Polity & Governance · GS - II

Examine the role of High Courts in protecting citizens against arbitrary administrative action, particularly in cases involving demolition of properties. How does the constitutional distribution of writ jurisdiction between the Supreme Court and High Courts promote access to justice?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 23/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 32, Article 226, judicial review, rule of law, natural justice, due process, municipal accountability, demolition guidelines, alternative remedy, access to justice

Model Answer

Introduction

The power of public authorities to demolish structures must be exercised strictly in accordance with law. India's constitutional framework provides judicial remedies against arbitrary administrative action, primarily through the writ jurisdiction of the Supreme Court and High Courts.

Role of High Courts in Protecting Citizens

1. **Article 226:** High Courts can issue writs for enforcing Fundamental Rights and other legal rights, making them important forums for challenging unlawful administrative decisions.

2. **Judicial review:** Courts can examine whether demolition actions comply with statutory provisions, procedural requirements and constitutional limitations.

3. **Natural justice:** Authorities must follow applicable notice, hearing and due-process requirements before taking coercive action, subject to lawful exceptions.

4. **Accountability:** Judicial scrutiny can ensure that municipal authorities do not exercise their powers arbitrarily or discriminate against particular individuals.

Distribution of Writ Jurisdiction

1. **Supreme Court:** Article 32 provides a constitutional remedy for enforcement of Fundamental Rights.

2. **High Courts:** Article 226 provides wider jurisdiction, covering both Fundamental Rights and other legal rights.

3. **Access to justice:** High Courts offer a geographically accessible forum for examining local administrative disputes and establishing facts.

4. **Appellate remedies:** Decisions of High Courts may be challenged before the Supreme Court through constitutionally recognised appellate mechanisms, including special leave under Article 136.

Way Forward

1. Ensure transparent demolition procedures and compliance with judicial guidelines.
2. Strengthen municipal accountability and accessible grievance-redressal mechanisms.
3. Provide timely judicial hearings in cases involving potential irreversible harm.
4. Balance lawful urban regulation with individual rights and procedural fairness.

Conclusion

Judicial review safeguards the rule of law by ensuring that administrative powers remain subject to constitutional and statutory limits. Effective coordination between High Courts and the Supreme Court strengthens both accountability and access to justice.

BECOME IAS
AI POWERED UPSC PREP