

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

In the matter of an application for orders in the nature of a writ of mandamus under and in terms of the provisions of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Ven. Maharambawawe Palitha Thero,
Sri Jinendraramaya,
Veheragala,
Palugaswewa.

Petitioner

Court of Appeal case

No. CA 57/2017 Writ

Vs.

1. P.A.U.W. Pitigala,
The Officer in Charge,
Habarana Police Station,
Habarana.
2. Padmalal Sandungahawatta,
The Deputy Inspector General of Police
for North Central Province,
Air Port Road,
Meththa Mawatha,
Anuradhapura.
3. Abhayaraja Gamlath,
The Assistant Superintendent of Police
for Habarana and Bakamuna,
Assistant Superintendent of Police's
Office,
Dambulla.

4. Laksiri Wijesena,
The Senior Superintendent of Police for
Polonnaruwa,
Senior Superintendent of Police's Office,
Polonnaruwa.
5. Nimal Kotawelagedara,
The Commissioner General for Buddhist
Affairs,
'Dahampaya',
No. 135, Srimath Anagarika Dharmapala
Mawatha,
Colombo 07.

Respondents

Before : A.L. Shiran Gooneratne J.

Counsel : Dharshana Kuruppu for the Petitioner.

Decided on : 04/10/2017

Order

A.L. Shiran Gooneratne J.

Heard Counsel for the Petitioner in support.

In this Petition the substantive relief prayed for in the nature of a writ of mandamus inter alia, is to direct the 1st to 4th Respondents to take necessary steps to enforce security and other related arrangements to the Petitioner.

It is observed that, in Kekirawa Magistrate's Court case bearing No. A.R. 808/2017, the Learned Magistrate has issued a restraining order to facilitate the security arrangements of the Petitioner, as averred in paragraph 39 of the Petition.

It is rightly within the discretion of this Court to refuse to issue writ, if it is perceived that the Petitioner has an adequate and appropriate remedy.

In the circumstances I hold that the Petitioner has an adequate alternative remedy to address the relief prayed for.

Notice refused.

Petition is dismissed without costs.

JUDGE OF THE COURT OF APPEAL