

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

CA/Writ/271/2017

01. Port Junk Dealers Association,  
No.84/5, Bristol Complex,  
Sir Rasik Fared Mawatha,  
Colombo 01.

02. Waligama Palliya Gurunaselage Udaya Senaka De Silva,  
President of the Port Junk Dealers Association,  
No.90/2, Deva Kotikawatta, New Town,  
Mulleriyawa.

03. Kudagama Liyanage Nalindrasiri,  
Secretary of the Port Junk Dealers Association,  
No.48, Sumethrerama Mawatha,  
Kotahena, Colombo.

**Petitioners**

**Vs.**

01. Marine Environment Protection Authority,  
No.758, Baseline Road,  
Colombo 09.

02. Hon. Attorney-General  
Attorney-General's Dept,  
Colombo 12.

**Respondents**

**Court of Appeal case No. CA 271/2017 Writ**

**Before** : L.T.B. Dehideniya J, (P/CA)

&

A.L. Shiran Gooneratne J.

**Counsel** : Dulindra Weerasuriya P.C. with Chamith Marapana for the  
Petitioner.

Anusha Samaranayake D.S.G for the 1<sup>st</sup> and 2<sup>nd</sup>  
Respondents.

**Decided on** : 20/09/2017

**A.L. Shiran Gooneratne J.**

We have heard the Learned President's Counsel for the Petitioners in support of this application and also the learned D.S.G. for the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

The Learned Counsel for the Petitioner is seeking interim relief as prayed for in prayer III and IV to the Petition.

In prayer III, the Petitioners are seeking to have a separate bank account to credit all monies received, in terms of regulation 8(1), 7(2) and

Whilst admitting that there are other Port Junk Dealers “providing reception facilities” it is observed that, the Petitioners have failed to satisfy Court that if the interim relief sought for are refused or granted, it would not only affect the Petitioners but also the dealers who are not members of the 1<sup>st</sup> Petitioner Association who have similar interest. The Petitioners have also failed to disclose the other Port Junk Dealers who are directly affected.

When granting interim relief the Court necessarily should take into consideration not only the interest of the members of the 1<sup>st</sup> Petitioner Association but also the existence and interest of such other dealers who are engaged in “providing reception facilities” whose interests may be affected due to the non disclosure.

We are of the view that sufficient interest of the Petitioner to bring this petition and the substantive relief prayed for in respect of the regulations made by the Minister exercising his statutory powers are matters to be decided at the hearing taking into consideration the full legal and factual background to this action.

Under these circumstances we refuse to issue the interim orders prayed for.

We issue notice on the respondents.

JUDGE OF THE COURT OF APPEAL

L.T.B. Dehideniya J, (P/CA)

I agree.

PRESIDENT OF THE COURT OF APPEAL