

12

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

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

C A (Writ) Application

No. 431 / 2016

1. K Gunapalan,  
Village President,  
Paddiruppu.
2. K Selvarajah,  
President of Rural Development Society,  
Paddiruppu.
3. R Thillayampalam,  
President of Sri Sithivinayagar Board of  
Trustees,

Paddiruppu.

4. D Nithiyantharajah,  
President of Blue Diamond Sports Club,  
Paddiruppu.

**PETITIONER**

-Vs-

1. Hon. Minister of Rural Economic Affairs,  
C W E Secretariat Building,  
No. 27, Vauxhall Street,  
Colombo 02.
2. Secretary,  
Ministry of Public Administration and  
Home Affairs,  
Independent Square,  
Colombo 07.
3. Mrs. P S M Charles,  
Government Agent,  
Batticaloa.

4. M Gopalaratnam,  
Divisional Secretary,  
Batticaloa.

5. Hon. M S S Ameer Ali,  
Deputy Minister of District Economic  
Affairs,  
Paddiruppu.

6. Hon. S Ganeshamoorthy,  
Former Minister and UNP Organizer,  
Paddiruppu.

**Respondents**

**Before: P. Padman Surasena J (P/CA)**

**A L shiran Gooneratne J**

Counsel: S Mandaleswaran with Ranganath Pieris for the Petitioners

Rushdhie Habeeb with Rizwan Uwais for the parties seeking to  
intervene.

Decided on: 2018-06-07

ORDER RELATING TO THE APPLICATION FOR INTERVENTION

**P Padman Surasena J**

This Court heard the submissions of parties with regard to the application for intervention made by the proposed intervenient petitioners.

A Divisional Bench of this court has decided in the case of Weerakoon and another vs Bandaragama Pradeshiya Sabhawa {C A Writ Application No. 586 / 2007 [(Decided on 2011-11-22) (2012 BLR 310)]} that interventions in a writ application is not possible.

The said Divisional Bench of this court after consideration of the relevant judgments has held that the Court of Appeal Rules 1990 do not provide for third party interventions in applications for Prerogative Writs.

Thus, due to the presence of a judgment pronounced by a Divisional Bench of this court, this court at this stage does not intend to reconsider this aspect of law in the instant case.

For the above reason, this court is not in a position at this moment to entertain the instant application for intervention in this proceeding since this is a proceeding with regard to an application for prerogative writs.

Thus, in view of the ruling of the Divisional Bench of this court above referred to, this Court decides to refuse the application for intervention.

Further, this Court in a subsequent application<sup>1</sup> also has desisted from allowing the application made in that case for intervention based on the above divisional bench judgment.

Application for intervention refused.

**PRESIDENT OF THE COURT OF APPEAL**

**A L Shiran Gooneratne J**

I agree.

**JUDGE OF THE COURT OF APPEAL**

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<sup>1</sup> Dhilmu Kasunda Malshani Suriyarachchi Vs Dhilmu Kasunda Malshani Suriyarachchi and five others; C A (Writ) No. 187/2016, decided on 2016-10-05.