⁰. The Court held that a writ in the nature of certiorari could be issued in ‘all appropriate cases and in appropriate manner’ so long as the broad and fundamental principles were kept in mind. The principles being that, *firstly*, in granting the writ, the superior court does not exercise the powers of an appellate tribunal. *Secondly*, the supervision exercised by the superior court goes on two points – one is the area of inferior jurisdiction and the other is the observance of law in its course of exercise, as expressed by Lord Sumner in the *King v. Nat Bell Liquors*¹⁵¹ case. *Thirdly*, certiorari may lie and is generally

¹⁴⁷ Sayles, *Select Cases in the Court of King’s Bench under Edward I* 3-4, p. 165.

¹⁴⁸ Article 226, The Constitution of India, 1950.

¹⁴⁹ Article 32, The Constitution of India, 1950.

¹⁵⁰ *T.C. Basappa v. T. Nagappa and Anr.*, AIR 1954 SC 440.

¹⁵¹ *The King v. Nat Bell Liquors, Ltd.*, (1921) 62 S.C.R. 118.

¹⁴⁵ *Syed Yakoob vs K.S. Radhakrishnan & Ors.*, 1964 AIR 477.

¹⁴⁶ *De Smith, The Prerogative Writs*, 11 Cambridge L. J. 40 1951, p. 46.

granted when a court has acted without or in excess of its jurisdiction.

Today, the writ of certiorari plays a crucial role in maintaining the rule of law by providing a mechanism to challenge administrative and judicial actions that are arbitrary, illegal, or beyond jurisdiction. The purview of giving the writ of Certiorari is administrative and not redrafting. The Court considering a writ utilisation of Certiorari won't wear the cap of an Appellate Court. It will not reappreciate proof¹⁵².

These developments reflect how certiorari has matured from its medieval origins to become an essential component of modern administrative and constitutional law, ensuring accountability and fairness in decision-making processes across various domains.

3. FACTS OF THE CASE

MNS Enterprises, engaged in the distribution of lubricant oil, operated from a property in the Casa Grande Palm Meadows residential layout. Despite obtaining all required licenses and permits, including building approval, the company was ordered to cease operations by the District Magistrate. The order was based on complaints from neighbouring residents, who alleged that the business activities caused public nuisance through constant truck movement, toxic oil fumes, and contamination of water wells.

Petitioner's Arguments

MNS Enterprises argued that the District Magistrate exceeded his jurisdiction by shutting down the business without proper consideration of the supporting documents. It claimed that the operation posed no hazard since it involved only the distribution of sealed oil barrels. Additionally, the petitioner contended that she was being targeted unfairly, as other businesses in the same locality were allowed to function without interference.

Respondents' Arguments

The respondents maintained that the closure was justified under Section 133(1)(b) of the CrPC¹⁵³, which empowers the District Magistrate to regulate or prohibit activities that endanger public health or comfort, that is, to remove public nuisance. Following a site inspection, it was found that the business stored over 200 oil barrels, allegedly emitted harmful vapours, and disrupted the residents' daily lives with frequent truck movement.

4. ISSUES RAISED

The primary legal issues under dispute in this case were:

1. Whether the District Collector's order was issued in violation of the principles of natural justice.
2. Whether the District Collector had exceeded their jurisdiction in suspending the enterprise's operations without proper investigation.
3. Whether the writ of certiorari was the appropriate remedy in this situation.

Court's Observations and Application of Certiorari

The Madras High Court carefully examined the scope of certiorari and emphasized that the writ is a supervisory remedy, not an appellate one. Citing the Central Council of Research v. Bikartan Das case¹⁵⁴ the Hon'ble Court reiterated that certiorari can only be issued to correct jurisdictional errors or manifest illegality, not mere factual mistakes. The court held that the District Magistrate acted within his jurisdiction and had properly exercised his authority under Section 133 of the CrPC.

Implications of the Judgement

The court dismissed the writ petition, holding that the District Magistrate's order was legally sound and not subject to judicial interference. It stressed that public health and safety concerns outweighed the petitioner's business interests.

¹⁵² Electrical Rengali Hydro Electric Project, Orissa v. Sri Giridhari Sahu, 2019 Latest Caselaw 823 SC.

¹⁵³ § 133(1)(b), The Code of Criminal Procedure, 1973.

¹⁵⁴ Central Council for Research in Ayurvedic Services v. Bikartan Das, 2023 SCC OnLine SC 996.

Furthermore, the judgment reaffirmed that courts cannot substitute their findings for that of an administrative authority unless patent illegality or procedural error is evident.

7. ANALYSIS OF THE COURT'S JUDGMENT

The High Court's judgment in *MNS Enterprises v District Collector* is significant for several reasons which are stated as follows:

A focus on natural justice:

The court reaffirmed the audi alteram partem concept, emphasizing the need to provide people a chance to react before unfavourable acts are done. This ruling serves as a reminder that administrative decision-making requires procedural fairness, particularly when those choices directly affect the rights of persons or enterprises.

Examination of Administrative Judgment:

The court showed that it was prepared to examine executive decisions that seemed capricious or lacked substantial proof by overturning the District Collector's order. This is in line with a larger trend in judicial review, where courts make sure that administrative bodies base their conclusions on well-established facts and sound legal reasoning rather than merely making assumptions.

Jurisdictional Limits:

The ruling emphasized how crucial it is for administrative bodies to properly adhere to their jurisdiction. It ensures that administrative power is used properly and legally by serving as a warning to executive entities to stay within their assigned authority and refrain from going beyond the bounds of the law.

Extensive Interpretation of the Writ of Certiorari:

The case demonstrates the broad application of the writ of certiorari, demonstrating that it can be used for administrative actions that have a substantial impact on the interests of individuals or businesses in addition to judicial

or quasi-judicial rulings. Certiorari's function as a weapon for limiting administrative excess, holding officials responsible, and guaranteeing that public power is used within the bounds of the law is strengthened by this interpretation.

8. IMPLICATIONS FOR ADMINISTRATIVE LAW

This judgment holds substantial significance in the purview of administrative law, by the way of reaffirming key principles of fair governance and accountability. One of the pivotal takeaways is the emphasis on procedural fairness, requiring administrative bodies to exercise proper diligence when issuing orders that has the potential to adversely impact individuals or businesses. The decision throws light on the fact that actions must be supported by proper investigations and reasoning, not merely assumptions or unsubstantiated allegations. It further calls attention to the importance of jurisdictional competence, stressing that decisions must be made by the appropriate authorities acting within their legal boundaries.

Moreover, the judgment signals that arbitrary or unjust administrative actions will likely invite increased judicial scrutiny, particularly when natural justice principles are overlooked. Courts, through the lens of this case, may be more inclined to intervene in instances of administrative overreach or procedural irregularities.

The success of the writ of certiorari in this instance serves as a critical reminder of its relevance in checking executive excess and ensuring lawful governance. Consequently, the case could inspire more petitioners to seek remedies through judicial writs where administrative decisions are found to be arbitrary, unreasonable, or procedurally defective.

9. CONCLUSION

The case of *MNS Enterprises v District Collector* serves as a significant landmark in the evolution of administrative law and the application of the writ of certiorari. It reinforces the importance of

procedural fairness, reasoned decision-making, and jurisdictional propriety in administrative actions.

The judgment also highlights the crucial role of judicial review in maintaining the balance between administrative efficiency and the protection of individual rights. As administrative bodies continue to play an increasingly important role in governance, the principles established in this case will likely guide future administrative actions and judicial interventions.

The writ of certiorari, as demonstrated in this case, remains a powerful tool for checking administrative excesses and ensuring adherence to the principles of natural justice. Its scope in administrative matters is likely to continue evolving, providing a vital safeguard against arbitrary or unlawful administrative actions.

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