

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

C.A. 590/2007

E.A.P. Films and Theaters (Pvt) Ltd.
No: 122,
Ward Place,
Colombo 07.

And 04 Others

Petitioners

Vs.

Hon. Mahinda Yapa Abeygunewardane
Ministry of Cultural Affairs,
Sethsiripaya,
Battaramulla.

And Others

Respondents

C.A. 590/2007 : An Application for Writs of Certiorari & Prohibition.

Before : K.T. Chitrasiri, J. &
L.T.B. Dehideniya, J.

Counsel : Sanjeewa Jayawardene, P.C. with Suren de Silva for the
Petitioners.
Arjuna Obeysekera, D.S.G. for the Substituted
Substituted 1st & 2nd Respondents.
Manohara de Silva, P.C. with Avinda Wijesurendra for the
3rd & 4A Respondents
05th Respondent is absent and unrepresented

Argued &

Decided on : 17.07.2015

K.T. Chitrasiri, J.

The Petitioners have sought inter alia to issue a writ of certiorari quashing the regulations published in the gazette marked P14, P14A, P15 & P15A filed with the petition. Regulations made therein are numbered as 1,2,3 & 4 of 2007. Both counsel inform Court that the regulations contained in P14, P14A & P15 have now been revoked by the notification published in the gazette bearing No. 1849/7 dated 10.02.2014. The said gazette is being tendered to Court by the learned President's Counsel. Registrar is directed to file it into the docket. Accordingly, both parties agree that the issuing of writ of Certiorari in respect of the gazette notifications

marked P14, P14A & P15 will not arise now since those regulations have been revoked.

At this stage, it is brought to the notice of Court that the gazette notification marked P15A that bears the No. 1503/12 dated 27.06.2007 has not yet being revoked and therefore the regulations found therein are considered valid. However, both counsel submit that the original regulations bearing Nos. 2 and 4 have been rescinded by the aforesaid gazette notification ,No. 1849/7 dated 10.02.2014.

In view of the above circumstances, both counsel concede that when the regulations made under the original regulations are revoked then the regulations made thereunder too will have to be considered as revoked. Having considered those submissions, Court makes an order that the regulations published in the aforesaid gazette marked as P15A will have no force or effect under the law. Therefore, the regulations found in P15A is formally quashed. Accordingly, a mandate in the nature of a writ of certiorari is issued quashing the regulations found in the aforesaid gazette marked P15A.

Remaining relief is the relief referred to in item 'd' in the prayer to the amended petition. At this stage, learned Deputy Solicitor General submits that the Petitioners are entitled to have an opportunity to make written representation when formulating regulations relating to the importation,

supply and distribution of films. This submission is made in view of the Judgment in the Supreme Court namely Widesheeya Chithrapata Anayanaya Karannange Sangamaya Vs. National Film Corporation of Sri Lanka in SCFR No. 991/1997 dated 24.02.1999.

Accordingly, the learned Deputy Solicitor General undertakes to instruct the Respondents to afford the petitioners an opportunity to make representation in writing before they make regulations relating to the importation, supply and distribution of films under the National Films Corporation of Sri Lanka Act No. 47/1971 as amended.

In view of the above undertaking by the learned Deputy Solicitor General, it is not necessary to issue a writ of prohibition as prayed for in paragraph 'd' of the prayer to the petition.

Subject to the above variation, this application is allowed.

Application allowed

JUDGE OF THE COURT OF APPEAL

L.T.B. Dehideniya,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-