**Definition of Writ**

Writ means a written document by which one is summoned or required to do or refrain from doing something

**Classification of Writs**

(I).Habeas Corpus

(II).Certiorari

(III).Prohibition

(IV).Mandamus

(V).Quo Warranto

(I). Writ of Habeas Corpus

Habeas Corpus means 'have his body' i.e.to have the body before the Court. So it is a kind of order of the Court that commands the authorities holding an individual in custody to bring that person before Court. The authorities must then explain in the Court why the person is being held.

The High Court Division, on the application of any person, directs that a person in custody be brought before it to satisfy itself as to whether he is being held in custody with or without lawful authority. If the Court finds that he is being illegally held in custody by the authority, it then can declare the same to be without lawful authority.

(II). Writ of Mandamus

Mandamus means 'we command'. By writ of mandamus, the superior court directs any person, corporation, lower court or government to do something, specified therein, which pertains to his or their office and is in the nature of a public duty. This writ is issued when the lower tribunal has declined to exercise jurisdiction vested in it or any public authority declined to do what he is required by law to do.

(III). Writ of prohibition

Prohibition means 'to forbid' from doing something. In other words, it is a writ issued by the superior court to a lower court, tribunal or administrative authority prohibiting it from doing something which it is not authorized by law to do.15 Prohibition is a preventive writ and issued to stop illegal exercise of power of jurisdiction to the detriment of any legal right of a person.

(IV). Writ of Certiorari

Certiorari means 'be certified' of the proceedings of any lower court or tribunal to be investigated by the superior court. Records of any pending or concluded proceedings before any authority or court including a tribunal can be called for by the High Court Division of the Supreme Court of Bangladesh for its examination as to the legality or otherwise of the said proceedings.

In a writ of certiorari, superior court interferes when the lower court or tribunal acts without any jurisdiction or in excess of its existing jurisdiction or in cases where it fails to exercise its jurisdiction - for example, when it decides a case without giving an opportunity to the parties to be heard or violates the principle of natural justice or if there is an error apparent on the face of the record of such proceedings.

(V).Writ of Quo Warranto

Quo Warranto means 'by what warrant or authority'. Writ of quo warranto is a judicial order issued by the High Court by which any person who occupies or franchise or liberty is asked to show by what right he claims it, so that the title to the officer, franchise or liberty may be settled and any unauthorized person ousted.

This Writ of Quo warranto is issued to show by what authority a person is holding or purporting to hold a public office. The High Court Division can enquire into the legality of the claim of a party to an office. A writ of quo-warranto may be applied at the instance of any person even who has no personal or special interest. A stranger can also file such a writ petition.

**Powers of High Court Division to issue certain orders and directions, etc**

102. (1) The High Court Division on the application of any person aggrieved, may give such directions or orders to any person or authority, including any person performing any function in connection with the affairs of the Republic, as may be appropriate for the enforcement of any of the fundamental rights conferred by Part III of this Constitution.

(2) The High Court Division may, if satisfied that no other equally efficacious remedy is provided by law –

**(a) on the application of any person aggrieved, make an order-**

(i) directing a person performing any functions in connection with the affairs of the Republic or of a local authority,

to refrain from doing that which he is not permitted by law to do or to do that which he is required by law to do ; or

[Article 102(2) (a)(i) deals with the functions relating to the Writ of Mandamus as well as Writ of Prohibition]

(ii) declaring that any act done or proceeding taken by a person performing functions in connection with the affairs of the Republic or of a local authority, has been done or taken without lawful authority and is of no legal effect ; or

[Article 102(2) (a)(ii) is the provision relating to the Writ of Certiorari]

**(b) on the application of any person, make an order-**

(i) directing that a person in custody be brought before it so that it may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner ; or

[Article 102(2) (b) (i) is concerned with the Writ of Habeas Corpus]

(ii) requiring a person holding or purporting to hold a public office to show under what authority he claims to hold that office.

[102(2) (b) (ii) is concern with the Writ of Quo-Warranto]