

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

C A Writ Application No: 314/13

1. All Ceylon Railway Employees' General Union,
2. Sumathipala Pituwala Withanage, President,
3. Sumathipala Manawadu, Secretary,
All Are Ceylon Railway Employees' General Union,
78/6, Union House,
Bastian Mawatha, Colombo 11.

Petitioners

Vs.

1. Sri Lanka Railways.
D.R.Wijewardena Mawatha,
Colombo 10.
2. B.A.P. Ariyaratne.
General Manager,
General Manager's Office,
Sri Lanka Railways,
No.355, Colombo 10.
3. Dhammika Perera, Secretary,
Ministry of Transport and Highways,
D.R.Wijewardene Mawatha,
Colombo 10.

Respondents

C.A Writ 314/2013

BEFORE : ANIL GOONERATHNE, J

COUNSEL : Upul Kumarapperuma with Kaushalya Perera
for the Petitioner.

ARGUED &

DECIDED ON : 23.01.2014.

ANIL GOONERATHNE, J.

Learned counsel submit to this court this matter was supported before this bench on 06.12.2013. This court having noted the reliefs sought informed counsel on the said date to obtain instructions from his client. However learned counsel informs court that he has no instructions from his client and inform court that order could be made accordingly.

This court heard counsel in support of this application on the previous date. This is an application for a writ of mandamus as prayed for in para (ii) of the prayer to the petition. The said para reads thus:- Issue and grant a mandate in the nature of a Writ of Mandamus, directing the 1st, 2nd and 3rd respondents to assign an office space comprised of appropriate facilities for the proper and the smooth

functioning of the 1st Petitioner Union. Perusal of the prayer and the averments contained in the body of the petition, it appears to this court that this is not a suitable remedy to extend the writ jurisdiction of this court. There is no public or statutory right disclosed in the body of the petition. It is the view of this court that writ of mandamus does not lie. Further granting of any office space and to grant facilities is not a matter for court and which is a matter that could not come within a purview of court of law. Having observed that there is no public and statutory duty disclosed in the petition, this court has no alternative but to reject this application. Application dismissed. No costs.

JUDGE OF THE COURT OF APPEAL.

Vkg/-