

**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 *Certiorari* under
Article 140 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.

Court of Appeal Case No.

CA/WRT/0363/2021

Govindarasa Sasitharan,
22/14B, Asarappa Road,
Negombo.

Petitioner

Vs

1. Negombo Municipal Council,
Thelwatta Junction,
Colombo Road,
Negombo.
2. N. B. R. V. Fernando,
The Municipal Commissioner,
Negombo Municipal Council,
Thelwatta junction,
Colombo Road,
Negombo.
3. Arunthavanathan Balarathani,
165-A, Main Street,
Negombo.

4. National Building Research Organization,
99/1, Jawatte Road,
Colombo 05.

Respondents

Before: **M. T. MOHAMMED LAFFAR, J.**
S. U. B. KARALLIYADDE, J.

Counsel: Dr. Sunil Cooray with Ms. Diana Rodrigo for the Petitioner.
Ms. P. Narendran for the 3rd Respondent.

Oral Submissions on: 05.03.2023

Decided on: 04.05.2023

MOHAMMED LAFFAR, J.

When this matter was mentioned before this Court on 15/03/2023, the learned Counsel for the 3rd Respondent requested that the 3rd Respondent be released from the proceedings on the footing that the Petitioner has not prayed for any reliefs against the 3rd Respondent. The learned Counsel for the Petitioner objected to this Application.

Having scrutinized the petition and the affidavit filed by the Petitioner, it is manifestly clear that the Petitioner has not prayed for any reliefs against the 3rd Respondent. In this scenario, it is the view of this Court

that the 3rd Respondent is not a necessary party for the final adjudication of this matter.

Thus, the Application made by the learned Counsel for the 3rd Respondent is allowed. Accordingly, the 3rd Respondent is released from the proceedings.

JUDGE OF THE COURT OF APPEAL

S. U. B. KARALLIYADDE, J.

I agree.

JUDGE OF THE COURT OF APPEAL