

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

In the matter of an Application for a
mandate in the nature of Writ of certiorari
under and in terms of Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

Galhena Gamage Ratnasiri of No:315,
Kandy Road, Mawanella

Petitioner

CA WRIT Application

NO:

VS

1. Commercial Bank of Ceylon PLC, Head
Office, Commercial House, No: 21, Bristol
Street, Colombo, Sri Lanka.
2. Shiral Fernando, Senior Manager-
Recoveries, Commercial Bank of Ceylon
PLC, Head Office, Commercial House, No:
21, Bristol Street, Colombo, Sri Lanka.
3. I.W. Jayasuriya, Courts and Commercial
bank recognized Auctioneer, No: 369/1,

C.A. (Writ) Application No.85/2012

BEFORE : S. SRISKANDARAJAH, J. (P/CA) &
DEEPALI WIJESUNDERA, J.

COUNSEL : J.M.Wijebandara with I. Gunasekera for the petitioner

ARGUED AND

DECIDED ON : 26th March 2012

S. SRISKANDARAJAH, J. (P/CA)

Heard Counsel in support of this application.

The learned Counsel is seeking a writ of certiorari to quash the statutory resolution marked P14 and P15. The resolution marked P14 was dated 23.10.2009 and it had been published on 09.12.2011. The petitioner has not explained the reasons for delay in coming to Court to quash this resolution. The resolution was published on 09.12.2011 and the petitioner has come to this Court to challenge the said resolution on 23.03.2012 more than a year. Further the petitioner has not given any reasons for the quashing of the said resolution other than the fact that the said resolution and the other relevant publications were not communicate to the petitioner. This statement is only a mere denial of the petitioner. Further the default was in the year October, 2009 and the petitioner has not filed any papers in this application to show cause that the petitioner was

in communication with the bank and has taken steps at least to negotiate with the bank in settling the said loan. As there is no document to show that the petitioner had any negotiation or communication with the bank from October, 2009 to today and as he has not explained the undue delay in seeking this relief in this Court, the Court is not satisfied that the petitioner has an arguable case for this Court to issue notice.

Notice refused.

PRESIDENT OF THE COURT OF APPEAL

DEEPALI WIJESUNDERA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=