

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

CA (Writ) Application No. 290/11

1. Muniyandi Prabakaran,
No. 97 /R,
Dumbaragiriya Udakotasa,
Hatton.

Petitioner

Vs.

1. W.M.A.P.B. Wanninayaka,
Divisional Secretary,
Divisional Secretariat,
Ja-ela.
2. The Commissioner General of Excise,
Department of Excise,
No. 28,
Staple Street,
Colombo 02.
3. Mr. A. Boderagama,
Deputy Excise Commissioner (Revenue),
Department of Excise,
No. 28,
Staple Street,
Colombo 02.
4. Mr. Wasantha Kumara,
The Assistant Excise Commissioner-Western Province,
Department of Excise,
Ja-ela.

And another.

Respondents.

C.A.No.290/2011(Writ)

Before : S.Sriskandarajah, J. (P/CA) and
P.W.D.C.Jayathilaka,J.

Counsel : Buddhika Rajukeerthi for the Petitioner.
Unmbuwa DSG for the 1st - 4th Respondents.

Argued and
Decided on : 03.12.2012.

Sriskandarajah,J. (P/CA)

This is an application for a Writ of Certiorari to quash the decision taken by the 1st and 2nd respondents reflected in P7(a) cancelling the tender award to the petitioner in respect of the Waligampitya Toddy Tavern No. 02. The said tender was for the period of 01st of January 2011 to 31st of December 2011 as the said tender is now lapsed and quashing of this decision is futile. Therefore this Court is not inclined to consider this application. The petitioner also has sought a Writ of Certiorari to quash the decision of the 1st and 2nd respondents awarding the tender in respect of the said Toddy Tavern to the 5th respondent. The said period has also lapsed now and considering this relief is also futile. The petitioner has also sought a Writ of Mandamus directing the 1st and 2nd respondents to permit the petitioner to continue operating the said toddy tavern for the year 2011 but when this application is

taken up for argument the said period has lapsed. The petitioner is entitled to make a fresh application if necessary to the relevant authorities for the operation of the said Toddy Tavern. In view of the above, this Court dismisses this application without costs.

PRESIDENT OF THE COURT OF APPEAL

P.W.D.C.Jayathilaka,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-