

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

CA. (PHC) 219/05

P.H.C Anuradhapura Case No. 53/2003(Writ)

S.W. Rathnapala
Anuradapuraya.

Appellant

Vs.

Municipal Council
Anuradapuraya.

Respondent

C.A. (PHC) 219/05 : P.H.C. Anuradhapura Case No. 53/2003(Writ)

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

Counsel : Appellant is absent and unrepresented
Dharmasiri Karunaratne for all the Respondents

Decided on : 22.01.2014.

A.W.A. Salam,J.

Counsel for the Respondent heard in support of his case.

This is an appeal against the order of the learned High Court Judge refusing to issue a Writ of Certiorari in respect of a notice sent by the Anuradhapura Municipal Council calling upon the Appellant to show cause as to why the building in question should not be demolished. The learned High Court Judge has refused the application on the basis that the Appellant had an alternative remedy namely to show cause before the learned Magistrate if proceedings are instituted under the Municipal Council Ordinance. As such, we do not see any reason that warrants the interference of this Court with the reasoning of the learned High Court Judge and the conclusion reached in the case. Consequently, this appeal stands dismissed.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakshe,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-