

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

In the matter of an application for mandate in  
the nature of Writ of *Mandamus* under and in  
terms of Article 140 of the Constitution of The  
Democratic Socialist Republic of Sri Lanka

CA/ WRIT/ No. 331/2013

1. P.V.S.Santha  
Sooriya Stores, Kevitiyagala, Polgampala.
2. N.P.S. Senarathna  
No. 83 E, Meegalla, Urapola.
3. K.M.R. Heenthenne  
Grama No. 08, B/36, Muwangala,  
Hingurana, Ampara.
4. K.W.P. Witana  
No. 272/3, Kevitiyagala, Polgampala.
5. K.R.U. Bandara  
C 59, Kalawana, Aranayaka.
6. E.A.S. Sisira Kumara  
No. 32/1, Bandaranayaka Mw,  
Vijayapura, Anuradapura.
7. N.G.S. Weerasinghe  
No. 212/01, Woodland Watta,  
Colombo Road, Chilaw.
8. D.M. Thilakarathne  
No. 54/01, Aluthwela North, Diyatalawa.
9. D. Gamini Rajapaksha  
No. 235/90, Ranavirugama, Watupitiwela,  
Nittambuwa.

10. W.M.S. Wijekoon  
No. 100, Ranavirugama, Pangolla, Ibbagamuwa.
11. B.G.J. Chandrasena  
No. 96/01, Embulpura, Nugamwela.
12. K.K. Samantha Gunatilake  
B/25, Grama No. 06, Muwangala, Hingurana.
13. Y.M.P. Darmapala  
No. 12, Miriswatta, Kekerawa.
14. H.A. Kamal Pradeep  
10 Mile Post, Medagama, Bibile.
15. A.M.J.K. Abesundara  
No. 134/5, Wattedoda Watta, Pilimalawa.
16. P.A.G.S.P. Piyasena  
C 433/3, Mihidupura, Ampara.
17. K. Anura  
2nd Mole Post, Kalawewa Rd, Siyabhalawewa,  
Galewela.
18. S.K.C. Ranjith  
Gammadu Watta, Patuwatha, Dodandoowa.
19. J.R.S.J. Munasinghe  
Dammala, Galigamuwa Town.
20. S.M.I.G.N.S.B. Rathnayake  
97 Yaya 02, Thibolketiya, Kolabagedara,  
Embilipitiya.
21. K.G. Rupasinghe  
4th Bridge, Moragaha Pallama, Ampara.
22. R.C. Gunasekara  
Kokkawala, Walpala, Immadoowa.
23. W.M. Wijesooriya  
Matale V.I.A Rathtora, Veniwelgolla, Danakanda.

24. S.H. Sarath Kumara  
Maiyokka Watta, Kekulandala, Agalawatta.
25. I.G. Daramarathna  
Ambana Junction, Koongahawela.
26. H.A. Sunil Chandra  
No. 231/B, Anuragoda, Pepiliyawela.
27. H.L. Hettiarachchi  
No. 66, Kitulkele, Nuwaraeliya.
28. K.A.T. Bandara  
Gallewa Road, Ihalagama, Koonwewa, Mahawo.
29. A.A. Patmasiri  
"Aravindi", Kadawedduwa, Yatiyana, Matara.
30. K.D. Nandasena  
No. 821/1, Unit 14, Kantale.
31. S.N. Sisira Kumara  
No. 37/A, Nidagas Mw, Air Fort Rd, Anuradapura.
32. G.R.N. Bandara  
No. 29, Elegoda, Samagi Mw, Pahalagama.  
Thebuwana.
33. A.M. Karunarathana  
No. 84/1, Ambagaha Arawa, Nagala, Bibile.
34. A.M.B. Sisira Kumara  
Grama – 03, Kumburegedara, Muwangala,  
Hingurana.
35. R.M.A. Bandarathilake  
B 65/4, Maainoluwa, Warakapola.
36. D.A.P. Silva  
No. 71, Ranavirugama, Keragala, Henegama.

37. D.M. Punchi Banda  
No. 173/F/40, Ranaviru Gama,. Udupila, Delgoda.
38. W.G. Anura  
No. 48/60, Ranavirugama Keragala, Henegama.
39. W.P. Jayasiri  
No. 360/07, Habarakada, Homagama.
40. H.M. Jayarathne  
Elahera Road, 2nd Mile Post, Naule.
41. E.W.W.M.G. Ekanayake  
No. 3/2/7, Randeniya, Udawela, Teldeniya.
42. K.A. Sarath Kumara  
No. 128, Ihalayagoda, Gampaha.
43. S.W. Chandrasiri  
Akkara 07, Galkanda, Kirinda, Puhulwella.
44. H.G. Anura Kathiraja  
No. 189, Vijitha Mw, Padalawa, Murutalawa.
45. T.N. Dulapandan  
No. 25, Ranaviru Gama, Wathupitiwala,  
Nittambuwa.
46. N.P.N. Somachandra  
"Janapriya Sewana", Metiyagane, Beligala.
47. W.A.S. Wijesinghe  
No. 157/F, Kuruwamulla, Wathuragama.
48. R.M. Premadasa  
No. 56/3-H, Pirisyala, Ambepussa.
49. J.M. Lalith Kumara  
No. 25/D, Ihalayagoda, Gampaha.

50. L.M. Gunasinghe Banda  
No. 139, Talagama, Ambepussa.
51. S.L. Karunaratne  
No. 518, Kapumulla, Rathgama.
52. G.R. Puspakumara  
No. 47/04, Moragaha Pallawa, Diviyagala.
53. K.K. Anura  
Ushan Pharmacy, Thudugala Junc, Dodamgoda.  
Kalutara.
54. W.M.S.B. Wickramasinghe  
No. 116/20, Pitipana North, Homagama.
55. S.D.D. Puspakumara  
No. 32, Jayagampura, Parawatta, Kotiyakumbura.
56. E.P.D. Dahanayake  
Kokwetiya, Hamannapahuwa, Nagollagopda.
57. T.M.N. Tennakoon  
No. 35, Wepahaira North, Hakmana.
58. N.P. Somatilake  
No. 454/07, Bamunugama, Welpalla.
59. K. Siripala  
No. 162, Yakalla, Megadawewa.
60. K.A. Dissnayake  
Gonu Meru Wewa, Hathmalgahawewa.
61. R.J.M.K.G.G.Rajaksha  
No. 641/01, Kolamba Hena Watta, Biyagama.
62. M.G.S.S. Wijekoon

No. 556/03, 5th Lane, Pitipana Town, Homagama.

63. D.M. Dayawansa  
No. 07, Pamunuwa, Maharagama.
64. A.W.L. Premananda  
No. 109 A, Kurusagoda, Gonapeenuwala.
65. E.M.S.K.H. Ekanayake  
Nugawela Junction, Tuththiripitigama.
66. K.G.A.R. Senarath Kumara  
No. 177/A, Mudaliwatta, Kadugannawa.
67. S.K.M. Arachchige  
Egodadeniya Watta, Yalagala, Haltota.
68. H.M.U.K. Herath  
"Udayanga Niwasa", Mawatagama, Sirisetagama,  
Nikaweratiya.
69. K.A. Warnapala  
Petidiwela, Orvita, Karagoda, Uyangoda, Matara.
70. R.A.U.S. Rassapana.  
No. 132/B, Kehel Ella, Hunumulla.
71. L.A. Gamini  
No. 1468, Padalangala, Embilipitiya.
72. W. Ranjith  
No. 16/A, "Piumi", Polgasdeka Watta,  
Pitakatuwana, Kamburupitiya.
73. W.A.S.K. Wickramarachchi  
No. 53/02, Makulpota, Ibbagamuwa.
74. K. Amarasena,  
No. 63/B, Nanumilla Wewa, Morakewa.

75. D.M. Siriwardane  
No. 63/A/37, Bandara Watta Street, Gampaha.
76. J.M. Samathilak Bandara  
Neththipalegama, Girilla, Managirilla.  
Nikaweratiya.
77. P.T. Padmasiri  
No. 26, Millawala, Weweldeniya.
78. Jagath Senadeera  
Kiralagawela, Meetiyagoda.
79. J.P. Wasanta Wijewardane  
Nakadamulahena, Pandeniya, Bopitiya.  
Warakapola.
80. W.D. Wanigasekara  
No. 77/E, 14th Lane, Isurupura, Malambe.
81. J.M.J.G.Jayarathna  
No. 56, Jambugakotuwa, Nugawela, Ayapana,  
Gampola.
82. W.M. Sunil Santa  
Maduragoda, Pahala Giribawa, Galgamuwa.
83. K.V.S. Pasanna  
No. 62/06, Ranavirugama, Kidelpitiya, Mellewa.
84. M.M.P.K. Medawatta  
No. 174/08, Getalawa, Galenbinunuwewa.
85. H.G.H.Silva  
No. 08, Ranaviru Gama, Dombagoda, Horana.
86. E.A. Keerthi Rathna  
Galpola Janapadaya, Ilukhena, Kuliypitiya

87. W.G. Ranan  
Rukmalgoda, Yatalamatta, Galle,
88. N.S. Wijesinghe  
5a/192 Housing Scheme, Rukmalgama, Kottawa.
89. D.M. Somapala  
Kausalya Houses, E.G.K. Blocks, Namunukula,  
Kanawerella.
90. H.M.S.B. Herath  
No. 581/3, Mahinda Herath Mw, Kooripotta,  
Potuhera.
91. U.K. Amarasena  
D.H. Kumarasinghe Mawatha, Wattahena,  
Nawadagala.
92. D.M.K. Bandara  
No. 250/B, Dagonna Road, Kimbulapitiya.
93. U.A. Upul Kumara  
No. 115, Pichchamal Watta Junc, Gurudeniya,  
Kandy.
94. D.S. Dehiwatta  
No. 07, 84th Place, Agbopura, Kantale.
95. N.G.A. Nagodagama  
No. 53/3/4, Wekada Road, Malapalla, Homagama.
96. R.P.D. Nandajothi  
No. 224/A, Parahena, Kelin Kanda, Agalawatta.
97. M.M. Silva  
No. 259/A, Yasiru Niwasa, Darga town, Old town,  
Madampe.
98. R.R.P. Kaluarachchi  
"Rohanasiri", Galpamuna, Palatuwa, Matara.
99. U.M.D.A.W.C. Nuwarapasha



Nuwarapaksha Mawatha, Lindapitiya Watta,  
Hindagolla, Kurunegala.

100. H.M.R.M. Herath  
No. 103/03, Mahagalkadawala, Galgamuwa.
101. S.M.A.G.K. Subasinghe  
No. 54/6, Ardiyattenne Rd, Ketapitiya,  
Menikdewela.
102. H.M. Ariyarathe  
Kahatagaswatta, Pelgahattenne, Passara.
103. W.G. Ranasinghe  
No. 84/2e, Ranmuthugala, Kadawatha.
104. D.G.A.P. Karunarathne  
No. 62/123, Ranavirugama, Horana, Millewa.
105. S.D. Hewavitarane  
No. B 30, Badulupitiya, Badulla.
106. W.D.G.G. Senevirathne  
No. 100/B, Godagama, Homagama.
107. N. Rathnasiri  
No. 463/12, Pitipana South, Homagama.
108. H.H.A. Saman  
No. 137 F, Megoda Tammita, Makevita.
109. W.M.N. Gunasena  
No. 495/6/9, Delgahakanda, Pitipana South.  
Homagama.
110. W. Athula  
No. 184/A, Pitipana North, Temple Junction,  
Homagama.
111. B.J..R. Abesekara  
No. 04/01, Uper Road, Paragammana, Kegalle.
112. S.R. Dias  
Sadeepa Niwasa, Kohomporuwa, Gagulandeniya,  
Katuwana.

113. R.H. Ranjith  
No. 53, Pitipana South, Dolahena, Homagama.
114. A.W. Gunawardane  
Karaturawatta, Milla, Hikkaduwa.
115. M.A.D. Amal De Silva  
Dewagoda Central Road, Madampe,  
Ambalangda.
116. B.A. Rathnasena  
No. 124/01, Udahawatta Rd, Kiripola, Hanwellla.
117. A.K.G.R.M. Rathnayake  
No. 32, Danagama Watta, Mawanella.
118. H.M.S.L. Gunathilake  
"Mangala", Passara Rd, Pelgahathenne.
119. H.R. Naleen  
Udagedara Watta, Sultanagoda, Matara.
120. A.M.C. Attanayake  
52nd Mile Post, Near The Community Hall,  
Kehelulla, Padiyatalawa.
121. D.A.J. De Silva  
A/07, Grama 06, Muwathgala, Hingurana.
122. A.B.C. Kumarasinghe  
Alpitiya, Dambagalla, Monaragala.
123. R.P. Ranjith  
No.49, "Ishan", Sri Dammarathna Mw,  
Kasiwatta, Polhena, Matara.
124. S.A.D.R. Puspakumara  
C 120, Technical Place, Ampara.
125. P.Y. Warnapala  
Subodagama, Uduwara, 7th Mile Post,  
Demodara.
126. S.V. Sarath Nandapala  
Bogastenna, Athuthuduwwela, Haliela, Badulla.
127. D.M.T.S. Dissanayake

No. 20/4 A, Jalanala Mw, Badulla.

128. S.M.S. Samarakoon  
No. 12/A, Ulukkulama, Pemaduwa.
129. H.B. Hemapala  
C/22/1, Kobomelladeniya, Dehiorvita.
130. K.P.R. Silva  
No. 06/B, Katiyala, Deman Junction.
131. P.H.A.I.K. Perera  
No. 101, Algoda, Dhiorbvita.
132. W.M.W. Sumith  
No. 143/10, Rajahena, Sudumetiya,  
Dodandoowa.
133. H.D.J. Deep Kumara  
Pelaketiyagoda, Horawala, Welipenna.
134. H.H.A. Santha  
No. 540, Katukurudu Gaha Junction,  
Kurundakanada, Labuduwa, Galle.
135. P.G.A. Preethi Kumara  
No. 131, Nawa Niwasa, Tissapura, Ampara.
136. W. Sumathipala  
No. 190d, Delgaswatta, Temple Rd, Veedagama,  
Bandaragama.
137. M.W.M.C. Anurasiri  
No. 233/08, Munidasa Kumaratunga Mw,  
Kurana, Katunayake.
138. H.G. Hemapala  
No. 6 1/3 Mahingala, Bope, Padukka.
139. H.K. Dayas  
No. 48/01, Ranaviru Gama, Keragala, Henegama.
140. J.M.S. Bandaranayake  
No. 48/79, Ranaviru Gama, Keragala, Henegama.
141. I.M. Karunarathna  
Egoda Gedara, Pilessa, Kurunegala.

142. H.S. Janaka  
No. 353/D, Dangalla, Pepiliyawala
143. N.M.H. Chandrasiri  
No. 48/56, Ranaviru Gama, Henegama, Keragala.
144. U.A. Ushantha  
No. 253/12, Pattivila, Goanawala.
145. G.N.T. Perera  
Pahala Nebada, Nebada, Kalutara.
146. M.G. Gamini Jayawicrama  
No. 31/2/A, Parana Gam Tenna, Orvilikanda,  
Matale.
147. M.U. Karunarathna  
No. 24/02, Ketakumbura, Kadugannawa.
148. W.L. Upali  
No. 468/11, Rathgama Watta, Gintota.
149. R.M.L. Premarathna  
Kagedara, Pahala Kotawera, Welimada
150. W.R.L. Wickramasinghe  
Kooriyampala Rd, Wariyapola, Pothuhera.
151. R.M. Upananda  
Siri Niwasa, Kandearawa, Reelpola, Badulla.
152. R.M. Wijekoon Banda  
Walawwatta, Diyawa, Kumbukwewa.
153. R.M.M.B. Ketawala  
'Senasuma', Ketawala, Landewela, Haliela.
154. A.L.L.R.S. Liyanage  
C8/Ff/03, Government Service's Scheme,  
Jalataru, Hanwella.
155. L.B.G. Indrasena,  
Denipitiya Gewatta, Ganegoda, Karangoda,  
Uyangoda, Matara.
156. K.K.S. Rathnayake  
Paliyagara, Welipennagahamulla.

157. H.M.LW.B. Herath  
No. 134/3, Menikdiwela.
158. A.P.N.P. Perera  
No. 360/01, 7th Lane, Sinhapura, Boyagane.
159. M.K.A. Piyantha  
60/B, Samagimawatha, Sapugastenne,  
Kalgedihena.
160. A.N. Wickramasekara  
No. 209, Block 100, Mipilimana, Nuwaraeliya.
161. R.A.L. Kumaratunge  
No. 129/C, Bodipihituwala, Horamatulla.
162. N. Athula Kumara  
2nd Lane, Budugedara Watta, Pitigala.
163. N.G.S. Piyantha  
No. 19, Ihala Yatawara, Matale Rd, Wattegama.
164. R.A.N. Ranasinghe  
No. 108/01, Alawala, Veyangoda.
165. D.H.M.N.B. Undugoda  
No. 13, Atkam Niwaasa, Gannoruwa, Peradeniya.
166. B.M. Jayawardane  
Padiwela, Kuliypitiya.
167. R.M.R.L. Bandara  
'Kalani', Demadhaoya, Nalanda.
168. G.S. Wimalasooriya  
Medapathana Watta, Udakohowila, Landewela,  
Haliela.
169. H.M. Premathilake  
Naranghamula Yaya, Pahalawewa,  
Kalakiriyagama.
170. H.M. Sumanapala  
Ihalagalkandegama, Poonewa, Medawachchiya.
171. R.D.N.S. Kularathna  
No. 87/02, Medagama, Un Junction,  
Mawatagama.

172. W. Asoka  
Hanlaha, Ekiriyagala, Kegalle.
173. S.M.D.W. Samarasinghe  
No. 34/4, Karasnagala, Alawala, Weyangoda.
174. H.A.S.W. Hettiarachchi  
No. 71, Ranavirugama, Pangolla, Ibbagamuwa.
175. I.G.R. Thissa  
No. 164/01, Neluwakanda, Alwatta, Matale.
176. W.M. Rambanda  
No. 172, New Town, Maradagolla Watta, Giriulla.
177. K.W. Madduma Bandara  
No. 46/C, Fairfield, Imbulgasdeniya,  
Polgahawela.
178. S.P.S. Kumaratungae  
Meegahahena, Debadthgama, Kegalle
179. K.D. Sarath Kumara  
No. 354/5, Kumara Pokuna, 1st Kenal Road,  
Polonnaruwa.
180. M.D.M.A. Matusinghe  
No. 534/03, Ebraluwa South, Weliweriya.
181. M.H.M. Gunawardane  
No. 482/7, In Front of the Hospital,  
Anamaduwa.
182. R.W.G.A. Jayaweera  
Patapili Kanda, Library Road, Minneriya.
183. J.A.R. Daramakeerthi  
Helogama Rd, Balagollegama, Nihaweratiya.
184. M.K. Dimuthu Ajith  
No. 240/02, Maditiyawela, Baduragoda.
185. H.M. Sugath Bandara  
Dunumadala Gaha Watta,  
Bogahawela, Medagama, Bibile.

186. K.A.R.S. Ranatunge  
No. 77/151/03, Tiriwanegama, Kalagedihena.
187. D.K. Senarathna  
Bangalawatta, Bemmullegedara, Narammala.
188. J.P.D.U. Ekanayake  
Madagamuwa, Narammala.
189. W.M.P. Kumara  
No. 326- E 2, Galhena, Welivita, Kaduwela.
190. R.M.N.G.S. Ranasinghe  
No. 24/45/1a, Udyagiriya, Uhana, Ampara.
191. C.M.P.S. Piyarathna  
Chandana Uyana, Danketiya, Hamburugala,  
Bentora.
192. W.G.S. Kumarasinghe  
No. 48/74, Ranavirugama, Keragala, Henegama.
193. E.T. Piyantha  
No. 72, Nagollagama Rd, Matale.
194. S. Rajarathna  
No. 505A, Yaya 03 Janapadaya, Wamalgotlewa,  
Anuradapua.
195. M.G.A.G. Rajamuni  
Kandayaya Watta, Kumburegama.
196. S.A.S.K. Samaratunge  
No. 89, Hindurangala, Kiriella, Eheliyagoda.
197. H.G.G. Kularathna  
No. 16, Ranavirugama, Pangolla, Ibbagamuwa.
198. P.M. Amarasisinghe  
No. 173f/38, Ranavirugama, Udupila, Delgoda.
199. D.S. Perera  
No: 21/1, Kahatapitiya, Akaravita, Via  
Avisawella.
200. W.A. Sunil Jayatissa  
Ihala Wetiyawa, Nochchiyagama.

201. S. Nimalsiri  
Parana Halmillewa, Etaweeragollewa,  
Medawachchiya.
202. J.A. Sarath Kulasiri  
Yaya 06, No. 732, Rathmale Janapadaya,  
Parsangaswewa, Anuradhapura.
203. A.M.A. Alweera  
No: 50/B, Pitawaladeniya, Nikahetiya,  
Wattampala.
204. S.T. Jayarathna  
No: 171, Uook Watta, Gintota.
205. K.A.K.D. Darmasena  
No. 103/62, Ranaviru Niwasa, Kidelpitiya,  
Millewa.
206. D.C. Wicramarchchi  
Kolamederiya North, Bandaragama.
207. D.G. Wijesena  
No. 18/11, Watagoda Temple Rd, Aruppala,  
Kandy.
208. J.M.H. Nimal  
Wedeniya, Hunupola, Nikadalupota.
209. W.B.M.J.W. Bandara  
No. 388, Hamparawa, Bandarawela.
210. K.N.D. Kulatunga  
No. 725/4/81, Nildiyalanda, Veyangoda.
211. U.I. Assala Arachchi  
No. 87, Ranaviru Niwaasa, Bembroup Watta,  
Bombuwala, Kalutara.
212. W.F.M. Fernando  
No. 57, Ranaviru Gama, Keragala, Henegama.
213. W.D.P. Keerthi Rathne  
Sandaru Stores, Omaragolla, Panliyadda,  
Melsiripura.
214. M.D.C. Nisantha Kumara  
Halbedi Dola Road, Lathpandura, Baduraliya.



215. A.R. Perera  
Kumbuke West, Gonapola Junction.
216. H.D.A.D. Pathirana  
No. 06, Vendesi Watta, Panagamuwa, Wellawa.
217. M.N.R.L. Siriwardane  
No. 35/A2, Asgagula North, Eheliyagoda.
218. S.S. Rajapaksha  
No. 257/4 B, Meegahawatta, Delgoda.
219. H.A.P. Perera  
No. 4/189, Jathika Tarunasewa Mawatha,  
Olaboduwa, Gonapola Junction.
220. D.M.T.B. Dissanayake  
No. 07, Bulukandegoda, Gangoda, Pilimatalawa.
221. D.M.A.S. Dissanayake  
No. 58/L/04, "Wasana Uyana" Keram Watta,  
Ardi Ambalama.
222. D.S.N.A. Hettiarachchi  
"Thusara", Ranaviru Mw, Diulwewa, Hettipola.
223. W.G.I. Weerasinghe  
No. 31/04, Marawanagoda, Werellagama.
224. R.C. Kalatuarachchi  
No. 21b, Vihara Mw, Mahawala, Rathnapura.
225. M.D. Induneel Piyantha  
No. 07, Samagi Mw, Waulagala, Baddegama.
226. P.D. Karunanayake  
"Prabani", Sri Wajirawansa Mw, Talalla South,  
Kottegoda.
227. S.S. Amarasena  
"Mallikawasa", Morawaka, Nelundeniya.
228. K.M.L. Keerthisinghe  
No. 71/10 B, Pamankada, Colombo 06.
229. H.M. Jayasinghe  
No. 35/1, Pallepahura, Wattagama.

245. R.K.G.P.N. Senavirathna  
No. 109/5, Mahena, Mandawalal
246. W.M.S. Bandara  
Temple Road, Hulo Gedara, Nikaweratiya.
247. N.A. Gunarathne  
No. 48/48, Ranavirugama, Keragala, Henegama.
248. S.M.N. Samarakoon  
No. 21/1, Orvissa, Poojapitiya.
249. A.R.W.M. Dissanayake  
No. 208/3, Jaya Mw, Ambanpola.
250. R.M.W. Rathnayake  
No. 99, Maningamuwa, Pallepola.
251. H.M. Thilakarathne Banda  
Boraluwa, Ihala Gedara, Kumbukgehe.
252. V.W.S. Chandrasiri  
No. 49/A, Pinhengoda, Diyagama,  
Kiriwaththuduwa.
253. E.M.P. Jayathilake  
No. 07, Ranavirugama, Pangolla, Ibbagamuwa.
254. R.M.R. Rajapaksha  
No. 534, Pandukabaya Pura, Anuradapura.
255. E.A. Devid Singho  
No. 1907/21, Katulanda Watta, Ellakkala.
256. R.M. Kiri Banda  
5th Canal, Srwasthipura, Anuradapura.
257. M.R. Santha  
No. 226/27, Horagolla Watta, Pelahela,  
Dekatana.
258. B.A.L. Pathire  
No. 51/3, Heenetikumbura Rd, Talangama  
North, Battaramulla.
259. K.A.M. Karunasena  
No. 207/1 C, Pilibula, Henegama.

260. G.H. Chandrapala  
No. 33, Koak Watta, Habaraduwa.
261. J.A.D. Saman  
No. 17/1 A, Vijaya Mw., Isurupura, Anuradapura.
262. W.M. Kapuru Banda  
No. 1/8, Annasiwatta, Halgampitiya,  
Kalagedihena.
263. D.M.J. Dissanayake  
No. 48/06, Keragala, Ranaviru Gama, Henegama.
264. S.A. Siriwardane  
No. 224, Udupila, Delgoda.
265. B.A.K. Udagedara  
No. 167/1/A, Gonahena, Kadawatha.
266. H.M.S. Abayarathne  
No. 48/46, Ranaviru Gama, Keragala, Henegama.
267. G.A.K. Sirilal  
No. 53/A, Pirivena Road, Dehiorvita.
268. M.A.T. Gunarathna  
No. 19/E, Kibulwila Watta, Dompe.
269. N.G.P. Karunajeewa  
No. 188/71, De Fenece Watta, Vilibula South,  
Malkele, Henegama.
270. U.A.C. Darmasena  
No. 83/1, Wanaluwa, Dompe.
271. P.M.S. Piyasantha  
No. 755, I.D.H. Road, Namal Mw., Galassapura,  
Nagoda, Kalutara.
272. G.G.P.P. Suraweera  
No. 03, 2nd Stage, Moragollewa Watta,  
Moragolla, Dabuluoya.
273. P.H. Piyadasa  
No. 04, "Kanthi", Bandaththara, Thihagoda.
274. K.K.S. Gunathilake

Grama No. 06, B 25, Muwangala, Hingurana.

275. W.R. Perera  
No. 3a/15, Sisil Uyana, Mahinetyandala,  
Kalutara South.
276. P.N.S. Fernando  
No. 179/B, Medagama, Padirendawa,  
Madampe.
277. V.N.P.V. Rathnasiri  
No. 1042, Yaya 05, Wamalgotlewa, Anuradapura.
278. R.P.G. Hettiarachchi  
"Rusith", Kapudoowa, Tihagoda, Matara.
279. M.G.J.J. Wickramasinghe  
No. 72/1, Pitipana North, Homagama.
280. P.L.N. Tisera  
No. 155/10/01, Naranwala, Gampaha.
281. T. Ananda  
Meegahakoratuwa, Katawedduma, Yatiyana,  
Matara.
282. R.M.S. Rathnayake  
Boyagoda, Weuda.
283. K.S. Peiris  
No. 82, Sri Santhikuja Mw., Maha Goanadoowa,  
Morontuduwa.
284. U.G.A.K.K.C. Somapala,  
No. 15, Lantan Heel C, Herapola, Ganpola.
285. K.S. Kumarage  
No. 135/B/25, Isuru Aramba, Kiriwaththuduwa.
286. M.P.T. Wijesinghe  
No. 168/4, 41, Halpe, Meerigama.
287. W.M.A.J. Dissanayake  
No. 619, 14 Ela, Anbagolla, Ulpatagama.
288. W. Sunil  
No. 50, Baudhaloka Mawatha, Jaya Pathirana  
Mawatha, Kurunegala.

289. T.M. Nawarathne Banda  
No. 234A, Delgolla, Watta, Mawathagama.
290. K.K.S. Pradeep  
No. 30/C, Gangarama Rd, Magalle, Galle.
291. D.M.K. Darmasiri  
No. 402/A, Kalukele, Polonnaruwa.
292. W.A.S. Wijethilake  
No. 138, Indalamulla, Dompe.
293. A.A.S.K. Abesinghe  
No. A/272/2, Behind the Hospital, Ampara.

## PETITIONERS

**-VS-**

1. Lt. Gen. R.M.D. Ratnayake  
Commander of the Sri Lanka Army,  
Army Headquarters, Colombo 03.
2. Brig. W.G.L. Padmakumara  
Director Payment & Records, Army Headquarters,  
Colombo 03.
- 2A. Brig. K.A.D.F.C. Perera  
Director Payment & Records, Army Headquarters,  
Colombo 03.
3. Maj. Gen. N.G.C. Dias  
Adjutant General, Army Headquarters,  
Colombo 03.
- 3A. Maj. Gen. M. Haturusinghe  
Adjutant General, Army Headquarters,  
Colombo 03.
4. Brig. D.T. Gamage  
Director-Personal Administration,  
Army Headquarters, Colombo 03.
- 4A. Brig. N.A. Dharmaratne

Director-Personal Administration,  
Army Headquarters, Colombo 03.

5. Gotabhaya Rajapakse  
Secretary, Ministry of Defence and  
Urban Development, No. 15/5,  
Baladaksha Mawatha, Colombo 03.
- 5A. B.M.U.D. Basnayake  
Secretary, Ministry of Defence, No. 15/5,  
Baladaksha Mawatha, Colombo 03.
- 5B. Karunasena Hettiarachchi  
Secretary, Ministry of Defence, No. 15/5,  
Baladaksha Mawatha, Colombo 03.
6. H.A.A. Chaminda  
Additional Secretary,  
Ministry of Defence and Urban Development,  
No. 15/5, Baladaksha Mawatha, Colombo 03.
- 6A. Brig. W.D.L. Padmakumara  
Additional Secretary,  
Ministry of Defence and Urban Development,  
No. 15/5, Baladaksha Mawatha, Colombo 03.
7. Brig. Dr. K.P. Sumanapala  
Director, Army Medical Service,  
Army Headquarters, Colombo 03.

## RESPONDENTS

Before : Vijith K. Malalgoda PC. J (P/CA) &  
S. Thurairaja PC. J

Counsel : J. C. Waliamuna with Pasundu Silva for the Petitioner.  
Vikum de Abrew SDSG for the Respondents.

Order on : 20.01.2017

## JUDGMENT

S.Thurairaja PC J

According to these 292 petitioners they were attached to the Sri Lankan Army as soldiers. At one time they were disabled while on duty, continued their services and subsequently they retired under normal circumstances. They seek Writ of Certiorari and Writ of Mandamus against the respondents including the commander of Sri Lanka Army.

The respondents at the very outset raises a preliminary objections that the petitioners application to misconceived and untenable in law.

Considering the objections it is found that 292 petitioners filed this application but not submitted all their details except a very few. The basic details such as service records, medical reports, retirement records etc. This situation makes the court to consider every applicant in equal position which will not be prudent.

Anyhow considering the nature and the plight of these applicants without making an order to the preliminary objections I proceed to consider the main application.

Prayer b of the petition states as follows:

*Grant and issue a mandate in the nature of a Writ of certiorari quashing the decision/s of anyone or more of the respondents and/or of the authorities referred to in the letter MOD/DEF/08/05/GEN/2011 and/or and other decision/s incidental thereto and/or any other decisions depriving the petitioners of their entitlement given in P5 read with Army Pensions and Gratuitous Code of 1981. [Emphasis added]*

Neither petitioners nor the respondents had tendered the letter MOD/DEF/08/05/GEN/2011. Only contents were revealed in some other documents.

Petitioners seek Writ of Mandamus to give effect to P3 (a) and P3 (b) by giving their disability entitlements from the date of retirement. Further issuing a Writ of Mandamus to grant their entitlement under ARO 12/86 marked P5 from the date of retirement.

Considering the submissions of both parties it becomes mandatory to consider the cabinet decision dated 28<sup>th</sup> July 1982 marked P3 (b) and P3 (a). I reproduce the relevant portion for easy reference.

මෙහෙයුම් රාජකාරි කටයුතු කිරීමේදී හෝ ත්‍රස්තවාදී ක්‍රියා නිසා හෝ වෙනත් නීතිය ක්‍රියාත්මක කිරීමේ කටයුතු හේතුවෙන් හෝ කවර හෝ සන්නද්ධ සේවා නිලධාරියෙකුට හෝ පොලිස් නිලධාරියෙකුට තුවාල ලැබීමේ ප්‍රතිඵලයක් වශයෙන් ආබාධිතයෙකුට සේවයෙන් ඉවත් වීමට සිදු වන්නේ නම් ඔහු එබඳු තුවාල ලැබූ අවස්ථාවේදී ලබමින් සිටි සම්පූර්ණ වැටුප හා දීමනා ඔහු වයස අවුරුදු 55 ට එළඹෙන තෙක් ගෙවීම. [Emphasis added]

An English translation is as follows:

*(b) for an officer of the armed services or police who is **disabled and has to leave the service** as a result of such injuries received whilst performing operational duties or by terrorist activity or other law enforcement measures to be paid the full salary and allowances he was drawing at the time he received such injuries till he reached the age of 55 years; [Emphasis added]*

Further the said proposal marked **P3(a)** subsequently approved by the relevant authorities including the cabinet provides as follows,

The proposal marked **P3(a)** dated 10/10/1985, recommends further relief i.e. compensation to several categories of officers.

The said proposal has identified three categories of soldiers who are affected as a result of operations against terrorists.

- a) Those who are killed or succumb to their injuries
- b) Those disabled as a result of their injuries and have to leave Police/ Armed services
- c) Those who suffer injuries but remain in service after treatment.

**(b) The payment of compensation to those disabled as a result of their injuries and have to leave Police/ Armed Services**

As per clause 6 of document marked **P3(a)**, the following relief has been granted to police and army officers who had to leave the service due to disability namely;

The salary: and

A percentage of Rs.100000/= on the basis of loss of earning capacity ranging from 20%, 40%, 60%, 80%, and 100%

20% Loss of earning capacity	Rs.20000.00
40% Loss of earning capacity	Rs.40000.00
60% Loss of earning capacity	Rs.60000.00
80% Loss of earning capacity	Rs.80000.00
100% Loss of earning capacity	Rs.100000.00

The above provision has no application as they were not discharged after injuries and continued to work until the retirement.

**(c) Those who suffer injuries but remain in service after treatment.**

The petitioners fall within this category. Therefore entitled only for the following relief as they are employed until they reach the age of retirement.

- (a) If admitted to a government hospital for treatment and injuries are categorized as "severe" – up to a maximum of Rs.10000.00 to be paid as follows:-
- (b) If admitted to a government hospital for treatment and injuries are categorized as moderately severe- up to a maximum of Rs.6000.00 to be paid as follows:-
- (c) If admitted to a government hospital for treatment and injuries are categorized as "severe" or "moderately severe" – Rs.3000.00 to be paid immediately.



It is very clear that this is applicable to any officer of the armed services or police who is disabled and has to leave the service as a result of such injuries. Petitioners in this case do not come within the said category. Hence the petitioners are not entitled for the relief they prayed.

It is further submitted that the authorities have implemented the P3 (a) to the petitioners. The petitioners have prayed additionally that these payments to be made retrospectively

The first principle in granting a Writ of mandamus is the existence of a legal right. An application for a Writ of mandamus cannot be maintained where there is no statutory right. In the case of Perera vs. National Housing Development Authority 2001 (3) SLR 50 at 53. Court held:

*“On the question of legal right, it is to be noted that the foundation of Mandamus is the existence of a legal right. Mandamus is not intended to create a right but to restore a party who has been denied his right to the enjoyment of such right”.* [Emphasis added]

In the case of Maitland International (Pvt) Limited Vs Director General of Customs (C.A 16/2012 (Writ)) Anil Gooneratne J. observed:

*“Mandamus cannot be issued unless there be a legal right of performance of a legal duty is established. Right to be enforced must be a public right and the duty sought to be enforced must be of a public nature.”* [Emphasis added]

The following passage from Jayaweera vs Assistant Commissioner of Agrarian Service (1996) 2 SLR 70 at 73 is applicable in this regard; where the Court of Appeal held:

*“Petitioner seeking a prerogative writ is not entitled to relief as a matter of course or as a matter of right or as a routine. Even if he is entitled to relief still court has discretion to deny him relief having regard to his conduct, delay, laches, waiver, submissions to jurisdiction are all valid impediments which stand against the grant of relief.”* [Emphasis added]

Considering all available materials, I find that the petitioners are not entitled for the relief they prayed for. Application for Writ of Certiorari and Mandamus are disallowed.

**Application for Writ of Certiorari and Mandamus are disallowed.**

JUDGE OF THE COURT OF APPEAL

Vijith K. Malalgoda PC J (P/CA)

I agree,

PRESIDENT OF THE COURT OF APPEAL