

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

**CA (Writ) Application No: 524/15**

Rev: Dishan Wickramaratne,  
No: 248, Negombo Road,  
Ja-Ela.

**Petitioner**

**Vs.**

Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

and 03 others

**Respondents**

C.A. (Writ) Application No. 524/2015

BEFORE : VIJITH K. MALALGODA PCJ (P/CA) &  
S. THURAIRAJA, PCJ.

COUNSEL : Lakshan Dias for the petitioner.  
Indula Ratnayaka SC for the 2<sup>nd</sup> to 4<sup>th</sup> respondents.

ARGUED AND

DECIDED ON : 16<sup>th</sup> March, 2017.

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**VIJITH K. MALALGODA PCJ (P/CA)**

This is a matter which was supported before this Court in December 2015. This Court had issued notices on the respondents but the 1<sup>st</sup> respondent was right throughout absent and unrepresented. However, when this matter came up on 01.06.2016 the petitioner agreed to discharge 2<sup>nd</sup> to 4<sup>th</sup> respondents and the Court issued notices on the 1<sup>st</sup> respondent. Thereafter the petitioner did not come before this Court on certain days and the Court made "no order" due to that reason. Thereafter on 08<sup>th</sup> of February 2017 the matter came up on a motion filed by the petitioner and Court decided to re-list this application and re-issue notices on the 1<sup>st</sup> respondent. We observe that the petitioner has not taken any interest to issue notices on the 1<sup>st</sup> respondent since then. But the Counsel appearing for the petitioner informs that they

couriered the notices day before yesterday and a motion was filed to that effect in the Registry yesterday. But we cannot find any document before us in support of this position. We observe that the petitioner had not taken due diligence in prosecuting this case which was supported before this Court in December 2015. Therefore we see no reason to allow the petitioner to proceed with this application. Therefore we dismiss this application

Application is dismissed.

PRESIDENT OF THE COURT OF APPEAL

**S. THURAIRAJA, PCJ.**

I agree.

JUDGE OF THE COURT OF APPEAL

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