

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

CA (Writ) Application No 352/2012

Jayantha Liyanage,
14/7, Dharmapala Av,
Pollatthapitiya,
Kurunegala.

Petitioner.

Vs.

1. Lalith Weeratunga,
Secretary to the President of Sri Lanka,
Presidential Secretariat,
Colombo -01
2. C.R. de Silva,
Chairman, Lesson Learnt and
Reconciliation Commission (LLRC),
C/o Presidential Secretariat,
Colombo -01
3. A. R. Perera,
Member, Lesson Learnt and
Reconciliation Commission (LLRC),
C/o Presidential Secretariat,
Colombo -01
4. K. Hangawatte,
Member, Lesson Learnt and
Reconciliation Commission (LLRC),
C/o Presidential Secretariat,
Colombo -01.

Respondents

C.A. Writ Application No352/2012

BEFORE : **S. Sriskandarajah, J. (P/CA) & P.W.D.C. Jayathilaka, J.**

COUNSEL : Petitioner appears in person

Shavindra Fernando, D.S.G. with F. Jameel, D.S.G., Milinda Gunathilaka, D.S.G., N. Pulle, S.S.C. and S. Barie, S.S.C. for the 1st & 2nd Respondents.

ARGUED & DECIDED ON : 22.01.2013

S.Sriskandarajah, J. (P/CA)

Petitioner appears in person and supports this application. The petitioner submits that he has given evidence before the Lesson Learnt and Reconciliation Commission and that his submission was not considered in the final report and therefore he has sought a writ of mandamus directing the Secretary to the President to reconvene the LLRC within a specified time limit and also for a writ of mandamus ordering the 'Commission' to take into account the Petitioner's relevant submissions and to formulate parallel recommendation in the form of an addendum to the LLRCFR.

The learned Deputy Solicitor General who is appearing for the Respondents submits to Court that this application is misconceived in law

as the LLRC was convened by His Excellency the President and therefore no direction could be given to the Secretary to the President. Further the Petitioner's submission was taken by way of a written submission as well as the additional written submissions and the LLRC has considered all the submissions and had come to the findings. The Commission cannot be directed to perform a particular function by a writ of mandamus and that would be interfering with their mandate.

As the Petitioner has come to this Court as a citizen of Sri Lanka and he has not established the legal right to seek a writ of mandamus in the given circumstances and the Petitioner has also not shown that there is a legal duty on the Respondents to fulfill the requirement that he has sought.

In these circumstances, Petitioner has not shown a prima facie case for this Court to issue writ and therefore this Court refuses to issue notice.

Notice refused.

PRESIDENT OF THE COURT OF APPEAL

P.W.D.C. Jayathilaka, J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-