

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

In the matter of an Application for an order in the nature of a Writ of Mandamus under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**CA (Writ) Application No. 271/2018**

Anoma Janadhari Jayasooriya,  
711, Temple Road,  
Thalapathpitiya, Nugegoda.

**Petitioner**

Vs.

1. Sanjeeva Pushpakumara,  
No. 100, 13<sup>th</sup> Mile Post,  
Thambalagamuwa,  
Kantale.
2. Saman Athaudahetti,  
Chairman,  
Public Performance Board.
3. Furkan B. Ifthikar.
4. Ananda Gunatilake
5. Manorama Weerasinghe
6. Wasanthi Nanayakkara
7. Professor Upul Ranjith,

8. Stella Marapone,
9. Thambiah Dewadasan
10. Freddy Gamage
11. Yasodha Ketheesan
12. Sunanda Hettiarachchi
13. Abdul Razak Mohammed

All Members of the Public  
Performance Board  
No. 224, Baudhaloka Mawatha,  
Colombo 7.

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

#### Respondents

**Before:** Kumudini Wickremasinghe, J

Arjuna Obeyesekere, J

**Counsel:** Lakshan Dias with Ms. Dayani Panditharatne and Shafnas  
Shandeen for the Petitioner

Manohara Jayasinghe, Senior State Counsel for the 2<sup>nd</sup> – 14<sup>th</sup>  
Respondents

**Supported on:** 3<sup>rd</sup> May 2019

**Decided on:** 7<sup>th</sup> May 2019

**Arjuna Obeyesekere, J**

The Petitioner who is an award winning actress states that she entered into a contract with the 1<sup>st</sup> Respondent to perform a character in a film which was to be directed by the 1<sup>st</sup> Respondent. The Petitioner admits that she agreed to perform certain scenes in the nude and that she has been paid in accordance with the terms and conditions of the said contract.

The Petitioner states that in terms of the guidelines issued by the Public Performance Board of Sri Lanka,<sup>1</sup> of which the 2<sup>nd</sup> – 13<sup>th</sup> Respondents are the members, the Board issues three categories of certificates to films which are exhibited in cinemas in Sri Lanka. The first category is the 'U' certificate where the film can be watched by any person including children, the second category is an 'A' certificate which is a film more suited for adults and the final category is the 'X' certificate which means that the film can be exhibited only to adult audiences.

The Petitioner states that on an application made by the 1<sup>st</sup> Respondent, the Public Performance Board had issued the 'X' certificate for the film titled 'Davena Vihagun'. The Petitioner states that she subsequently found out that the Public Performance Board had issued an 'A' certificate for another version of the same film, which did not contain any scenes depicting the Petitioner in the nude. The Petitioner takes the position that the Public Performance Board cannot issue two certificates for one film and that by doing so, the Public Performance Board has violated the Public Performance Ordinance and its guidelines.

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<sup>1</sup> A copy of the said Guidelines has been annexed to the petition, marked 'P7'.

It is in the above circumstances that the Petitioner has sought a Writ of Certiorari to quash 'P8' and 'P8a' which are letters sent by the 2<sup>nd</sup> Respondent, the Chairman of the Public Performance Board to the Petitioner informing of the issuance of the two certificates.

This Court must observe at the outset that the Petitioner has not produced with the petition the relevant certificates issued by the Public Performance Board nor has the Petitioner sought to quash the certificates issued by the Public Performance Board. In any event, the Petitioner has not placed any material before this Court to demonstrate the manner in which her rights have been affected by the issuance of two certificates.

This Court must also observe that two certificates have been issued for two different versions of the same film and not for one version of the film. Furthermore, the second certificate had been issued by the Public Performance Board only after recalling the first certificate. This is borne out by 'P8' which reads as follows:

“ඔබ විසින් සඳහන් කර ඇති පරිදි, දැවෙන චිත්‍රපටය සඳහා අප විසින් වැඩිහිටියන්ට පමණයි කාණ්ඩය යටතේ සහතික පත්‍රයක් නිකුත් කරනු ලැබුවද,

දැවෙන චිත්‍රපටයේ සිනමාපටයේ අධ්‍යක්ෂකවරයාගේ ඉල්ලීම පරිදි ඔහු විසින් සංශෝධනය කර ඉදිරිපත් කරන ලද සිනමාපටය සඳහා වඩාත් සුදුසු වැඩිහිටියන්ට යන කාණ්ඩය යටතේ දෙවන වරට සහතිකය නිකුත් කරනු ලැබුවේ පළමු සහතිකය (වැඩිහිටියන්ට පමණයි) අප වෙත ලබා ගැනීමෙන් පසුව බව ඔබ වෙත කාරුණිකව දන්වනු කැමත්තෙමි.”

The learned Counsel for the Petitioner did not draw the attention of this Court to any provision of the Public Performance Ordinance or any regulations or guidelines made thereunder which have been violated by the Public Performance Board, by issuing two certificates for two different versions of the same film. In the said circumstances, this Court does not see any illegality in the course of action adopted by the Public Performance Board issuing a fresh certificate after recalling the certificate issued earlier. Therefore this Court does not see any legal basis to issue notices on the Respondents.

The learned Counsel for the Petitioner also brought to the attention of this Court that the exhibition of the said film has already been concluded. Thus, in any event, proceeding with this action would be futile and for that reason too, this Court is not inclined to issue notices on the Respondents.

This application is accordingly dismissed, without costs.

**Judge of the Court of Appeal**

**Hon. Kumudini Wickremasinghe, J**

I agree

**Judge of the Court of Appeal**