

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an application for mandates in the nature of Writs of Prohibition and Mandamus under and in terms of Article 140 of the constitution of the Democratic Socialist Republic of Sri Lanka

Eduksooriya Don Anith Sri Perera ^j &

No. 34/5, Prince of Wales Street,
Colombo 14.

Petitioner

CA (Writ) Application No:

WRT-0192-24

Vs.

1. Colombo Municipal Council

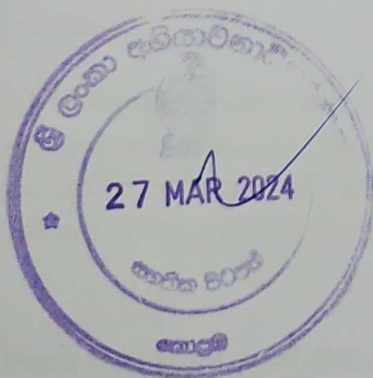
Town Hall,
Colombo 07.

2. J.M. Bandaranie Jayawardhana

Municipal Commissioner
Colombo Municipal Council,
Town Hall,
Colombo 07.

3. J.K.D.S. Jayanetti

Director- Sports and recreation department,
Colombo Municipal Council,
Town Hall,
Colombo 07.



4. Marshal of the Airforce Roshan Goonetilleke
Governor- Western Province,
10th Floor, No. 204,
Denzil Kobbekaduwa Mawatha,
Battaramulla.

And 06 others.

Respondents

CA.WRT-0192-24

26/03/2024

Before : Hon. Justice D.N. Samarakoon

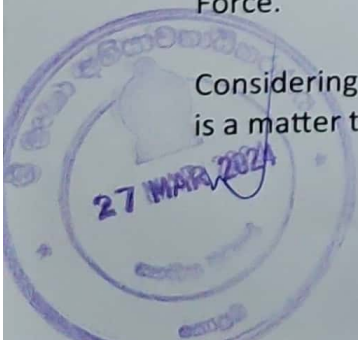
Faiszer Musthapha, P.C with Pulasthi Rupasinghe and Alawdeen Aslam instructed by Sanjeewa Kaluarachchi for the Petitioner.

Mr. Faiszer Musthapha, President's Counsel supported this matter from 11.25 a.m. and now the time is 11.30 a.m. and before submissions, he tendered to the Court the amended Petition in WRT-0192-24 which is accepted by Court with its annexure showing a photograph of the disputed premises.

During the course of his oral submissions, the learned President's Counsel drew the attention of the Court to 'P1', 'P6', 'P7' specifically to its paragraph 5 and also to 'P4' and to 'P6' which is the annexure referred to in 'P7' written by the Municipal Commissioner of Colombo.

The Petitioner's allegation is that 1st - 9th Respondents aid the 10th Respondent to make a new construction in front of the Community Center which was taken over by the Sri Lanka Air Force in 2019 and handed over back to the Community Center on 25/01/2024. This is indicated by 'P6' which is a letter of the Commander of the Air Force.

Considering the above matters, this Court is satisfied on a prima-facie basis that there is a matter to be looked into by this Court.



Therefore, the Court issues formal notice on all the Respondents and interim orders under paragraphs 'f' and 'g' of the prayer to the Petition to be in operation until the next date of this case.

The Registrar is directed to issue notice and the interim orders today itself and to communicate the interim orders through ordinary means and also over the Telephone and Fax, if the Petitioner pays charges.

The Petitioner is entitled to a certified copy of today's proceedings as soon as possible subject to charges.


This matter was supported under Rule 2(1)(a) of the Court of Appeal (Appellate Procedure) Rules of 1990 for which the permission of this Court was granted.

Notice returnable on 04/04/2024.

Sgd/-

I do hereby certify that the foregoing is a true copy of the journal entry dated 26-03-2024 and filed of record in CA WRT-0192-24.

Prepared by : 

Compared with : 

Y 25 0988208
27 / 03 / 2024


For Registrar of the Court of Appeal
Sectional Registrar
Court of Appeal,
Colombo 12.

