

IN THE CIRCUIT CIVIL DIVISION OF THE  
SECOND JUDICIAL CIRCUIT, IN AND FOR  
LEON COUNTY, FLORIDA

Darryl Schneider  
Petitioner

Case: 25-CA-564

Vs.

Division: N/A

Florida Governor Ronald DeSantis  
Respondent

\_\_\_\_\_ /

JUDICIAL NOTICE OF OBJECTIONS; AND WARNINGS TO  
TWO (2) LEON COUNTY JUDGES, WITH A BAR  
COMPLAINT FILED

1. The Petitioner filed a Writ of Mandamus on Ronald DeSantis over 20 days ago, but he defaulted by failing to respond to it under FRCP 1.630(e); and FRCP 1.140(a)(1). The inactions of this Court along with Attorney Maryssa Hardy's sneaky fraudulent correspondence with it, are starting to bother the Petitioner! The name of the game with the FRB judges, is to have opposing counsels file bogus motions with inapplicable statutes, case laws, or rules, then sign and file the orders as if they're not void, thus committing FRB mail and wire frauds (deliberate misrepresentations to consumers about what's legal). Total bull chips.

2. UNDER FRCP 1.630:

(a) Applicability. This FRCP applies to actions for the issuance of **writs of mandamus**, prohibition, quo warranto, and habeas corpus.

(b) Initial Pleading. The initial pleading must be a complaint. It must contain:

- (1) the facts on which the plaintiff relies for relief;
- (2) a request for the relief sought; and
- (3) if desired, argument in support of the complaint with citations of authority.

The caption must show the action filed in the name of the plaintiff in all cases and not on the relation of the state. When the complaint seeks a writ directed to a lower court or to a governmental or administrative agency, a copy of as much of the record as is necessary to support the plaintiff's complaint must be attached.

(c) Time. A complaint must be filed within the time provided by law.

(d) Process. If the complaint shows a prima facie case for relief, the court **must issue**:

- (1) an order nisi in prohibition;
- (2) an alternative writ in mandamus that may incorporate the complaint by reference only;**
- (3) a writ of quo warranto; or
- (4) a writ of habeas corpus.

The writ must be served in the manner prescribed by law.

**(e) Response. Defendant must respond to the WRIT as provided in rule 1.140,** but the answer in quo warranto must show better title to the office when the writ seeks an adjudication of the right to an office held by the defendant. **Thus FRCP 1.630(e); and FRCP 1.140(a)(1) come into play during writs. And the paragraph above never mentions alternate writ, just the writ.**

**\*\*\*3.** Because of FRCP 1.630(e); and FRCP 1.140(a)(1), the Petitioner believes under FRCP 1.630(d)(2), a court may not have to issue an alternate/peremptory writ, **when the adverse party is given CONSTRUCTIVE NOTICE with a signature (process of service) that such relief is being sought or considered by the court. An alternate writ is needed, if the respondent hasn't been provided the complaint, so the respondent can show cause, or forever hold their peace.** Consequently, the Petitioner chooses to back down for 72 hours only and not file complaints with the JQC at this time, which DeSantis unfortunately controls. Does DeSantis control this Court as well????

4. The Petitioner doesn't know what this Court has in mind to do, **but it needs to do something within 72 hours since an expedited complaint was filed with the Court about 40 days ago!** This Court 1) didn't state the Petitioner's complaint failed to show a prima facie case for relief. It couldn't legally, but more importantly it 2) didn't submit an alternative writ to DeSantis under FRCP 1.630(d)(2), but it's believed it didn't have to. But since

something is starting to smell bad due to judicial inactivity, **JQC complaints are ready to be filed. Just give the Petitioner a reason to do so. The Petitioner isn't fooling around any longer. Two (2) of his relatives were M U R D E R E D! Damn devil dog DeSantis!!!! This Court needs to take action I M M E D I A T E L Y! And any judicial inaction during this case is illegal, if it can foreseeably cause an injury!**

5. This is not a lawsuit as the respondent fraudulently claimed on 5-9-25. **Consequently, this Court DOESN'T have jurisdiction to rule on a motion to vacate a default during a lawsuit, when just a writ was filed! Total bull chips!** Everyone understands why DeSantis filed a clearly bogus vacate motion.

6. The Petitioner filed a murder video with over 100 pages of material evidence to support his claims. **This was sum sufficient proof for this Court to have granted the Writ already!**

**\*\*\*7. A bar complaint for illegally soliciting this Court to defraud the Petitioner and the related murder victims during what is essentially two (2) murder investigation requests, was filed on overzealous FRB agent Maryssa Hardy. Who's next?**

**\*\*\*8.** More importantly, all court documents filed in this case are website posted with copies sent to foreign media production crews; foreign news reporters; foreign broadcasting stations; foreign governments; foreign ex-military; and foreign bankers, who all dislike the FRB enterprise almost as much as the

Petitioner. **These entities will be imposing their own type of sanctions on the FRB owners.** Hell, the Petitioner already has a 4 hour documentary of what happened to Mrs. Sandra Kimball airing on TV twice a week, forever!!!! This pleading could be in the Petitioner's next published book called **"Code of Silence: The Stonewalling of Mr. Schneider's Complaints by FRB Judicial Agents"**. It has a Cold War, espionage ring to it. Thus the reason the Petitioner still files court complaints, is to obtain more evidence of racketeering to use in his books! **The Petitioner's books sell for cheap, but they sell BIG!** All this typing will not be wasted on corrupted FRB paid agents. **All related court documents will be used as exhibits in the Petitioner's upcoming 5 count lawsuit against John Rockefeller and his wife, along with David Rothschild and his son, to show just how bullish and brazen FRB judicial racketeering is in America, which occurs at least 50% of the time in every slaughterhouse, to illegally profit the FRB enterprise, using FRB paid/bribed judicial agents and other FRB paid/bribed officers of the court, like Maryssa Hardy Esq. This Court knows DeSantis will, if allowed, continue to lie in his pleadings. The million dollar question is will this Court just grant the Writ ALREADY and let the chips fall where they may???? Think DeSantis will comply with it???? NO!!!! There will be many complainants filing their FRB complaints with the Petitioner. Does the Petitioner have this Court's attention yet????**

9. If this Court violates the Petitioner's due process/civil/constitutional rights by 1) **ILLEGALLY STALLING THIS CASE ANY LONGER;** 2)

HELPING DESANTIS COVER-UP TWO (2) MURDERS; AND  
3) NOT CORRECTLY ORDERING THE FLOIRDA GOVERNOR  
TO PERFORM HIS JOB REQUIREMENTS BY GRANTING THE  
WRIT, JQC COMPLAINTS WILL BE FILED, AND  
EVERYONE IN THE WORLD WILL KNOW THE NAMES  
DESANTIS, ALLMAN AND SJOSTROM, ALONG WITH  
KNOWING AMERICAN JUDGES ROUTINELY VIOLATE U.S.  
CONSTITUTIONAL RIGHTS FOR INCREASED FRB OWNER  
PROFITS (THE U.S. CONSTITUTION IS DEAD THANKS  
TO THE FRB OWNERS), AND NOT TO VISIT AMERICA,  
OR PURCHASE FRB PRODUCTS AND SERVICES, EVER!

10. Sneaky stupid DeSantis blatantly lied  
through his counselor about the time limit to  
show cause, and this is why the clerk correctly  
held this bastard governor in default!  
DeSantis was waiting on this Court to throw the  
case out for the FRB enterprise! Now he's  
going to lie in his pleadings, thus prodding  
this Court to defraud the Petitioner. Correct?  
His last pleading didn't ask this court to  
submit an alternate writ, but merely lied about  
why he didn't have to answer his summons in  
time. It seems as though DeSantis believes  
this Court to be too unwilling to defraud the  
Petitioner on its own, so he's going to have  
Maryssa Hardy push it along. Correct?

11. This Court now needs to instruct Ronald  
DeSantis to perform his sanctioned duties to  
investigate the wrongs/crimes cited in the  
Petition!!!!

12. Mandamus is the appropriate remedy to  
address this violation. Young v. Lamar, 115 So.  
3d 1132, 1133-34 (Fla. 8 1st DCA 2013) (finding  
mandamus "an appropriate remedy to correct" a  
violation of the law); Valdes v. Galco Constr.,

883 So. 2d 359, 361 (Fla. 1st DCA 2004) (granting mandamus to compel officer to issue an order "within a reasonable time, not to exceed 30 days"); Fla. Caucus of Black State Legislators, Inc. v. Crosby, 877 So. 2d 861, 864 (Fla. 1st DCA 2004) (finding mandamus appropriate to compel state department head to comply with statute providing that department "shall assist" certain persons and "shall ensure" documents are forwarded); Kramp v. Fagan, 568 So. 2d 479, 480 (Fla. 1st DCA 1990) (granting mandamus and directing lower court judge to dispose of a neglected motion within fifteen days); AHF MCO of Fla., Inc., v. Exec. Office of the Governor, No. 2018 CA 1648 (Fla. 2nd Jud. Cir. Sep. 5, 2018) (finding governor had a statutory duty to produce certain records and issuing writ of mandamus commanding him to produce the records within ten days).

13. To show entitlement to a writ of mandamus, a petitioner must show that he has a clear legal right to the performance of a clear legal duty by a public officer and that he has no other legal remedies available to him. When a petitioner files a petition for mandamus, the court has the initial task of assessing the legal sufficiency of the allegations . . . . [I]f the petition is facially sufficient, the court must issue an alternative writ, i.e., an order directed to the respondent to show cause why the requested relief should not be granted. S.J. v. 3omas, 233 So. 3d 490, 495 (Fla. 1st DCA 2017) (cleaned up); see also Moore v. Ake, 693 So. 2d 697, 698 (Fla. 2d DCA 1997) (trial court must issue an alternative writ of mandamus if petition is facially adequate, even if petitioner has not served respondent with

the complaint). As demonstrated in the Petition, the Petitioner has met all the above requirements, and an alternative writ of mandamus wasn't issued directing the Governor to show cause as to why this Court shouldn't grant the requested relief, but it didn't have to when DeSantis was already constructively noticed of the complaint.

14. AGAIN, NO CLERICAL MISTAKE WAS MADE! DESANTIS ONLY HAD 20 DAYS TO FILE A RESPONSE TO THE WRIT/PETITION UNDER FRCP 1.630(e); and FRCP 1.140(a)(1), WHETHER OR NOT DESANTIS WAS COURT ORDER TO DO SO UNDER FRCP 1.630(d)(2). AND FRCP 1.140(a)(2)(A) APPLIES ONLY when an agency of the state, or an officer, or employee of the state, is SUED IN HIS OR HER OFFICIAL CAPACITY. GEE, DAH, DAH, I'M AN IDIOT AND DON'T KNOW WHAT I FILED IN THIS MATTER, DAH, DAH!!!! IT'S ALWAYS BEEN ABOUT JUDICIAL RACKETEERING HAVING CAUSED MRS. SANDRA KIMBALL'S MURDER, DAMMIT TO HELL!!!!

15. DeSantis isn't being sued in this case, ladies. The Petitioner would've had to give 6 months prior notice before suing the State of Florida. If officers of the court believe this case is a lawsuit, they're incompetent and shouldn't be working within ANY legal system. Again, a copy of this pleading is waiting to be filed with the JQC!!!! A writ of Mandamus isn't a lawsuit, but a petition for a court to order an entity, or government agency, or an agent, to competently complete a mandatory job requirement as his or her statutory duty. The Petitioner believes dirty dog DeSantis is still laughing at him for apparently wasting his time. **Has the Petitioner wasted his time on**



this Court???? The Petitioner and the two (2) murder victims already have a legal right to the documents and work product asked for in the writ as a matter of law, so no response from DeSantis is required for this Court to grant the writ, once he was already constructively notified. Understand if this Court does anything other than grant the Writ, JQC complaints will be filed. Understand the Petitioner's wife was murdered by John Rockefeller, so the Petitioner doesn't care what this Court does, the Petitioner's going after the FRB owners AND NO ONE IS GOING TO SLOW HIM DOWN!!!!

16. The definition of a lawsuit (to sue, or be sued) is a civil action brought by a plaintiff (a party who claims to have **INCURRED LOSSES** (as in property losses) as a result of a defendant's actions) **who requests a legal or equitable remedy from a court.** WHEN WAS THIS CASE EVER ABOUT INCURRED LOSSES, WITH ANY PARTY SEEKING EQUITY????

17. FRCP 9.100(a) (a) This rule applies to those proceedings that invoke the jurisdiction of the courts described in rules 9.030(a)(3), (b)(2), (b)(3), (c)(2), and (c)(3) for the issuance of writs of mandamus, prohibition, quo warranto, certiorari, and habeas corpus, and all writs necessary to the complete exercise of the courts' jurisdiction; and for review of non-final administrative action,

18. FRCP 9.100(k) A Reply should be made within 20 days thereafter, or such other time set by the court, the petitioner (**MEANING A PETITION WAS FILED**) may serve a reply, which

shall not exceed 15 pages in length, and supplemental appendix, and

19. **FRCP 1.140(a)(A)(2) IS ABOUT LAWSUITS AGAINST AGENCIES AND THEIR AGENTS, NOT ABOUT PETITIONS.** FRCP 1.630(e); and related FRCP 1.140(a)(1) are about courts ordering an entity to show cause after 20 days of service on extraordinary remedies!!!! **The Petitioner believes an alternate writ didn't need to be submitted to DeSantis and would've only prolonged this matter, but if it did, JQC complaints are forthcoming due to this Court's failure!!!!**

20. DeSantis failed to file a response, so the Petitioner doesn't need to file a counter response. **And a petition is a complaint, but all complaints aren't lawsuits!** 20 days is the time limit to respond to a writ/petition.

**\*\*\*21. A more serious matter** is when an FRB paid/bribed judges knowingly file false orders with clerks and parties, committing mail and wire fraud under respectively Title 18, Chapter 63, Sections 1341 and 1343, misrepresenting the facts to courthouse consumers to benefit the FRB enterprise! **Committing this type of fraud on the Petitioner, after his 13<sup>th</sup> year of being monetarily defrauded by other FRB judicial agents, is most definitely racketeering Judge Sjostrom!!!!** Why do you think Ms. Hardy was ordered **NOT** to file a response in time by her boss? **The answer is low-down DeSantis was waiting for this court to illegally dismiss the Writ for the FRB gang, by stating no prima facie evidence for relief was filed. Wow!!!! This would've been a huge abuse of FRB judicial**

**discretion under the U.S. Constitution!!!!**

This Court would've had to officially find: **1)** The submitted murder video irrelevant to a murder being committed in Florida; **2)** sum sufficient evidence of stools in a port-a-potty being both illegal and enough evidence to charge the Petitioner with neglecting his wife, as if awarded property from the State of Florida; **3)** that the Petitioner's mother was taken to the doctor at least once, months before her death, with her will signed, NOT on her death bed two (2) days before she was neglected to death; show **4)** the Petitioner obtained his murdered wife's medical records from State of Florida/FRB funded TGH almost two (2) years ago, just after she was left for dead there; or that **5)** Governor DeSantis, nor his office, have an obligation to consumers under statute to investigate any of these wrongs/crimes. **Wow!!!!** **Another million dollar question is what's this Court going to do on this case within 72 hours after receiving this pleading? This is how long the Petitioner will wait until he goes BERSERK (Scandinavian warrior frenzy), filing complaints on it and Judge Allman with the JQC for starters!!!!**

22. The Plaintiff predicts this Court **1)** won't sign and file any orders in this matter due to it not wanting to commit mail and wire fraud, as a paid FRB agent/employee of the FRB enterprise; and that **2)** it will stall this case until it recuses itself, right after the Petitioner files a JQC complaint on it. **Correct????**

23. As planned, this pleading will now be emailed to dozens of foreign media stations

working with the Petitioner in foreign countries, unfriendly with the FRB owners.

WHEREFORE, the Petitioner moves this Court to correctly and intelligently do the right thing by just granting the Petition IMMEDIATELY, OR SUFFER THE SAME SHAME AND HUMILIATION AS THE FRB OWNERS, WHO DON'T KNOW HOW TO DO ANYTHING ELSE FOR A LIVING, EXCEPT FEED OFF INNOCENT CONSUMERS AS IF BANKERS' CATTLE. This Petition has been submitted to everyone and posted everywhere.

Thanks for officers of the court making the Petitioner have to write this pleading without being compensated, yet.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been placed into the case file.

Petitioner

---

Signature

10406 N 26 Street  
Tampa, FL 33612  
813-585-0552

#### Parties:

1. Ronald DeSantis  
400 S Monroe Street  
Tallahassee, FL 32399

2. Darryl Schneider  
10406 N 26 Street  
Tampa, FL 33612

Second Circuit Courthouse  
(GAUSSL & [PORRITTK@LEONCOUNTYFL.GOV](mailto:PORRITTK@LEONCOUNTYFL.GOV))  
301 South Monroe Street  
Tallahassee, FL 32301  
850-606-4000

IN THE CIVIL COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, STATE OF FLORIDA

DARRYL SCHNEIDER

Plaintiff/Petitioner,

vs.

Case No.: 25-CA-564

RONALD DESANTIS

Defendant/Respondent.

MOTION FOR DEFAULT

Plaintiff/Petitioner, DARRYL SCHNEIDER, moves for entry of a default  
by the Clerk against the Defendant/Respondent, RONALD DESANTIS, for failure  
to serve any paper on the undersigned or file any paper as required by law.

DARRYL SCHNEIDER  
Plaintiff/Petitioner

10406 N. 26 ST.  
Street Address

TAMPA, FL, 33612  
City/State/Zip

813-585-0552  
Area Code & Telephone #

Certificate of Service

I HEREBY CERTIFY that a copy of the above has been provided by U.S. Mail to  
Defendant/Respondent at 460 S. MONRE ST. on \_\_\_\_\_,  
TALLAHASSEE, FL 32399

\_\_\_\_\_  
Plaintiff/Petitioner

DEFAULT

2025 CA 000564

A default is entered in this action against the defendant named in the foregoing motion for failure to serve or file any paper as required by law.

Dated on 5/8/2025

GWEN MARSHALL  
Clerk of the Court



By: [Signature]

Deputy Clerk

3-3-25

John & Dianne Couris  
5707 Bayshore Blvd.  
Tampa, FL 33611-4725  
FedEx with Signature

RE: Accomplices in the Murder and/or  
Murder Cover-up of Mrs. Sandra Kimball, by  
Tampa General Hospital (TGH)  
Personnel/Representatives

1. Demand for Medical Records.
2. Notice of TGH's Misrepresentations  
(Frauds) Made in Court by its Attorneys.
3. Notice of TGH's being an Accomplice in  
Florida Highway Patrol (FHP) Cancelling the  
Full Murder Video Enclosed, by Illegally  
Trying to End the Discovery Petition.
4. Notice TGH was offered a Release of  
Liability Through its Private Attorney, in  
Return for the Decedent's Medical Records.

John, Dianne:

My wife Sandra, was deliberately struck  
down while legally in a crosswalk, a  
violation under F.S. 316.130(9), committed  
by David Dawson Jr. My business is with  
this person and who paid him to drive his  
car into my wife, along with the government



agents who orchestrated this even to happen. These agents were judges; police; the mayor; John Rockefeller; and his other FRB enterprise paid agents, which fund your hospital.

This letter is a demand for my wife's medical records which I need to further investigate her murder. Now that **1)** you've been informed of the situation in which your company has been aiding and abetting in a murder, both before and after the fact for the last 15 months, and **2)** you and your wife are currently orchestrating/implementing a murder cover-up as the owners/founders/profiteers of TGH, you're guilty of both civil/criminal, state/federal, violations as racketeers in this matter!

If you two (2) don't cooperate with me as John Rockefeller's beneficiaries/agents, I'm going to legally hurt you. The statute of limitation for a wrongful death claim is extended due to fraud, and it's tolled permanently due to a murder! **And**

**compensation for damages is forever owed during racketeering when it results in a murder, Title 18, Chapter 232, Section 3663; Title 18, Chapter 95, Section 1959 &**

**Title 18, Chapter 1, Section 3; and United States v. Payne, 591 F.3d 46, 57-59 (2d Cir. 2010) .**

F.S. 95.11(4)(b): In those actions covered by this paragraph in which it can be shown that **fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the injury**, the period of limitations is extended forward 2 years from the time that the injury is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed 7 years from the date the incident giving rise to the injury occurred, except that this 7-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. **Don't you worry, I'll have you both hung out to dry before then using millions of consumers.**

**If I can't have my wife's medical records looked at by medical doctors, I can't determine who else was involved in her wrongful death, including owners/investors/employees of TGH, and murder is just another type of wrongful death.**

D. Schneider

10406 N 26 Street  
Tampa, FL 33612  
USA  
813-585-0552

Enclosures (2): A letter to your funding source, and a video of my wife's murder, both posted on the Internet.

Dear Customer,

The following is the proof-of-delivery for tracking number: 772443455319

Delivery Information:

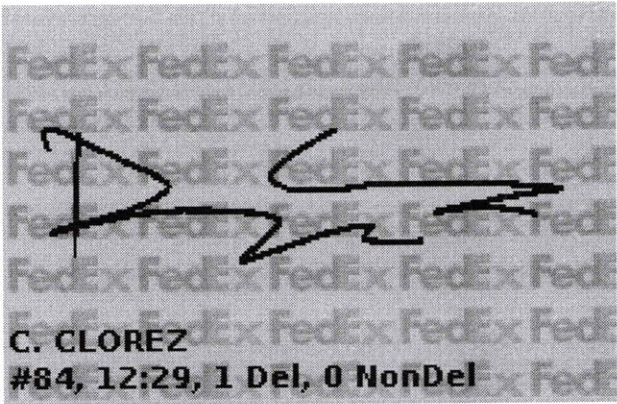
Status:	Delivered	Delivered To:	Shipping/Receiving
Signed for by:	C.CLOREZ	Delivery Location:	5707 Bayshore Blvd
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday; Residential Delivery; Direct Signature Required		TAMPA, FL, 33611
		Delivery date:	Mar 5, 2025 12:29

Shipping Information:

Tracking number:	772443455319	Ship Date:	Mar 3, 2025
		Weight:	0.5 LB/0.23 KG

**Recipient:**  
John & Dianne Couris,  
5707 Bayshore Blvd  
TAMPA, FL, US, 33611

**Shipper:**  
Darryl Schneider,  
18917 Edinborough Way  
TAMPA, FL, US, 33647



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# Mandamus: The Writ That Commands Accountability

MAY 15, 2025 /

ACT, ARTICLES, CASES, CLAT PREPARATION, DOCTRINES, JUDICIARY PREPARATION, KARAT LAWZ ACADEMY, UPSC AND JUDICIARY NOTES



## Mandamus: The Writ That Commands Accountability

**Mandamus:** It literally means “we command”. It is command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform. It can also be issued against any public body, a corporation, an inferior Court, a tribunal or government for the same.



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# The Purpose of the Writ

The object of Mandamus is to prevent disorder from a failure of justice and is required to be granted in all cases where law has established no specific remedy and where justice despite demanded has not been granted.

Mandamus can be granted only when a legal duty is imposed on the authority in question and the petitioner has a legal right to compel the performance of this duty. The performance of the duty should be imperative and not discretionary.

## Following are the essentials for issuing the writ of mandamus:

- There has to be a legal or statutory duty in favour of applicant
- The applicant made a representation before the authority for performance of such duty
- The authority has failed to perform the legal or statutory duty

Generally, the writ of **mandamus** will not lie if the duty is not a mandatory duty and it is only a discretionary duty. This writ is to enforce performance of public duty by authorities of all kinds. In the case of *Union of India v. SB Vohra*, (2004) 2 SCC 150, the Supreme Court held that the object of mandamus is to prevent disorder from a failure of justice and is required to be granted in all cases where the law has established no specific remedy and where justice despite demanded has not been granted.

**Mandamus** can be granted only when a legal duty is imposed on the authority in question and the petitioner has a legal right to compel the performance of this duty. The performance of duty must be imperative and not discretionary. The legal right of an individual may be founded upon a contract or a statute or an instrument having the force of law.

**Mandamus** is not issued when the right is purely private in character. The proper course for enforcement of private right is civil suit except when the matters falls in public domain.

## Key Cases on Mandamus in Public Law

In the case of *DFO v. Ram Sanehi Singh*, AIR 1973 SC 205, the Supreme Court held that mandamus can be issued if a public authority acts in an arbitrary and unlawful manner even though the source of right of the petitioner may initially be in a contract.

In the case of *Lekhraj Sathrandas v. Dy. Custodian*, AIR 1966 SC 334, the court held that Mandamus is not issued if the right is purely of a private character. A private right, such as arising out of a contract, cannot be enforced through mandamus and the proper course is a civil suit except when the matter falls in the public law domain.

The Supreme Court has emphasized in the case of *Tata Cellular v. Union of India*, (1994) 6 SCC 651, that while the court does not interfere with government's freedom of contract, invitation to tenders and refusal of any tender which pertain to policy matter, the Court can interfere when the State decision or action is vitiated by arbitrariness, unfairness, illegality, irrationality or unreasonableness.

## Conclusion –



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The writ of mandamus stands as a cornerstone of public law, compelling public authorities to fulfill their mandatory duties and ensuring accountability in governance. Through landmark cases like DFO v. Ram Sanehi Singh, Lekhraj Sathrandas, and Tata Cellular, the Supreme Court has defined its scope, balancing the enforcement of public duties against the limitations of private rights. By addressing arbitrary and unlawful actions, mandamus upholds justice, reinforcing the rule of law where no other remedy exists.

We Hope you now understand the Writ of Mandamus through given landmark cases.

In the coming days we will share you information related to Doctrines ,Writ and Maxims so always keep your self in touch with us .

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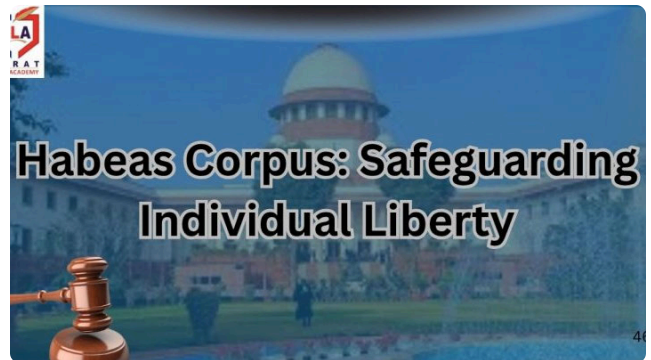
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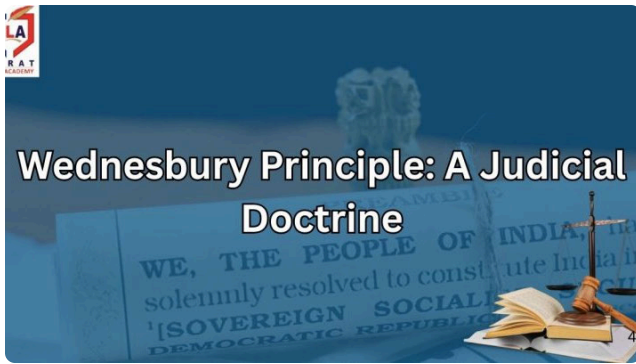
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### **MUKHERJEE NAGAR**

B-18, Ground Floor, Opposite Aggarwal Sweets, Mukherjee Nagar, New Delhi- 110009



### **NIRMAN VIHAR**

E-359, Near Gate no. 3 Metro Station, Vikas Marg, Opposite V3S Mall, Nirman Vihar, New Delhi, 110092



### **NOIDA**

B, 12, Block B, Industrial Area, Sector 62, Noida, Uttar Pradesh 201309



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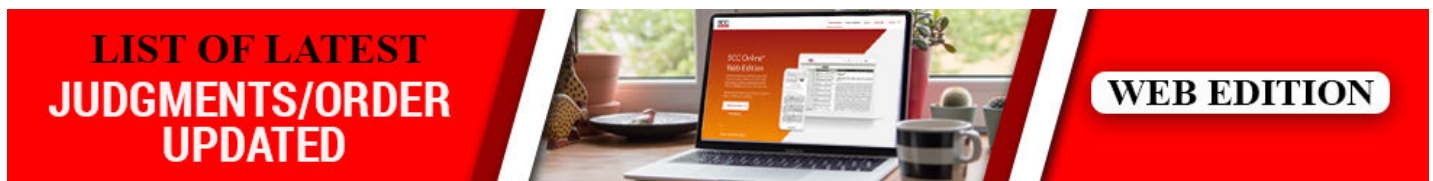
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**Supreme Court:** The bench of Indira Banerjee and Indu Malhotra, JJ that the Courts are duty bound to issue a writ of Mandamus for enforcement of a public duty.

**“The High Courts exercising their jurisdiction under Article 226 of the Constitution of India, not only have the power to issue a Writ of Mandamus or in the nature of Mandamus, but are duty bound to exercise such power, where the Government or a public authority has failed to exercise or has wrongly exercised discretion conferred upon it by a**

**Statute, or a rule, or a policy decision of the Government or has exercised such discretion malafide, or on irrelevant consideration.”**

The Court was hearing the case pertaining to a private road in Pune being declared as being owned by Pune Municipal Corporation whilst in the property records, there was no private road. In 1970, by an order of the Pune Municipal Corporation, a Plot was divided into 4 plots and a private road admeasuring 414.14 square meters. [Read more](#)

**“There is no whisper as to how the road came to be shown as in possession of Pune Municipal Commissioner nor of the procedure adopted for effecting changes, if any, in the property records.”**

Considering the issue at hand, the Court noticed in case of dispossession except under the authority of law, the owner might obtain restoration of possession by a proceeding for Mandamus against the Government. It said that in all such cases, the High Court must issue a Writ of Mandamus and give directions to compel performance in an appropriate and lawful manner of the discretion conferred upon the Government or a public authority.”

**“In appropriate cases, in order to prevent injustice to the parties, the Court may itself pass an order or give directions which the government or the public authorities should have passed, had it properly and lawfully exercised its discretion.”**

Stating that the Court is duty bound to issue a writ of Mandamus for enforcement of a public duty, the bench said that there can be no doubt that an important requisite for issue of Mandamus is that Mandamus lies to enforce a legal duty. This duty must be shown to exist towards the applicant.

**“A statutory duty must exist before it can be enforced through Mandamus. Unless a statutory duty or right can be read in the provision, Mandamus cannot be issued to enforce the same.”**

It further said that High Court is not deprived of its jurisdiction to entertain a petition under Article 226 merely because in considering the petitioner’s right to relief questions of fact may fall to be determined. In a petition under Article 226 the High Court has jurisdiction to try issues both of fact and law. ***Exercise of the jurisdiction is, it is true, discretionary, but the discretion must be exercised on sound judicial principles.***

[Hari Krishna Mandir Trust v. State of Maharashtra, **2020 SCC OnLine SC 631**, decided on 07.08.2020]

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