

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

Jayasuriya Hewage Cyril Padmasiri
24A, Neralu Place,
Kirigampamunuwa
Polgasowita.

PETITIONER

C.A 315/2012 (Writ)

Vs.

1. Hon. Maithripala Sirisena,
Minister of Health
Ministry of Health
385, Baddegama Wimalawansa
Thero Mwatha, Colombo 10.
2. National Authority on Tobacco & Alcohol
NATA Office,
385, Baddegama Wimalawansa
Thero Mwatha, Colombo 10.
3. Hon. Attorney General
Attorney General's Department,
Colombo 12.

BEFORE: Anil Gooneratne J. &
Malinie Gunaratne J.

COUNSEL: Madurange Rathnayake for the Petitioner

Janak de Silva D.S.G. with Suranga Wimalasena
for the Respondents

ARGUED ON: 03.02.2014 & 07.02.2014

DECIDED ON: 13.05.2014

GOONERATNE J.

The Petitioner in this application has sought mandates in the nature of Writ of Mandamus and Prohibition. In paragraph 1 of the petition it is pleaded that this application is filed in the interest of the public. A mandamus is sought to direct the Minister (1st Respondent) to place regulation P4 before Parliament and to fully implement the regulation P4. Prohibition is sought to restrain the Respondents from rescinding or weakening or deluding the contents of regulation P4. The subject matter of this application was considered by this court in CA 336/2012 and a judgment is to be delivered, today.

The journal entry of 4.4.2013 indicate that the learned counsel for the Respondents informed court on that day that objections would not be filed on behalf of the Respondents and submitted to court as regards the publication of the Gazette in question and the implementations of same. By motion dated

19.3.2014 (filed in CA 336/2012) as per paragraph (a) of the said motion the regulation which are relevant to the subject matter of this application P10 was placed before Parliament and approved by Parliament on 19.2.2014.

In the above circumstances the remedy sought by way of Mandamus and Prohibition are more or less fulfilled. As such this court observes that this application would only be of academic interest in view of the decision in CA 336/2012. Subject to the above views we proceed to dismiss this application without costs.

Application dismissed.

JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunaratne J.

I agree.

JUDGE OF THE COURT OF APPEAL