

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

In the matter of an application for  
mandates the nature of a Writs of  
Certiorari, Mandamus and Prohibition  
under and in terms of Article

140 of the Constitution of the  
Democratic Socialist Republic of Sri  
Lanka.

C.A. Writ Application No: 102/2018

Tree of Life Products Private limited  
No.166, Athagala  
Katana

**Petitioner**

**Vs**

1. K.G.H.H.R. Kiriella,  
Divisional Secretary, Divisional  
Secretariat, Demanhandiya, Katana
2. Accountant, Divisional Secretariat,  
Demanhandiya, Katana
3. Superintendent of Excise, Office  
of the Superintendent of Excise,  
Ja-Ela

4. District Secretary, Gampaha District  
Secratariat, Bandiyamulla, Gampaha
5. Assistant Commissionaer of Excise,  
Western Province, For Gampaha  
District
6. Commissioner General of Excise,  
Excise Department of Sri Lanka, No.  
353, Cotta Road, Rajagiriya
7. Secretary, Ministry of Home Affairs,  
Independence Square, Colombo 07
8. Amila Dilhan Fernanupulle, No.251,  
Edwin Silve Mawatha, Katana-West,  
Katana

**Respondents**

**CA (Writ)102/2018**

**Before : P. Padman Surasena, J(P/CA)**

**A. L. Shiran Gooneratne, J**

**Counsel : Dr. Sunil Coorey with Nilanga Perera &**

**P. Fernando for the Petitioner.**

**Indula Rathnayake, SC for the AG**

**Supported &**

**Decided on : 04.04.2018**

**P. Padman Surasena, J(P/CA)**

On the last occasion on 08.03.2018, this court heard the submissions of the learned counsel for the petitioner. The court was not inclined to issue notice on the respondents on that occasion. However, court directed the learned counsel for the petitioner to give notice of this application to the respondents and then support it further and the case was fixed for further support for today. The learned State Counsel today informs court that the prayer "C" of the petition has already been granted to the petitioner. (i.e. the petitioner has been granted the exclusive privilege of selling toddy by retail in the relevant toddy tavern). This court observes that it is the main prayer of this application and the main purpose as to why the petitioner has filed this application before this court. Since the main prayer has been granted, there is no further relief that is available for this court to award to the petitioner. Therefore, there is no basis to permit this application to be further pending in this court.

Learned counsel for the petitioner concedes that petitioner has deposited the money as directed by the respondent for the purpose of obtaining this privilege. However, he states that he was not permitted to sign the contract in terms of section 11.

This court observes that the said matter does not form part of the instant application. Learned State Counsel submits that the relevant license will be granted to the petitioner only after the Commissioner General of Excise grants approval for the relevant premises.

Learned State Counsel further submits that the prayer "b" does not arise as the exclusive privilege as per prayer "C" has already been granted to the petitioner. Since the grievances of the petitioner in the subject matter pertaining to this application has already been addressed. We see no reason to entertain this application any further. Therefore, we refuse to issue notices on the respondents and proceed to dismiss this application without costs.

**President of the Court of Appeal**

**.A. L. Shiran Gooneratne, J**

I agree

**Judge of the Court of Appeal**

Na/-