

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

In the matter of an Appeal to Court of
Appeal under Article 154 P (6) read with
Article 138 of the Constitution against a
judgment of Provincial High Court
exercising its writ jurisdiction.

C A (PHC) / 04 / 2003

Provincial High Court of

Southern Province

holden at Matara

Case No. 205 / 1994

Uyana Hewage Upasena,

No. 3/7,

2nd Cross Street,

Polhena,

Matara.

PETITIONER - APPELLANT

-Vs-

1. Matara Multi Purpose Co-Operative
Society Ltd.,
Railway Station Road,
Matara.
2. Commissioner of Co-operative
Development (Sothorn Province)
And
Registrar of Co-operative
Societies,
Fort,
Galle.

RESPONDENT - RESPONDENTS

Before: K K Wickremasinghe J

P. Padman Surasena J

Counsel; Mahinda Nanayakkara for the Petitioner - Appellant.

S Jayawickrema for the 1st Respondent-Respondent

Udeshi Senasinghe SC for the 2nd Respondent-Respondent.

Decided on : 2017 - 08 - 31

JUDGMENT

P Padman Surasena J

Learned counsel for all the Parties when this case came up on 2017-07-03 before us, agreed to have this case disposed by way of written submissions, dispensing with their necessity of making oral submissions. They agreed that this Court could pronounce the judgment after considering the written submissions they would file. Therefore, this judgment is based on the material that has been adduced by parties in their pleadings and the written submissions.

The Petitioner- Appellant (hereinafter sometimes referred to as the Appellant) had filed an application in the Provincial High Court of the Southern Province holden at Matara praying for a writ of Certiorari to

quash the decision contained in the document marked **P 6** which appears to be a decision made pursuant to an appeal.

It could be seen that the main basis upon which the Appellant had sought a writ of certiorari was an alleged failure to observe the rules of natural justice. However the learned Provincial High Court Judge had concluded in his judgment dated 2002-09-25, that such an allegation cannot be sustained in the light of the available material. Thus, the learned Provincial High Court Judge had refused to issue a writ of certiorari and had proceeded to dismiss the application. It is against that judgment that the Appellant has filed this appeal in this Court.

This Court considered the judgment of the learned Provincial High Court Judge with a view of ascertaining whether intervention of this court is required in this case. However, this Court is satisfied after perusal of the judgment of the learned Provincial High Court Judge that the conclusions arrived at and the reasons given thereto by him are in order and thus requires no intervention by this Court.

This Court had granted time for the parties to file written submissions setting out their respective positions in this case. However, this Court is

unable to extract any valid ground for its consideration from the facts set out in the said written submissions.

Thus, this Court has to proceed on the basis that the Appellant has failed to put forward a single ground for his appeal. It would follow that this Court has no basis to quash the conclusions arrived at by the learned Provincial High Court Judge.

In these circumstances, this Court affirms the judgment of the learned Provincial High Court Judge dated 2002-09-25 and proceed to dismiss this appeal with costs.

JUDGE OF THE COURT OF APPEAL

K K Wickremasinghe J

I agree,

JUDGE OF THE COURT OF APPEAL