

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

In the matter of an application under and in
terms of article 140 of the Constitution for a
Mandate in the nature of a Writ of Certiorari
and mandamus.

CA.Writ 469/2011

Alin Padmini Ediriweera Wijesuriya
No.46, Barnes Ratwatte Mawatha,
Balangoda

PETITIONER

- VS -

01. Commissioner General of Excise
Excise Department, No. 32,
W.A.D. Ramanayake Mawatha,
Colombo 02.
02. Mr. P.H. Chandrasiri Silva
Assistant Commissioner of Excise
(Sabaragamuwa)
Exercise Office, Ratnapura.
03. Mr. Kapila Kumarasinghe
Assistant Commissioner of Excise (Wayamba)
Excise Office, Waikkal.
04. Hon. Attorney General of Sri Lanka
Attorney General's Department,
Colombo 12.

RESPONDANTS

C.A. Writ Application No. 469/2011

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

Counsel : Romesh de Silva P.C. with Eraj de Silva
for the Petitioner.
Milinda Gunathilake SSC for the
Respondents.

Decided on : 27.06.2012.

S, Sriskankarajah, J. (P/CA)

Learned President's Counsel for the petitioner and Senior State Counsel for the Respondents inform court that the parties have agreed to settle the dispute on the following terms:-

1. The Petitioner will pay and the 1st Respondent accepts a sum of Rs. 1,000,000(Rupees One Million) in terms of Section 56 of the Excise Ordinance. It is the Petitioner's position that the payment of this sum of money is not in anyway to be construed as an admission of guilt. Since a sum of Rs. 2,000.000 (Two Million) of the Petitioner's money is deposited

as security , the Respondents will refund to the Petitioner a sum of Rs. 1,000,000(Rupees One Million) within one month from today.

2. The Petitioner will granted an Excise Licence for the year 2012.
3. The Respondents will request DCSL in writing to supply liquor to the Petitioner.
4. The parties will have no further claims against each other in respect of these matters. The Payment under section 56 referred to above will not be a bar to issuing a licence to the petitioner in future years, subject to compliance with the law.
5. subject to the above terms, the Petitioner withdraws this application and CA Writ Application No. 722/2010.

On the basis of the above administrative settlement the learned President's Counsel for the Petitioner moves to

withdraw this application. The application for withdrawal is allowed. The application is pro forma dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL

DEEPALI WIJESUNDERA, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

/mds