

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

CA Writ 595/2009

Stitches (Pvt) Ltd.
No: 19/01,
Castle Lane,
Colombo 04,

And others

Appellants

Vs.

B. Wijayarathna
Commissioner of Motor Traffic Department,
P.O. Box: 533-341,
Elvitigala Mawatha,
Colombo 05.

And 06 others

Respondents

C.A.Application No.595/09(Writ)

Before : **Rohini Marasinghe, J.**

Counsel : M.A.Sumanthiran with V. Arulalnandam and Ernuja Teggall
for the Petitioner.

Mrs. Uresha Fernando SC for 1st and 2nd Respondents

Saliya Peiris with Anjana Ratnasiri for 3rd and 4th
Respondents.

Chandaka Jayasundera with S.A.Beling for 5th and 6th
Respondents

Argued &

Decided on : 18.06.2012

Rohini Marasinghe, J.

The Petitioner submitted that the 1st and 2nd respondents have proceed to inquire into the application of the 4th respondent in order to register the vehicle in issue in the name of the 4th respondent. The petitioner further submitted that the 1st and 2nd respondents have proceeded to inquire into the application of the 4th respondent on the mistaken belief that the documents tendered by the 3rd, 4th respondents were genuine documents.

Counsel further submits that he would be content if this Court directs the 1st and 2nd respondents to proceed with the inquiry according to the manner provided under Motor Traffic Act.

It is axiomatic that the 1st and 2nd respondents have the jurisdiction to register a vehicle only as prescribed under the Act.

The petitioner reserves right to file for appropriate reliefs if the decision on the 1st and or 2nd respondents were outside the Motor Traffic Act or if the decision was exercised improperly or mistakenly.

Persuant to these submissions the application of the petitioner is dismissed.

The petitioner has reserved the right for further relief if necessary on a further date, subject to the objections (if any) of the respondents.

Learned State Counsel submits that ^{she} it may advise the Commissioner, if advice is requested by the Commissioner in this matter.

Pursuant to the submissions the Petitioner's application is dismissed. Proceedings are terminated.

JUDGE OF THE COURT OF APPEAL

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