

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

CA Writ App. No. 27/2013

1. L.M.D. Lalith Sagara
No. 25, Pelawatta Road,
Nugegoda.
2. W. C. Oharmapriya
Nirosha Rice Mills, Kotawala Junction,
Embilipitiya.
3. O.W.T. Athukorale
No. 07, Park Avenue,
Colombo 08.
4. S.H. Kandambi
No. 62, Saman Building,
Puttalam Road,
Nochchiyagama.
5. Y. Jaward
Colombo Trade Centre,
Kallanchiyagama,
Kagama.
6. K. Kasthuriarachchi
No. 28, Palal Road,
Kawdana,
Dehiwala.
7. C. Hettiarachchi
Hettiarachchi Bros. (Pvt) Ltd.,
No. 34, Station Road,
Gampola.

8. N.V. Somadasa
Ambagawatta, Ratnapura,
Kalawana.
9. R.M.S.A. Ratnayake
No. 35, Wellewatta,
Monaragala.
10. A.B.K. Silva
No. 14, School Road,
Passara.
11. M.H.M. faizel Stores,
No. 63, Kurunegala Road,
Rambukkana.
12. W.A. Mala De Priyanthi
No. 119/1, Pagoda Road,
Pitakotte.
13. R.M. Weerasekara
No: 41, 1st Cross street,
Ambathennawatta.
sandarawela.
14. M.T.M. Saheed
No: 37, Main Street,
Muruthalawa.
15. M.R. Nazoordeen
No: 211/B, Kandy Road,
Kahatapitiya,
Gampola.
16. N.H. Amarasiri
Ariyasiri Stores,
Neluwa.

17. S.A.M. Nazaar
No: 207/01, Balumgalawatta,
Balumgala, Lagamuwa,
Kadugannawa.
18. J. Rajapakshe
Hemachandra Stores,
No. 07, Tissa Road,
wellawaya.
19. A. Pathirana
Saumya Rice Mills, 15" Mile post,
Eppawela.
20. W .H. Kandarnbi
samanala Niwasa, Yaya 17,
Pahalaragahawewa.

Petitioner

Vs.

1. Lt. Gen. Jagath Jayasooriya
Commander of the Sri Lanka Army,
Army Headquarters,
Colombo 03.
2. Maj. Kariyawasam
Army Headquarters,
Colombo 03.
3. Col. M.M.U. Jayaweera
Commanding Officer,
Independent Supply,
Depot of Sri Lanka Army Service Corps,
Army Headquarters,
Colombo 03.

4. Maj. Dassanayake
Commanding Officer,
Independent Transport Squadron,
Sri Lanka Army,
Army Headquarters,
Colombo 03.
5. Urban Development Authority
"Sethsiripaya",
Battaramulla,
Sri Jayawardenapura,
Kotte.
6. J.A. Ranjith
Additional Secretary (Parliamentary & Civil Affairs),
Ministry of Defence and Urban Development,
No. 15/5,
Baladaksha Mawatha,
Colombo 03.
7. Gotabhaya Rajapakse
Secretary,
Ministry of Defence and Urban Development,
No. 15/5,
Baladaksha Mawatha,
Colombo 03.

Respondents

Before : S. Sriskandarajah, J P/CA

Counsel : Farman Casim with Pasindu Silva
for the Petitioner.

Argued &
Decided on : 15.02.2013

S. Sriskandarajah, J P/CA

Heard learned counsel for petitioner in support of this application. The petitioner in this application is praying for a writ of certiorari to quash a decision contained in P22. The decision contained in P22 is in relation to a check point of the Sri Lanka Army which restricted the movement of people through that point. The petitioner contended that those are the points through which the public have access to their shops and therefore they are not in a position to do business in their shops allocated. The petitioner also submits that the said premises which were allocated to the petitioner were not put in use because of the fact that these check points were in existence for some time and therefore the public has no access to the said premises. The Ministry of Defence and Urban Development has requested the Sri Lanka Army to consider whether they could pay rent to these buildings or to allow access to the public. The relief sought in this application is based

on facts and not on questions of law and therefore this court cannot issue writs in the nature that was sought in this application and therefore this court refuses to issue notice.

President of the Court of Appeal

Na/-