

**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 and Mandamus in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**Case No. C.A. Writ/0188/2023**

1. Data Exchange International (Private) Limited,  
78 & 80, Asset Arcade Building York Street, Colombo 01.
2. Mohamed Jameel Ahamed Fuward.
3. Fathima Nasliya Fuward,  
Both of: No. 48, Ananda Coomaraswamy Mawatha, Colombo 03.

**Petitioners**

**Vs.**

1. C.I. Ratnayake,  
Officer in Charge,  
Colombo Crimes Division, Colombo 09.
2. T. M. W. D. Tennakoon,  
Senior DIG (Western Province),  
DIG Colombo Office,  
Olcott Mawatha, Colombo 11.
3. C. D. Wickremaratne,  
The Inspector-General of Police,  
The Police Headquarters,  
Colombo 01.
4. Colombo Municipal Council Town Hall,  
Colombo 07.
5. Rosy Senanayake,  
Former Mayor Colombo Municipal Council, Colombo 01.

6. J. M. Badrani Jayawardana,  
Municipal Commissioner,  
Colombo Municipal Council,  
Colombo 01.
7. Dr. Pathum Chamikara Kodikara,  
Medical Officer of Health - District 2A,  
No. 27, Vivekananda Hill,  
Colombo 13.
8. Asset Arcade (Private) Limited  
51E, York Street,  
Colombo 01.
9. Meegoda Godakandage don  
Mahindarathna,  
Managing Director Asset Arcade (Private)  
Limited, No. 51E, York Street,  
Colombo 01.
10. Honorable Magistrate,  
Fort Magistrate's Court,  
Colombo-01.
11. The Registrar,  
Fort Magistrate's Court,  
Colombo-01.
12. Hon. Attorney General,  
Attorney General's Department,  
Colombo-12.
13. Deshamanya Gamlathge don Chandana  
Wijesekara,  
8/B/11 Sir Razik Fareed Mawatha,  
Colombo 01.
14. Haja Mohideen Mohammed Shafeek,  
8/B/5 Sir Razik Fareed Mawatha,  
Colombo 01.
15. K. S. M. Wikramanayake,  
57/B1A, York Street,  
Colombo 01.

16. Western Province Merchant Navy,  
Professionals Co-op Association,  
57/B2, York Street,  
Colombo 01.
17. Lak Derana Supplies (Private) Limited,  
57/B/2/2, York Street,  
Colombo 01.
18. P. A. N. S. Ranasinghe,  
57/B/3, York Street,  
Colombo 01.
19. S. Vincentrajan,  
57/B/4 York Street,  
Colombo 01.
20. T. H. N. D. Perera,  
57/B/5, York Street,  
Colombo 01.
21. D. V. P. Fernando,  
57/B/6, York Street,  
Colombo 01.
22. B. Ganeshalingam,  
57/B/7, York Street,  
Colombo 01.
23. A. M. Rizvi,  
8, Sir Razik Fareed Mawatha (Bristol  
Street),  
Colombo 01.
24. K. M. Wanigarathna,  
6, Sir Razik Fareed Mawatha (Bristol  
Street),  
Colombo 01.
25. A. H. Kamal Hassan,  
57A, 53A, 74-76, York Street,  
Colombo 01.

26. R. Gopalapillai,  
78A, York Street,  
Colombo 1.
27. I. Annamalai,  
57, York Street,  
Colombo 01.
28. K. Gandhidasan,  
51C, 57C, York Street,  
Colombo 01.
29. K. Sivaneesan,  
55, York Street,  
Colombo 01,
30. S. U. Jeinulabdeen  
53C, Asset Arcade (Private) Limited,  
51 E, York Street,  
Colombo 1.
31. B. Rafeek,  
51D, 51/1/1/B, 53, 53B, York Street,  
Colombo 01.
32. Swiss Money Exchange (Private) Limited,  
51B/A, York Street,  
Colombo 01.
33. M. S. M. Rasik,  
51B, York Street,  
Colombo 01.
34. M. Z. N. Ahamed,  
51, 51/B/1 York Street,  
Colombo 01.
35. D. V. P. Fernando,  
51/B/2, York Street,  
Colombo 01.
36. C. A. O. Vithana,  
51/2/3, York Street,  
Colombo 01.

37. M. S. M. Fairouz,  
8/B/1 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
38. M. I. M. Rila,  
8/B/1A Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
39. M. A. Farook,  
8/B/3 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
40. M. I. M. Farshan,  
8/B/4 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
41. G. S. H. Uwais,  
8/B/6 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
42. M. I. M. Risly,  
8/B/7 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
43. M. I. Farish,  
8/B/8 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
44. B. S. L. Perera,  
8/B/10 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
45. S. Nanayakkara,  
8/B/10A Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
46. M. S. Mohideen,  
8/1 and 8/1A Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
47. Loards Travel Services (Pvt) Ltd.,  
8/2 and 8/3 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.

48. I. Annamalai,  
8/4, Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
49. B. M. Indirasena,  
8/5, Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
50. T. L. W. Abeygunaratne,  
8/6, Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
51. P. J. Pushpakumara,  
8/7, Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
52. T. K. S. Ramani Dias,  
8/10, Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
53. A. Sudagar.
54. S. S. U. Kumari,  
Both of 8/1/1 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
55. Mayura Travels (Private) Limited,  
8/1/2 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
56. K. Arulchelvam,  
8/1/4 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
57. V. Subramaniam,  
8/1/5 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
58. A. M. Salay,  
8/1/6 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
59. S. S. Neville,  
8/1/7 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.

60. S. Senthivel,  
8/1/8 Sir Razik.Fareed Mawatha (Bristol Street), Colombo 01.
61. K. M. R. C. Kumara,  
8/1/10 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
62. G. D. S. Premathilaka,  
8/1/11 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
63. Sagara Marine & Engineering Services  
(Pvt) Ltd.,  
8/1/12 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
64. M. F. S. Lanthira,
65. M. N. N. Shiraj ,  
Both of: 8/2/1 Sir Razik Fareed Mawatha  
(Bristol Street), Colombo 01.
66. L. L. S. L. Munaweera,  
8/2/2 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
67. Hello Covers and Casings (Private)  
Limited, 8/2/3 Sir Razik Fareed Mawatha  
(Bristol Street), Colombo 01.
68. K. K. T. S. Priyadarshana,  
8/2/4 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
69. M. F. Sarin,  
8/2/5, Sir Razik Freed Mawatha (Bristol Street),Colombo 01.
70. S. N. K. Nawarathna,  
8/2/6 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.

71. I. M. M. Wakeel,  
8/2/7 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
72. G. Chandrakumara,  
8/2/9 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
73. E. K. Devadas,  
8/2/10 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
74. S. Jayakumar,  
8/2/11 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
75. K. S. L. de Silva,  
8/3/1, Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
76. T. S. Fernando,
77. T. P. Fernando,
78. H. D. C. Peiris,  
All three of: 8/3/2 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
79. C. Sundarapandian,  
8/3/3 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
80. W. Witharana,  
8/3/7 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
81. R. A. D. D. Perera,  
8/3/8 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
82. G. W. Jayasundara,  
8/3/10 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.



83. J. Thanuraj,  
8/3/1 1 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
84. M. Z. Mohideen,  
8/3/13 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
85. M. S. M. Nisham,  
8/4/1 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
86. S. A. D. S. P. Gunasekara,  
8/4/3 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
87. R. A. C. Jayan,  
8/4/4 Sir Razik Famed Mawatha (Bristol Street), Colombo 01.
88. D. A. M. Cooray,
89. E. N. P. Shivanthi,  
Both at: 8/4/6 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
90. T. S. Fernando,  
8/4/7 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
91. Speed Link Cargo Services (Private) Limited,  
8/4/8 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
92. T. K. S. Ramani Dias,  
8/4/11 Sir Razik Fareed Mawatha (Bristol Street), Colombo 01.
93. M.N.S. Subhasiri,  
94. P.A.C. Priyanga,  
Both at: 8/4/12 Sir Razik Fareed Mawatha (Bristol Street) Colombo 01.

**RESPONDENTS**

**Before:** **N. Bandula Karunaratna J. P/CA**  
**&**

**M. Ahsan R. Marikar J.**

**Counsel:** Faiszer Musthapha, PC with Shaheeda Barric and Amila Perera instructed by Sanjeewa Kaluarachchi for the Petitioners.

S. Dharmawardana, ASG, N.De. Zoysa, AAL for the 1<sup>st</sup> to 3<sup>rd</sup> Respondents.

W.P. Upul Sanjeewa, AAL for the 4<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Respondents

H. Hizbulla, AAL with S. Maharroof, AAL for the 30<sup>th</sup> to 33<sup>rd</sup> Respondents.

Uditha Egalahewa, D.C.N. Ashok Baren for the 8<sup>th</sup> and 9<sup>th</sup> Respondents.

**Written Submissions:** By the Petitioners – Not filed

By the 1<sup>st</sup> to 3<sup>rd</sup> Respondents – 16.06.2023

By the 8<sup>th</sup> and 9<sup>th</sup> Respondents – 08.06.2023

By the 4<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondent – 20.06.2023

By the 30<sup>th</sup> and 33<sup>rd</sup> Respondent – 08.06.2023.

**Supported on :** 10.05.2023

**Decided on :** **10.07.2023.**

**N. Bandula Karunaratna J. P/CA**

Heard all counsel in regard to this application for notices as well as an interim relief to be granted. After considering the Written Submissions and documents tendered by both parties, we are of the view that there is an important matter to be decided in this case. In the circumstances, this court is satisfied that there is a *prima facie* case to be looked into, by this court.

We are of the view that at the same time, the Preliminary Objections could be considered after the Respondents files their Objections and the Petitioners files their Counter Objections if necessary. When the arguments were concluded, this court would be able to address all issues along with the Preliminary Objections and this application will be finally decided after considering all legal arguments raised by all parties.

Accordingly, we direct the registrar of this court to issue notices on the respondents. The interim relief granted under prayer (j), (k), (l) and (m) of the petition dated 10.04.2023 is extended until the final determination of this matter.

Registrar is further directed to serve a copy of the said interim order to the respondents immediately via telephone, fax, email and courier service. The expenses of the communication should be borne by the Petitioner.

Notice returnable on 28.07.2023.

**President of the Court of Appeal**

**M. Ahsan R. Marikar J.**

**I agree.**

**Judge of the Court of Appeal.**