

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 Certiorari and Mandamus under and in terms of the Provisions of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

S and L Investment (Private) Ltd.

No: 28, Elibank Road,

Colombo.

Petitioner

C.A. (Writ) Application

No: 374/2016

Vs.

1. The People's Bank

People's Bank Head Office,

No: 75, Sir, Chinthampalam A Gardiner
Mawatha,

Colombo 02.

2. The Manger,

People's Bank,

Queen's Branch,

No. 28, D.R. Wijewardena Mawatha,

Colombo 10.

3. The General Manager,

People's Bank, Head Office,

No: 75, Sir Chittampalam A Gardiner

Mawatha,

Colombo 02.

4. The Chairman,
People's Bank, Head Office,
No: 75, Sir Chittampalam A Gardiner
Mawatha, Colombo 02.
5. The Governor,
Central Bank of Sri Lanka,
Colombo 01.
6. The Director,
Department of Supervision of Non Bank
Financial Institutions,
Central Bank of Lanka,
Colombo 01.

Respondents

C.A. 374/2016

Writ Application

**Before : P. Padman Surasena, J. (P/CA) &
A.L. Shiran Gooneratne, J.**

Counsel : Dharshana Kuruppu with Aruna Gamage for the
Petitioner.
Rasika Dissnayake for the 1st, 3rd & 4th Respondents.
Milinda Gunathilake SDSG. for the 5th & 6th Respondents.

Argued &

Decided On : 28.02.2018

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

The Petitioner in this application seeks several reliefs. The petitioner is seeking a direction by this Court on 1-6th respondents to forward a copy of the decision if any, to freeze the current account at People's Bank, Queens Branch. The petitioner has not made it clear whether he is asking for such direction by way of a writ or by way of an interim relief. This Court is unable to gather any legal basis for that relief.

The petitioner has also prayed for a writ of certiorari to quash the decision if any, to freeze the current account No: 033/1/001/6/ 421 at People's Bank Queens Branch .

However it has been pointed out by the learned SDSG. appearing for the 5th and 6th respondents, that the freezing of the relevant current account has been done subsequent to an order made by the Supreme Court, in the case of SC (FR) No: 191/2009. It was pointed out by the learned SDSG that by virtue of the Supreme Court order, the ownership of the shareholding of the petitioner Company has been transferred to the GKCCC special purpose vehicle which was set up to collect assets of the Golden Key Credit Card Company Ltd. This order has been made by the Supreme Court on 2nd December 2013. Therefore, this Court observes that the petitioner is any way not entitled to operate this account.

Perusal of the petition of the petitioner shows clearly that the petitioners have not averred any legal basis for the issuance of the writs prayed for by him from this Court. Even in the course of the submissions of the learned Counsel for the

petitioner, he was unable to satisfy this Court that this freezing orders are contrary to law. It is because the learned counsel for the petitioners failed to cite any provisions of law either for or against that propositions.

Perusal of prayer No: (iv) shows that the petitioners seeks a writ of mandamus to compel the 1-6th respondents to authorize Dr. Lalith Kotalawala, Mrs. Sisili Kotalawala and any of other authorized persons to operate the current account of the petitioner. This Court observes that the petitioner is a company and this Court is not in a position to issue that kind of a writ to allow any 3rd party to operate an account of a company.

In all the circumstances of the case we see no merits what so ever in this application. Therefore, this Court decides to refuse notice on the respondent 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

Jmr/-