

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

In the matter of an application for 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.

C.A. Writ Application No. 170/2012

Nimal R. Peiris,
"Anoma", No. 276,
Hokandara Road,
Talawathugoda.

Petitioner

Vs.

01. Urban Development Authority,
6th and 7th Floors,
Sethsiripaya,
Battaramulla.
02. Nimal Perera,
Chairman,
Urban Development Authority,
6th and 7th Floors,
Sethsiripaya,
Battaramulla.
03. Nihal Fernando,
Director General,
Urban Development Authority,
6th and 7th Floors,
Sethsiripaya,
Battaramulla

C.A. Writ Application No.170/2012

Before : **S.Sriskandarajah, J (P,C/A)**
Deepali Wijesundera, J

Counsel: Wijedasa Rajapaksha P.C. with Gamini
Hettiarachchi and Dasun Nagashena for
the petitioner.

Faiszer Musthapha with Shantha
Jayawardera and Isura Balapatabendi
for 1st, 2nd and 3rd Respondents

Argued &

Decided on: 27.06.2012.

S.Sriskandarajah, J. (P,C/A)

Learned President's Counsel for the Petitioner supported this application and the learned Counsel for the 1st to 4th respondents made submissions opposing this application. The Court brought to the notice of the learned President's Counsel for the petitioner that the petitioner has filed a District Court action No. 364/12/L in the District Court of Kaduwela and has got the interim relief in that ~~the~~ application and the petitioner has also sought a permanent injunction in the said application. The said District Court action is an alternative remedy, that will give substantial relief

to the Petitioner even though that will not quashed the document marked P8. Taking there matters into consideration, the learned President's Counsel for the petitioner, moves to withdraw this application with liberty to file fresh application if necessary. The Application for withdrawal is allowed and this 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

JUDGE OF THE COURT OF APPEAL/