

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

In an application under and in terms of Article 140 of the Constitution seeking inter alia writs of certiorari, mandamus and prohibition.

**CA/WRIT/Application No.41/2023**

1. Mr. Shammi Silva,  
President,  
Sri Lanka Cricket,  
35, Maitland Place,  
Colombo 7.
2. Mr. Mohan De Silva,  
Secretary,  
Sri Lanka Cricket,  
35, Maitland Place,  
Colombo 7.

**Petitioners**

**Vs.**

1. Hon. Roshan Ranasinghe,  
Minister of Sports,  
Ministry of Sports and Youth Affairs,  
No. 9, Phillip Gunawardana Mawatha,  
Colombo 07.
2. Mr. Kanapathipillai Mahesan,  
Secretary,  
Ministry of Sports and Youth Affairs,  
No.9, Phillip Gunawardana Mawatha,  
Colombo 07.
3. Mr. Amal Edirisooriya,  
Director General,  
Ministry of Sports and Youth Affairs,  
No.9, Phillip Gunawardana Mawatha,  
Colombo 7.

**Respondents**

**Before** : **Justice Bandula Karunaratna – President of the Court of Appeal.**  
**Justice M.A.R. Marikkar.**

**Counsel** Dr. Romesh de Silva, PC with Kuvera de Zoysa, PC and Niran Ankitell for the Petitioner.  
Amaranath Fernando for the Interventient Petitioner.  
Niranjan Arulpragasam with R. Jayasinghe for the Interventient Petitioner.  
Kanchana Pieris with Shehan Gunawardene for the Interventient Petitioner.  
Faiszer Musthapha, PC with Pulasthi Rupasinghe and Sierra Amarasiri for the Interventient Petitioner.  
Uditha Egalahewa, PC with Shenal Fernando and N.K. Ashokbharan for the 1<sup>st</sup> Respondent.

**Written Submissions:** Not Submitted

**Order Delivered On :** **27.02.2023. at 2.00p.m.**

**N. Bandula Karunaratna J. – President of the Court of Appeal.**

## **ORDER**

Heard all learned Counsel appearing for the Petitioners, the Respondents and the Interventient Petitioners in support of their respective cases for issuing of notice and the Interim Orders prayed for. Having heard all parties we are of the view that petitioners have satisfied this court that there is a serious matter to be looked into inter alia on the questions of ultra vires and the reasonableness of the impugned regulations (P4) and (P5). Accordingly we issue notice.

Having issued notice now we consider the application by the Petitioners for the issuance of the Interim orders prayed for. In this regard we are of the view that unless the Interim Orders prayed for by the Petitioners are not issued the final relief sought by the petitioners would be rendered nugatory.

Further, this court notes the fact the election of office bearers to Sri Lanka Cricket has been carried out for many years on the regulations that prevailed prior to the impugned regulations and the current constitution of Sri Lanka Cricket (P2) and the election process to appoint office bearers for the year 2023, has commenced prior to the impugned regulations were published by the 1<sup>st</sup> Respondent as evident in P17.

In the said circumstances as submitted on behalf of the Petitioners if the impugned regulations are permitted to be in operation it would disentitle the Petitioners to stand for election as office bearers at the forthcoming elections to be held on the 20<sup>th</sup> of May 2023.

Therefore, even on a consideration of the balance of convenience we are of the view that the balance of convenience lies in favor of the Petitioners as the damage that would be caused to the Petitioners would be greater than that to the Respondents. Therefore, we are of the view that this is a fit case to issue the Interim Orders prayed for in prayers (g), (h) and (l) to the Petition until the final determination of the Petitioners application.

All Parties can file their objections on or before 27.04.2023.

Counter objections can be filed on or before 12.06.2023.

Argument – 22.06.2023 at 10.00a.m.

**President of the Court of Appeal**

**M.A.R.Marikkar J.**

I agree

**Judge of the Court of Appeal.**