

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

In the matter of an application for mandates in the nature of Writs of Certiorari, Prohibition and Mandamus in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA (Writ) Application No. 431/2020

P. Kisho Kumar,
carrying on a partnership business under the name style and firm of Sahana Enterprises No. 175A, 5th Cross Street, Colombo 11.

PETITIONER

Vs.

1. Hon. Mahinda Rajapaksa,
Hon. Prime Minister cum Hon. Minister of Finance, Economy and Policy Development,
Ministry of Finance, Economy and Policy Development,
The Secretariat, Colombo 1.
2. S.R. Attygalla,
Secretary to the Minister of Finance, Economy and Policy Development,
Ministry of Finance, Economy and Policy Development,
The Secretariat, Colombo 1.
3. T V D Damayanthi S. Karunaratne,
Controller General,
Department of Imports & Export Control,

No. 75 1/3, 1st Floor, Hemas Building,
York Street, Colombo 01.

4. Major General G.V. Ravipriya (Retd.),
Director General of Customs,
Sri Lanka Customs,
Sri Lanka Customs Headquarters,
Charmers query,
Main Street, No. 40, Colombo 11.
5. Hon. Rohitha Abeygunawardena,
Hon. Minister of Port and Shipping,
Ministry of Port and Shipping,
No. 19, Chaithya Road, Colombo 01.
6. Sri Lanka Ports Authority,
No. 19, Chaithya Road,
Colombo 01.
7. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

Before: **Arjuna Obeyesekere, J / President of the Court of Appeal**
Sobhitha Rajakaruna, J

Counsel: K. Deekiriwewa with L.M. Deekiriwewa, Dr. M.K. Herath and Dr.
Kanchana De Silva for the Petitioners

Manohara Jayasinghe, Senior State Counsel with Ms. Indumini
Randeni, State Counsel for the Respondents

Supported on: 17th December 2020

Decided on: 8th February 2021

Arjuna Obeyesekere, J., P/CA

This matter was taken up for support together with CA (Writ) Application No. 423/2020. All learned Counsel agreed that the issues to be decided by this Court in CA (Writ) Application No. 423/2020 are identical to the issues that are to be decided in this application. All learned Counsel therefore moved that this Court can determine CA (Writ) Application No. 423/2020, and that all parties to this application will be bound by the Order that would be made in CA (Writ) Application No. 423/2020.

By an Order delivered today in CA (Writ) Application No. 423/2020, I have held that I do not see any legal basis to issue notice on the Respondents in that application, and dismissed the said application, without costs. Hence, in view of the aforementioned agreement of the parties, this application must also stand dismissed, without costs.

President of the Court of Appeal

Sobhitha Rajakaruna, J

I agree

Judge of the Court of Appeal