

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

CA (PHC) 124/2005
PHC (Chilaw)HCA 01/2005

William Rajapakshe
Karuwalagas Wewa,
Puttalam.

Appellant

-Vs-

Abdul Kareem Mohomed Nasheer
Divisional Secretary
Puttalam.

Respondent

CA(PHC)124/2005

PHC(Chilaw)HCA01/2005

Before : **K.T. Chitrasiri, J**
W.M.M. Malinie Gunaratne, J

Counsel : Appellant is absent and unrepresented.
Nayomi Kahavita SC for the Respondents

Decided on : **03.10.2014**

K.T. Chitrasiri,J

Learned State Counsel brings to the notice of court that this is an appeal to challenge a decision where the learned High Court Judge has exercised appellate powers. Accordingly, she submits that this court has no jurisdiction to entertain this appeal.

Being aggrieved by the decision of the learned Magistrate the appellant has filed an appeal dated 02.01.2004 in the High Court of Chilaw. (petition of appeal is found at page 71 in the appeal brief) The learned High Court in Chilaw by her order dated 09.06.2005 (vide at page 17 in the appeal brief) has dismissed the said appeal. The appellant having failed to obtain relief from the High Court has filed this appeal on 17.06.2005. Therefore, it is clear that the learned High Court Judge has exercised appellate powers in this instance. In

such a situation, this court has no jurisdiction to entertain such appeals. The law relevant to this issue is found in Wickramasekara Vs. OIC Ampara (2004 (1)SLR 257). In view of the above decision of the Supreme Court, we decide that we have no jurisdiction to entertain in this appeal. Accordingly, this appeal is dismissed.

Appeal dismissed.

Judge of the Court of Appeal

W.M.M. Malinie Gunaratne, J

I agree

Judge of the Court of Appeal

Na/-