

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

CA Concept Application No: 376/2012

CA (Writ) 182/12

Warnakulasuriya Neville Maximus Rodrigo
No: 77/2, Halpe,
Katana.

Petitioner

Vs.

1. Warnakulasuriya Jagath Herman Paul Fernando,
Samagi Mawatha,
Mudukotuwa, Marawila.
2. Provincial Director of Health North Western Province,
Health Complex,
Puwakgashandiya,
Kurunegala.
3. Regional Director of Health Services,
Regional Health Services Department,
Puttalam.
4. Private Health Services Regulatory Council,
No: 03, SLLRDC Building,
Sri Jayawardanapura Mawatha,
Welikada, Rajagiriya.
5. M G R Ranathunga,
Council Member,
Private Health Services Regulatory Council,
No: 03, SLLRDC Building,
Sri Jayawardanapura Mawatha,
Welikada.

6. Secretary,
Private Health Services Regulatory Council,
No: 03, SLLRDC Building,
Sri Jayawardanapura Mawatha,
Welikada.
7. Chairman,
Private Health Services Regulatory Council,
No: 03, SLLRDC Building,
Sri Jayawardanapura Mawatha,
Welikada.
8. Hon. Attorney General
Attorney General's Department,
Hulftsdorp,
Colombo 12.

Respondents

AND NOW BETWEEN

Warnakulasuriya Neville Maximus
Rodrigo,
No: 77/2, Halpe,
Katana.

Vs.

Petitioner-Petitioner

1. Warnakulasuriya Jagath Herman Paul Fernando,
Samagi Mawatha,
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Welikada.
8. Hon. Attorney General
Attorney General's Department,
Hulftsdorp,
Colombo 12.

Respondents-Respondents

C.A.Contempt Application No.376/2012

BEFORE : S. SRISKANDARAJAH, J. (P/CA) &
P.W.D.C. JAYATHILAKA, J.

COUNSEL : Mangala Niyarepola with Edward Samarasekera for the
petitioner.

DECIDED ON : 14th December, 2012.

S. SRISKANDARAJAH, J. (P/CA)

Heard Counsel in support of this application.

The petitioner has not submitted sufficient material to support the contempt charges in this application. The independent material submitted is by an inspection by a Police Officer and the Police Officer's observation is not sufficient to support the fact that the 1st respondent operating or maintaining a medical institution or nursing home or pharmacy or channel consultation service or conducting any laboratory tests in the premises No.33, Main Road, Marawila. In fact the police officer who had visited there, had all opportunities to inspect the premises and report on this matter. But he has not indicated in his report the fact that the 1st respondent was operating or maintaining such activities in the said premises. The other document that was submitted is an

affidavit of the brother-in-law of the petitioner as it is not an independent document, this Court cannot place much reliance on the said document and therefore as sufficient material is not placed before this Court to support a contempt application, this Court refuses this application.

PRESIDENT OF THE COURT OF APPEAL

P.W.D.C. JAYATHILAKA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=
