

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

CA PHC/217/2005
PHC Anurahapura Writ 51/2003

A. Fernando
Anuradhapura.

Appellant

Vs.

Municipal Council
Anuradhapura.

Respondent

BEFORE : K.T. Chitrasiri, J. &
P.R. Walgama, J.

COUNSEL : Petitioner-Appellant is absent and
unrepresented.

D. Karunaratne for the Respondents.

ARGUED &

DECIDED ON : 27.01.2015.

K.T. CHITRASIRI, J.

Petitioner Appellant is absent and unrepresented.

The Registrar of this court, pursuant to the preparation of briefs, has issued notices to all the parties directing them to be present in Court in order to collect the briefs. The Appellant has not responded to the said notice. Thereafter this Court once again has directed the Registrar to issue notices to the Appellant and to his Registered Attorney. Accordingly, Registrar by his letter dated 17.10.2014 has sent notices to the appellant and to his Registered Attorney directing them to be present in this court today. Even though the said notice had been sent under registered cover to the address given in the Petition of appeal neither the

Appellant nor his Attorney is present in Court today. Therefore, this matter is taken up for consideration.

This is an appeal seeking to set aside the Judgment dated 29.06.2005 of the Learned High Court Judge , Anuradhapuraya. By that Judgment, learned High Court Judge dismissed the petition filed by the Petitioner- Appellant by which he has moved for a *writ of certiorari* to quash the notice sent by the Chairman Municipal Council, Anuradhapuraya. The said notice had been marked as P11 with the petition filed in the High Court and is found at page 62 in the appeal brief .

Learned High Court Judge having considered the material before him has stated that the Appellant is not entitled to prevent the law being implemented by the authorities. Having stated so, he has decided that the Respondents are entitled to file action in the Magistrate court in accordance with the said notice marked P11 that had been sent to the Appellant. Accordingly, learned High Court Judge has dismissed the petition filed by the Petitioner-Appellant.

In the circumstances, it is clear that the Respondents are taking steps to implement the law. When those steps are taken by the Respondents, the Appellant has the right to present his position before the appropriate forum at the correct time. Accordingly, we do not see

any reason to interfere with the order of the learned High Court Judge.

For the aforesaid reasons this appeal is dismissed.

Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

P.R. Walgama, J.

I agree

JUDGE OF THE COURT OF APPEAL

CN/-