

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

Cilantro Luxury Leisure (Pvt)  
Limited,  
No.1, Castle Avenue,  
Colombo 8.  
Petitioner

**CASE NO: CA/WRIT/200/2016**

Vs.

1. Galle Municipal Council,  
Galle.
2. Ranil Wickramasekera,  
Municipal Commissioner,  
Municipal Council of Galle,  
Galle.
- 2A. Wasana Gooneratne,  
Municipal Commissioner,  
Municipal Council of Galle,  
Galle.
3. Kelum Seneviratne,  
Acting Mayor,  
Municipal Council of Galle,  
Galle.
- 3A. Priyantha Godagama,  
Mayor,  
Municipal Council of Galle,  
Galle.

Respondents

Before: Mahinda Samayawardhena, J.  
Counsel: Romesh de Silva, P.C., with S.V. Niles for the  
Petitioner.  
Asthika Devendra with Kaneel Maddumage for the  
Respondents.

Decided on: 17.10.2018

Samayawardhena, J.

The petitioner filed this application seeking a writ of mandamus compelling the 1<sup>st</sup> and/or the 2<sup>nd</sup> and/or the 3<sup>rd</sup> respondents to enter into the Agreement marked P4.

Learned counsel for the respondents in paragraphs 2.1 and 2.2 of the written submissions informs Court that in the facts and circumstances of this case, as they stand now, the respondents have no objection this Court making a suitable order.

According to P3, the Agreement P4 could be signed subject to fulfilling three requirements by the petitioner.

The learned President's Counsel for the petitioner drawing attention of this Court to the proceedings dated 27.07.2016 states that the petitioner has now fulfilled those three requirements.

However, even during the argument, the learned counsel for the respondents was not certain whether in fact those three prerequisites have been satisfied.

Hence the aforesaid writ of mandamus is issued subject to fulfilling those three requirements, if they have not been fulfilled up to now.

Learned counsel for the respondent further informs Court that there is a practical difficulty in proceeding with this tender/contract as the Bribery Commission has taken over investigation into this matter and the file is now with the Bribery Commission. As the learned President's Counsel for the petitioner submits "the proceedings before the Bribery Commission can continue according to law notwithstanding the order given by Court in these proceedings."

Mandamus is issued subject to qualification. No costs.

Judge of the Court of Appeal