

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

**CA Writ 200/2006**

K.A.D. Sunil  
Chairman,  
Kotikawatta,  
Mulleria Pradeshiya Sabhawa,  
Gothatuwa New Town,  
Mulleriyawa

**Appellants**

**Vs.**

B. Wijayarathna  
Chief Minister,  
Saraswathi Mandiraya,  
No: 32,  
Sir Marcus Fernando Mawatha,  
Colombo 07.

And 50 others

**Respondents**

C.A. No 200/06 (Writ)

BEFORE : ANIL GOONERATNE, J.

COUNSEL : Ikram Mohamed PC with Thisath  
Wijeyagunawardena for the Petitioner.  
Yuresha Fernando S.C. for the 4<sup>th</sup> & 5<sup>th</sup>  
Respondents.

DECIDED ON : 19<sup>th</sup> October, 2012.

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**ANIL GOONERATNE, J.**

Vide Journal Entry of 27.07.2012 and 15.10.2012 this Court has been informed by learned Counsel for the Petitioner that he has no instructions from his client whether to withdraw this application. At least on 03 occasions this Court has not been informed as regard the correct position of the Petitioner. The same application is made by learned counsel for the petitioner even today. This is a writ application filed as far back as 03.02.2006. Thereafter, this matter came up before this Court on several occasions. In view of the application of the learned counsel for the Petitioner it appears to

this Court that the Petitioner is no longer interested in this application and has failed to exercise due diligence to prosecute this application.

This is a writ application and a discretionary remedy of Court. I see no basis to postpone this case since no firm assurance has been given to this Court as to whether this application should be re-fixed for argument. As mentioned above at least on 03 occasions counsel who appears for the Petitioner has not been able to inform Court as to whether he has instructions to prosecute this application. In the above circumstances, this Court makes order to dismiss this application. Application dismissed. No costs.

**JUDGE OF THE COURT OF APPEAL**

KRL/-