

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRILANKA**

**In the matter of an Application under Article 140
of the Constitution of the Democratic Socialist
Republic of Sri Lanka for a mandate in the nature
of Writs of Certiorari, Prohibition and
Mandamus.**

1. Susil Premajyantha,
General Secretary,
United People's Freedom Alliance,
301, T.B Jaya Mw,
Colombo 10.
2. United People's Freedom Alliance,
301, T.B Jaya Mw,
Colombo 10.

CA (Writ) Application

No 138/15

PETITIONER

Vs,

1. M.G. Jayasinghe,
Governor of Uva Province,
Office of the Governor- Uva Province,
King's Street,
Badulle.
2. C. Nanda Mathew,
Former Governor of Uva Province,
C/o: Office of the Governor- Uva Province,
King's Street,
Badulle.
3. Anura Ravindra Vithanagamage,
Member,
Uva Provincial Council,
4. Arthur Chamara Sampath Dasanayaka Don,
Member,
Uva Provincial Council,

5. A.S. Thondaman Muttuvinayagam,
Member,
Uva Provincial Council,
6. Denipitiya Sudarshana Wasantha Kumara,
Member,
Uva Provincial Council,
7. A.M. Buddadasa,
Member,
Uva Provincial Council,
8. W.Suresh,
Member,
Uva Provincial Council,
9. Hema Rathnayake,
Member,
Uva Provincial Council,
10. M. Patabendige Leelasena,
Member,
Uva Provincial Council,
11. A.Ganeshamurthi,
Member,
Uva Provincial Council,
12. R.M. Kumarasiri Rathnayake,
Member,
Uva Provincial Council,
13. W. Udara Soysa,
Member,
Uva Provincial Council,
14. B.S. Sumeda De Silva,
Member,
Uva Provincial Council,
15. A.M. Kithsiri Senerath Bandara Attanayake,
Member,
Uva Provincial Council,

16. G.R. Wimaladasa,
Member,
Uva Provincial Council,
17. R.M. Harindra Darmadasa Bandara,
Member,
Uva Provincial Council,
18. R.M. Padma Udayashantha,
Member,
Uva Provincial Council,
19. A. Sivalingam,
Member,
Uva Provincial Council,
20. D.B.W. Mudiyansele,
Member,
Uva Provincial Council,
21. Harin Fernando,
Member,
Uva Provincial Council,
22. V. Rudradeepan,
Member,
Uva Provincial Council,
23. D.S. Jayantha Kannagara,
Member,
Uva Provincial Council,
24. U.D. Samaraweera,
Member,
Uva Provincial Council,
25. Ravindra Samaraweera,
Member,
Uva Provincial Council,
26. N.K. Senerath Jayasuriya,
Member,
Uva Provincial Council,

27. H.M. Upali Senarathne,
Member,
Uva Provincial Council,
28. R.M. Rathnayake,
Member,
Uva Provincial Council,
29. J.M. Ananda Kumarasiri,
Member,
Uva Provincial Council,
30. W.H.M. Dharmasena,
Member,
Uva Provincial Council,
31. T.A. Chaminda Janaka,
Member,
Uva Provincial Council,
32. R.M. Jayasinghe Bandara,
Member,
Uva Provincial Council,
33. A.K. Weeraratne Jayasuriya Patabendige,
Member,
Uva Provincial Council,
34. Samantha Vidyratne,
Member,
Uva Provincial Council,
35. R.M. Jayawardena,
Member,
Uva Provincial Council.

2nd to 34th RESPONDENTS

**Before : Vijith K. Malalgoda PC J (P/CA) &
H.C.J. Madawala J**

**Counsel : Kushan de Alwis PC with P. Dolewaththa and
Chamath Fernando for the Petitioner,
Indika Demuni de Silva DSG for the 1st Respondent,
Suren Fernando for the 21st Respondent.**

Supported On : 30.03.2015

Written Submission On : 20.04.2015

Order On : 21.05.2015

Order

Vijith K. Malalgoda PC J

This matter was supported along with CA/114/2015 since the relief prayed for by both petitioners is similar in nature. Counsel appearing for the Respondents raised several objections for the maintainability of this application too. I have analyzed the said objections in my order in 114/2015 and given reasons for the rejection of such objection.

Petitioner to the present application is the Secretary to the Political Party which has got more than one half of members elected to the Uva Provincial Council.

For the reasons given in my order in 114/2015 I have decided to issue notices on the respondents but refused to grant interim relief. I have no specific reason to treat this application separately since the conduct of the 1st and/or 2nd Respondent to remove the 36th Respondent who was the Chief Minister Uva Province and appointment of the 21st Respondent as the Chief Minister is challenged in both-these applications ignoring the provisions of Article 154 F (4) proviso to the main sub Article.

I decided to issue notices on the Respondent in this matter too. Application for interim relief as prayed for in paragraphs h-k of the prayer to the petition is refused.

PRESIDENT OF THE COURT OF APPEAL

H.C.J. MADAWALA,

I agree,

JUDGE OF THE CUORT OF APPEAL