

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

C.A. (Writ) Application No.: 398/2013

Nalaka Chaminda Jayaweera,
No. 29, "Sirila",
Thihariya South Road,
Kalagedihena, (11875)

Petitioner

Vs.

Sri Lanka Institute of Architects,
No. 120/7, Vidya Mawatha,
Colombo 07.

36 other Respondents

Respondents

C.A WRIT APPLICATION 398/2013.

BEFORE: ANIL GOONERATHNE, J &
MALANIE GUNARATNE, J.

COUNSEL: Chandana Wijesooriya for the Petitioner. .

ARGUED &

DECIDED ON : 13.01.2014.

Anil Goonerathne, J.

Heard counsel in support of this application. Having verified all the facts it appears to this court that the relief sought for (a writ of mandamus) as prayed for in sub paragraph (b) of the prayer to the petition cannot be granted in view of letter marked P22. Learned Counsel for the Petitioner also emphasized to this court that prior to issue of letter marked P22 his client has replied to letter marked P21. Perusing document marked P22 it is clearly stated by the writer of document marked P22 that the council wishes to inform the Petitioner that once proceedings are formally concluded, appropriate steps will be taken in terms of the law, with regard to the findings and recommendations of the Disciplinary Committee. It appears to this court that this is a premature application. We see no basis to issue formal notice.

In view of the above order, at this stage learned Counsel moves to withdraw this application and he reserves the right to file a fresh application having obtained instructions from his client and when the need arises.

Application dismissed without costs.

JUDGE OF THE COURT OF APPEAL

MALANIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Vkg/-