

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

CA 161/2009 Writ

Arushan Raninkumar

Petitioner

Vs.

Vengadasalm Nadarajah and 14 others..

Respondents

Before : A.W.A. Salam, J. & Sunil Rajapaksha, J.

Counsel : Arjuna Obeysekera DSG for the 14th
Respondent and the Petitioner appeared in person.

Decided on: 31.10.2013.

A.W.A. Salam, J.

The petitioner has invoked the writ jurisdiction of this court seeking *inter alia* writs of *mandamus* against certain respondents cited in the caption to the petition. The petitioner has amended the petition at different stages of these proceedings. Amongst other reliefs, the

petitioner seeks a writ of mandamus against the 14th respondent whom he has later added as a party. The writ of mandamus sought against the 14th respondent reads as follows...

“Grant in the nature of mandamus to make an order to the 14th respondent to pay the petitioner 10% reward after the collection similar to as mentioned in paragraph 32 of this petition”.

It is well established law that the issuance of a writ of *mandamus* is necessarily concomitant upon the establishment of a specific legal right which in my opinion, the petitioner has failed to satisfy us. In such a circumstance, it would be undoubtedly a futile exercise to allow the petitioner to maintain the present application.

On a reading of the entire petition, it is quite obvious that the petitioner does not in any manner has disclosed the legal basis on which he claims that he is entitled to the remedy. In that respect, the petitioner has omitted to

show how the Ministry of Finance is under a duty to pay him the reward which he claims as being entitled to.

As has been submitted by the respondents, the petitioner in any event is seeking the payment only after the money is collected by the authorities from the 1st, 2nd and 3rd respondents. In the circumstances, in our opinion the petitioner is not entitled to take out notices on the respondents, as he has not disclosed a case which is prima-facie sustainable in law. In the circumstances, we have no alternative but to refuse the application issue notice on the petition.

Judge of the Court of Appeal

Sunil Rajapaksha, J.

I agree.

Judge of the Court of Appeal

NR/-