

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

*In the matter of an Application for a Writ
of Mandamus in Terms of Article 140 of the
Constitution of the Democratic Socialist Republic
of Sri Lanka read with Section 15 of 1979 of the
Code of Criminal Procedure.*

Arushan Raninkumar,
Hillside Tea and Pharmaceuticals Suppliers
(Private)Limited and
"Pet Vikatakiv' Debt Recovery and
Investigation Services,
No. 25 Watson Peiris Mawatha,
Moratuwa.

PETITIONER

Vs.

CASE No.: C.A.(WRIT)323 /2012

1. Mr. N.K. Ilangakone
Inspector General of Police,
Police Head Quarters,
Colombo 1.
2. Mr. Nihal Samarakone,
Deputy Inspector General of Police,
Kandy.
3. Mr. Kaluarachchi I.P.
O.I.C. Miscellaneous & Minor Offences
Branch,
Police Station,
Kandy.
4. V. Nadarajah
Pharma Associates,
(Candy Garments Building)
No. 116, Layards Broadway,
Colombo 14.
5. Hon. Attorney General,
Attorney General's Department,
Colombo.

RESPONDENTS

Before: A W A Salam, J

Petitioner heard in person on 22.11.2012.

A W A Salam, J

The petitioner has filed the present application seeking by way of relief the grant of a writ of mandamus declaring that the letter dated 21 September 2012 of the Inspector General of Police (P 36) to the petition as P 36 is wrong in that the complainant in case No 18913/2009 of the Magistrate's Court of Kandy has been incorrectly described. Further, the petitioner seeks the award of compensation against the 1st respondent in a sum of Rs 1 million and Rs 10 million against the 4th respondent.

I have given my anxious consideration to the petition consisting of 66 paragraphs and the documents marked as P1 to P40. On a perusal of the petition and the documents tendered, it appears that the petitioner has misconstrued his relief arising from alleged complaint made against the 1st and 4th respondents. The controversial document P 36 in fact does not state that the petitioner is the actual complainant. The reference made to the petitioner in P36 is as follows..

මෙම නඩුවේ පැමිණිලිකාර පාර්ශවය වශයෙන් ඔබ
අධිකරණයට නොපැමිණීමහේතුවෙන් ගරු
මහේස්ත්‍රාත්තුමා සැකකරුවන් නිදහස්කර ඇති බව
වාර්තාකර ඇත.

The petitioner in fact was the virtual complainant in the Magistrate's Court proceedings. As such I am not of the opinion that the petitioner has made out a prima facie case for notice to be issued on the respondents. The application of the petitioner accordingly stands refused.

Judge of the Court of Appeal