

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

**C.A.WRIT NO: 711/2009**

1. Mohamed Fairoze Mohomad Rashid,  
No. 26/5, Galle Road,  
Moratumulla, Moratuwa.
2. Omar Thahage Jamal Mohideen,  
1st Lane, Uswatta, Moratuwa,
3. Ameer Anzar Mohamed,  
No. 66/32, Zaviya Road,  
Henamulla, Panadura.

**Petitioners**

**Vs.**

1. W. W. Samanlal Fernando,  
Mayor, Municipal Council, Moratuwa.
2. Municipal Council,  
Moratuwa.
3. Municipal Commissioner  
Municipal Council, Moratuwa.
4. Deputy Municipal Commissioner,  
Municipal Council, Moratuwa.
5. Municipal Engineer  
Municipal Council, Moratuwa.
6. Commissioner of Local Government,  
Department of Local Government,  
Independent Square, Colombo 07.
7. Hon: Attorney General  
Attorney General's Department,  
Colombo 12.

C.A. 711/2009

Writ Application

Before : Anil Gooneratne,J. &

Deepali Wijesundera,J

Counsel : Nizam Kariappar for the Petitioners.

Manohara de Silva PC for the 1<sup>st</sup> to 5<sup>th</sup> Respondent-Respondents.

Argued &

Decided on : 12.07.2013

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Anil Gooneratne,J.

Counsel for the petitioner informs Court that she has no instructions from her client namely the three petitioners.

Counsel also informs Court that he intends to revoke the proxy and would file a proper motion in the registry in due course. This is a 2009 application. Originally this matter came up before this Court on 26.10.2009. Since then this application has been listed for hearing at least on about 14 occasions on the last date (02.04.2013) Counsel appeared for the petitioner. However the position is different today. Since counsel has informed Court that he has no instructions from the client, it appears to this Court that the petitioners are no longer interested in pursuing this application. These are discretionary remedies of Court. We see no basis have this case on the role. As such the application is dismissed. No costs.

JUDGE OF THE COURT OF APPEAL

Deepali Wijesundera,J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-