

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

In the matter of an Application for a mandate in the nature of a Writ of Certiorari in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA (Writ) Application No: 128/2018

Wijewickrema Muhandiramlage Dinal
Susantha Gunawardena,
No. 24/1, Vincent Joseph Mawatha,
Wattala.

PETITIONER

Vs.

1. S.E.R.T.M.S.P. Bandara,
Director General,
Department of Sports Development.
- 1A. H.M.B.P. Herath,
Director General (Acting),
Department of Sports Development.
- 1B. Dammika Muthugala,
Director General,
Department of Sports Development.
- 1C. Amal Edirisooriya,
Director General.
2. Hon. Dayasiri Jayasekera,
Minister of Sports.
- 2A. Hon. Faiszer Mustapha,
Minister of Sports, Provincial Councils and
Local Government.
- 2B. Hon. Harin Fernando,
Minister of Telecommunication,
Foreign Employment and Sports.
- 2C. Hon. Dullas Alahapperuma,
Minister of Sports & Youth Affairs,

No. 437, Galle Road, Colombo 3.

3. Jayantha Wijeratne,
Secretary, Ministry of Sports.
- 3A. W.A. Chulananda Perera,
Secretary, Ministry of Sports.
- 3B. K.D.S. Ruwan Chandra,
Secretary, Ministry of Sports.
4. R.B. Wickramasinghe,
Assistant Director (Sports)
Department of Sports Development.
5. H.M.B.P. Herath,
Director (Administration & Accounts)
Department of Sports Development.
- 5A. H.A.W. Abey Kumara,
Director (Administration & Accounts),
Department of Sports Development.

1st – 1C, 2nd, 2A, 3rd – 5A Respondents at
No. 9, Philip Gunawardena Mawatha,
Colombo 7.

6. Rizvi Rarouk,
Secretary, Sri Lanka Automobile Sports.
7. Dilhan Jayawardena,
President, Sri Lanka Automobile Sports.
8. Kalinga Samaraweera.
9. Nawaz Fowzie.

6th – 9th Respondents at
Sri Lanka Automobile Sports,
No. 33, Torrington Square, Colombo 7.

10. Upulwan Serasinghe,
No. 29/9, Wickremasinghepura,
Battaramulla.
11. Prashan Wijayanayake.

12. Pubudu Wickrama.
13. Kamil Hussain.
14. Suminda De Silva.
15. Gamini Kavikara.

11th – 15th Respondents at Sri Lanka Association of Racing Drivers And Riders, No. 128, 'Amara Nagaraya', (2nd Floor) High Level Road, Nugegoda.

RESPONDENTS

Before: Mahinda Samayawardhena, J
Arjuna Obeyesekere, J

Counsel: Navin Marapana, P.C., with Uchitha Wickremasinghe and Thenuja Meegahawatte for the Petitioner

Suranga Wimalasena, Senior State Counsel for the 1st – 5th Respondents

Viran Corea with Ms. Thilini Vidanagamage for the 10th Respondent

Ranil Prematilleke for the 11th – 15th Respondents

Argued on: 6th July 2020

Written Submissions: Tendered on behalf of the Petitioner on 2nd July 2020

Tendered on behalf of the 1st – 5th Respondents on 13th July 2020

Tendered on behalf of the 10th Respondent on 1st July 2020 and 13th July 2020

Tendered on behalf of the 11th – 15th Respondents on 19th May 2020

Decided on: 31st August 2020

Arjuna Obeyesekere, J

The Petitioner has filed this application seeking *inter alia* a Writ of Certiorari to quash the decision of the 1st Respondent, Director General of Sports, marked 'X20', by which the Petitioner was informed *inter alia* that he has been banned from participating in any, and/or organising any motor sports event for a period of three years.

The Sports Law No. 25 of 1973, as amended (the Law) provides the legal framework for the regulation and supervision of sports in Sri Lanka. In terms of Section 28, "*the Minister may, by Order published in the Gazette, name any sport or group of sports for which a National Association may be formed*". Section 29 provides for the formation of a National Association in respect of a sport named in an Order made under Section 28 of the Law.

The Minister of Sports, acting in terms of Section 31 read with Section 41 of the Law, has made Regulations containing provisions relating *inter alia* to the registration of National Associations of Sports. Schedule II of the said Regulations marked 'X23' lists the names of the sports for which there can be a National Association, and includes Automobile Sports. It is not in dispute that the National Association for motor sports in Sri Lanka is the Sri Lanka Automobile Sports Association (SLAS), and that several clubs, including the Sri Lanka Auto Sports Drivers Association (SLARDAR) are affiliated to the SLAS.

The Petitioner states that he is a successful racing car driver who has been involved in motor racing in Sri Lanka since 2000, and that he has won several motor sport events over the years. The Petitioner has stated further that the Colombo Super Cross motor racing event is an annual motor racing event conducted by SLARDAR, and that the said event for the year 2017 had been held on 7th May 2017. It is agreed by the parties that the Petitioner, the 10th Respondent and several others had participated in Event No. 17, known as the 'Ford Laser/Mazda 1500cc event'. The Petitioner claims that during the said event, the 10th Respondent had deliberately collided his vehicle with the vehicle of the Petitioner, causing damage to both

vehicles. The Petitioner states that due to the said collision, the Petitioner was only able to secure 2nd place at the said event.

The rules governing the said event require any complaint or protest to be lodged with the Officials of the event within 30 minutes of the completion of the event, and for a payment of Rs. 15,000 to be made at the time the complaint is lodged. The Petitioner claims that he lodged a protest over the said incident and paid the required fee, and that he expected SLARDAR to act on his complaint.

It is not in dispute that the 10th Respondent did not lodge a complaint regarding the aforementioned incident with the Event Officials. Instead, the 10th Respondent, by a letter dated 10th May 2017 marked '10R5' had made the following complaint to the 2nd Respondent, who was the Minister of Sports at that time:

“එම ඉසව්වටම තරග අංක 97 යටතේ සහභාගි වූ සුසන්න ගුණවර්ධන යන අය තරගය අතර තුළදී කිහිප වාරයක්ම මාගේ රථය අවහිර වන පරිදි සහ මාගේ මෝටර් රථය තරග පටියෙන් ඵලියට ඇද දැමීමට සහ තරග නීතිරීති වලට පටහැනිව ඔහු ක්‍රීඩා කරන ලදී. එහි තවත් වශේෂත්වයක් වන්නේ තරග සංවිධායකයින් (Officials) ඔහු තරග කරන ආකාරය ගැන නිසි ක්‍රියා මාර්ග නොකිරීමයි.

ඉන් පසුව මා සමග උරන වූ සුසන්න ගුණවර්ධන යන අය මා තරගය අවසන් වී නිවස බලා පැමිණෙන අතරතුරදී ඔහු හා ඔහුගේ මැරයන් 25 දෙනෙකුට අධික පිරිසක් මාගේ මෝටර් රථය අවහිර කොට මා හට සහ රථ වලට මැර ප්‍රහාරයක් එල්ල කරන ලදී. එහි ප්‍රතිපලයක් ලෙස මා කොළඹ පාහික රෝහලේ නේවාසිකව ප්‍රතිකාර ගන්නා ලදී. ගරු ක්‍රීඩා ඇමතිතුමනි, මෙය මොහුගේ පළවන ක්‍රියාව නොවන බවත්, මොහු මීට ප්‍රථමද ක්‍රීඩකයින් සහ සංවිධායකයින් සමග ප්‍රශ්න ඇති කර කිහිප වාරයක්ම තරග තහනම් වලට ලක් වූ මැර පුද්ගලයෙකි.”

Acting on the said complaint, the 1st Respondent, by a letter dated 11th May 2017 marked 'R5' had appointed a Committee consisting of the 4th Respondent, Assistant Director (Sports), Ministry of Sports, and two others, to inquire into the said complaint '10R5', and submit a report. An inquiry had accordingly been conducted by the said Committee with the participation of the Petitioner, the 10th Respondent, the officials of SLARDAR and SLAS. The Petitioner has no complaint with the manner in which the said inquiry was conducted, nor is the Petitioner complaining about the hearing that was afforded to him.

After the conclusion of the inquiry, the said Committee had submitted their report dated 7th December 2017 marked 'R21' to the Minister of Sports through the 1st Respondent, and the 3rd Respondent, the Secretary, Ministry of Sports. For the reasons set out therein, the Inquiry Panel had found that the Petitioner had deliberately obstructed the 10th Respondent during the event, and had therefore recommended that the maximum punishment be imposed on the Petitioner.

The 1st Respondent had thereafter sent the letter dated 9th January 2018 marked 'X20' to the Petitioner. 'X20' reads as follows:

“2017 කළමනාකරණ කමිටු විසින් හා සම්බන්ධව උපුල්වත් සේරසිංහ මහතා විසින් ගරු ක්‍රීඩා අමාත්‍යතුමා වෙත ඉදිරිපත් කරන ලද අභියාචනය සම්බන්ධ පරීක්ෂණය

ඉහත සඳහන් අභියාචනය පිළිබඳ පරීක්ෂා කිරීමට පත්කරන ලද පර්යේෂණ කමිටුව මගින් මෝටර් රථ ධාවන තරගයේ දී සිදුවූ යයි ඉදිරිපත් කරන ලද චනය කඩ කිරීම සම්බන්ධයෙන් ඉදිරිපත් වූ වාචක තොරතුරු හා සාක්ෂි කැඳවා, රූපවාහිනී සංස්ථාව මගින් කරන ලද රූගත කිරීම් වල විඩියෝ දර්ශණ පිළිබඳව අවධානය යොමුකොට පරීක්ෂණය සිදුකරන ලදී.

02. එම තොරතුරු අනුව ඔබ විසින් උපුල්වත් සේරසිංහ මහතාගේ රථය, තරගයේ එකී වටයක් තුළ දී හරස් කර ධාවන පටයෙන් හිතා මතාම ඉවතට ගෙනයන ලද බව තහවුරු වී ඇත. මෙය ඉතාමත් වැරදි සහගත චනයානුකූල නොවන අනෙක් තරගකරුට ඉතාමත් බරපතල හානියක් සිදු කළ හැකි ක්‍රියාවක් වේ.

03. එමෙන්ම මීට පෙර ශ්‍රී ලංකා මෝටර් සයිකල් ක්‍රීඩා සමාජය මගින් පවත්වන ලද නුවර එළිය මාර්ග ධාවන තරගයේදී ද ඔබගේ චනය විරෝධී හැසිරීම සම්බන්ධයෙන් තරග සංවිධානය කරන ලද ශ්‍රී ලංකා මෝටර් සයිකල් ක්‍රීඩා සමාජය මගින් පරීක්ෂණයක් පවත්වා වසර 7ක තහනමක් හා රු: ලක්ෂයක දඩ මුදලක් ගෙවනලෙස තහනමක් පනවන ලදී. මේ පිළිබඳව ඔබ විසින් කරන ලද අභියාචනය සලකා බලන ලද ක්‍රීඩා සංවර්ධන දෙපාර්තමේන්තුවේ පරීක්ෂණ කමිටුව මගින් ඔබගේ ක්‍රීඩා පිවිත්‍ය සැලකිල්ලට ගෙන මාස 3 ක කාල සීමාවකට තරග තහනමක් සහ ඉදිරි වසර 3ක කාලය අත්හිට වූ තරග තහනමක් ද ලබා දීමෙන් ක්‍රීඩා සමාජය විසින් පනවන ලද දඩුවම් ලිහිල් කොට ඔබට සහනදායී චනයානුකූල පියවරක් ගෙන තිබිණි. (ඔබ වෙත යොමු කරන ලද අංක DSD/NSA/03/15 හා 2016.09.02 ලිපිය)

04. මෙම 2017 වර්ෂයේ කළමනාකරණ කමිටු විසින් තරගාවලියේ දී සිදු වූ බරපතල චනය විරෝධී ක්‍රියාව තහවුරු වූ බැවින් හා එයට පෙර ඔබ වෙත පනවන ලද තහනමට අනුව වරදකරුවන බැවින් ඔබ විසින් චනය විරෝධී ක්‍රියාව සිදු කළ 2017 කළමනාකරණ කමිටු විසින් තරගය පැවැත් වූ දින සිට ඉදිරියට වසර 3ක කාලයක් කිසිදු මෝටර් රථ ක්‍රීඩා තරගයකට සහභාගිවීම හෝ සංවිධාන කටයුතු වලට සම්බන්ධ වීම සම්පූර්ණයෙන් තහනම් කිරීමට හා එම වසර 3ක කාලයෙන් පසු ඉදිරියට තවත් වසර 3ක කාල සීමාවක් අත්හිටවූ තරග තහනමක් පැනවීමට ද මෙම කාලය තුළ යම් චනය කඩ කිරීමක් සිදු කර එය පරීක්ෂණයකින් තහවුරු වුවහොත් මෝටර් රථ ක්‍රීඩාවට අදාලව එහි ව්‍යවස්ථාවට අනුව උපරිම තහනමක් පැනවීම සිදු කිරීමට

පරීක්ෂණ කමිටුව විසින් ගන්නා ලද තීරණය ගරු ක්‍රීඩා අමාත්‍යතුමා විසින් අනුමත කර ඇති බව කාරුණිකව දන්වමි.

05. ඒ අනුව ඉහත සඳහන් පරිදි ඔබට ඉදිරි වසර 03 ක කාලයක් කිසිදු මෝටර් රථ ක්‍රීඩා තරගයකට සහභාගිවීම හෝ සංවිධාන කටයුතු වලට සහභාගිවීම තහනම් වන අතර ඉන් ඉදිරියට වසර 03ක කාලයක් තුළ අත්හිටවූ තරග තහනම් කාලයක් පහවනු ලබන බව කරුණාවෙන් දන්වමි.”

Aggrieved by 'X20', the Petitioner had lodged an appeal dated 10th January 2018 marked 'X21' with the 2nd Respondent. Although by letter dated 8th February 2018 marked 'X22' the Petitioner had been directed to be present for an inquiry on 20th February 2018, this Court has not been apprised of either the outcome of the said inquiry, or the decision of the Minister with regard to the said appeal.¹

It is only thereafter that the Petitioner filed this application, seeking a Writ of Certiorari to quash 'X20', on the following two grounds:

- (a) The Director General of Sports and/or the Minister of Sports does not have the power to conduct an inquiry into the complaint '10R5';
- (b) The Petitioner has been deprived of an unbiased hearing in the exercise of his statutory right of appeal to the Minister, in view of the involvement of the Minister of Sports in the decision making process culminating in 'X20'.

I shall now consider the first argument of the learned President's Counsel for the Petitioner, which is twofold. He submitted that whenever a complaint is lodged over an incident that occurs at a sporting event, disciplinary action must first be initiated by the Club that conducts the sporting event – SLARDAR in this instance - with a right of appeal against the decision to the National Association of Sports – being the SLAS - and a final right of appeal to the Minister of Sports. He submitted further that the Minister of Sports, and/or the Director General of Sports does not have the jurisdiction to conduct an inquiry to determine liability and that their jurisdiction is limited to hearing appeals once liability has been determined by the National Association.

¹ Vide paragraph 43 of the petition, which has been denied in paragraph 3 of the Statement of Objections of the 1st – 5th Respondents.

The learned President's Counsel for the Petitioner drew the attention of this Court to a set of rules that are applicable to sporting events conducted by SLARDAR, marked 'X5'. Rule X thereof further that all *"protests must be made in writing on the prescribed form available with the Paddock Marshall and delivered to the Race Director / Clerk of the Court or to the Secretary of the Meet for onward transmission to the Stewards of the meet, with the receipt of payment obtained from the paddock marshall after paying the non-refundable protest fees in cash"*.

The Petitioner states that once a complaint has been lodged, the next step is for the SLARDAR to commence action in terms of the Sporting Code issued by the SLAS, marked 'X7'. The addendum to Part X of 'X7' specifies the procedure to be followed in the first instance by Club stewards when inquiring into complaints relating to violations and breaches committed by competitors and drivers. Accordingly, a preliminary investigation shall be carried out by SLARDAR, and if the material discloses that an offence has been committed by a driver, a formal disciplinary inquiry shall be conducted by the disciplinary committee of SLARDAR. Paragraph 15.32 of Part X requires the findings of the disciplinary committee to be submitted to the Council of SLARDAR for a final decision to be taken, including the punishment that is to be imposed. In terms of Rule 15.33, *'In the event of the Club council considering that a general ban should be imposed on the accused it will forward the report of the disciplinary committee together with its recommendations to the President of SLAS.'*

The learned President's Counsel for the Petitioner submitted that the SLAS does not have the jurisdiction to take disciplinary action against a competitor or conduct an inquiry, and that SLAS can only act as an appellate body. The former position does not appear to be strictly correct. Rule 10.02 of 'X7' specifies that, *"the disciplinary committee of SLAS shall have the power to take any immediate action on behalf of the SLAS in respect of a Club, official or a competitor against whom any complaint may be made to any member of the Council of SLAS, or any incident or matter on which the Disciplinary Committee may consider that immediate action is necessary."* It also appears from Rule 9.12 and Rule 12.01 of 'X7' that the SLAS has the power to take direct disciplinary action in the circumstances mentioned therein. The position

therefore appears to be that where a complaint/protest is lodged, an inquiry needs to be conducted by SLARDAR, with a right of appeal against the decision of SLARDAR being available to the SLAS. However, in the circumstances mentioned in the aforementioned Rules, SLAS can on its own initiative, take action.

Regulation 8(1) of the Regulations marked 'X23' provides that any person who is aggrieved by any decision or action of a registered National Association of Sports may appeal to the Minister. In terms of Regulation 8(2), '*The Minister shall on consideration of all relevant facts inform his decision to the Appellant and the relevant National Association of Sports.*'

Similar provision is found in Section 30 of the Law, which reads as follows:

'Any person who is aggrieved by any decision or action of a registered National Association of Sports may, in accordance with the succeeding provisions of this Law, appeal to the Minister against such decision or action and the Minister's decision on such appeal shall be final and conclusive and shall not be questioned in any court of law.'

Thus, even if SLAS can take action on its own initiative, what is important however is the submission that in any event, the Minister of Sports only has appellate power, and that neither the Minister nor the Director General of Sports has the power to conduct an inquiry into an incident, unless such an inquiry is being conducted in the exercise of its appellate power.

It is in these circumstances that I must consider if the 1st or 2nd Respondents have acted *ultra vires* their powers by appointing a Committee, and conducting an inquiry, other than in the course of the appellate jurisdiction conferred in terms of Section 30.

Having identified *illegality* as one of the grounds on which a decision of an administrative body could be subjected to judicial review, Lord Diplock in **Council of Civil Service Unions vs Minister for the Civil Service**² described *illegality* as follows:

² 1985 AC 374.

“By “illegality” as a ground for judicial review I mean that the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it. Whether he has or not is par excellence a justiciable question to be decided, in the event of dispute, by those persons, the judges, by whom the judicial power of the state is exercisable.”

As stated in **De Smith’s Judicial Review**³:

“The task for the courts in evaluating whether a decision is illegal is essentially one of construing the content and scope of the instrument conferring the duty or power upon the decision-maker. The courts when exercising this power or construction are enforcing the rule of law, by requiring administrative bodies to act within the “four corners” of their powers or duties.”

The learned Senior State Counsel appearing for the 1st – 5th Respondents is not disputing the argument of the learned President’s Counsel for the Petitioner that the Minister and/or the Director General of Sports does not have the power to conduct an inquiry. He however submitted that by an Order marked ‘**R3**’ published in the Extraordinary Gazette No 1986/61 dated 30th September 2016, the Minister of Sports, acting in terms of Section 39(1) of the Law had appointed the 1st Respondent as the Competent Authority for SLAS until an election is held lawfully, and for the purpose of convening the election of the SLAS to elect new office bearers. The learned Senior State Counsel accordingly submitted that the 1st Respondent did not conduct the inquiry in his capacity as Director General, but by virtue of being the Competent Authority of the SLAS.

I cannot agree with the submission of the learned Senior State Counsel that the 1st Respondent had acted *qua* SLAS when he directed that an inquiry be conducted by the 4th Respondent, for the following reasons:

- a) The 10th Respondent made the complaint ‘**10R5**’ to the Minister of Sports, with copy to the 1st Respondent, and not to the SLAS;

³Harry Woolf, Jeffery Jowell, Catherine Donnelly, Ivan Hare, De Smith’s Judicial Review (8th Edition, 2018), Sweet and Maxwell, page 245-246.

- b) The 1st Respondent appointed the Committee chaired by the 4th Respondent acting on the said letter sent to the Minister– vide 'R5';
- c) The correspondence that the 4th Respondent had with the Petitioner makes it clear that he is inquiring into the complaint made by the 10th Respondent to the Minister – vide 'R7', 'R9', 'R10';
- d) The correspondence that the 4th Respondent had with the SLARDAR also makes it clear that the inquiry is being held pursuant to the complaint of the 10th Respondent to the Minister – vide 'R17';
- e) The report of the Committee, marked 'R21' is addressed to the Minister, and specifically refers to it being a Committee appointed on a complaint made to the Minister;
- f) The decision 'X20' conveyed to the Petitioner by the 1st Respondent refers to the fact that the inquiry was conducted pursuant to the complaint made to the Minister.

I must also note that the 1st Respondent was appointed as Competent Authority only until a new set of office bearers were appointed to the SLAS. Although this Court has not been apprised of the date on which the elections to the SLAS were held, the following documents establish that the SLAS had a set of office bearers by 9th October 2017, which is the last date on which the said inquiry was held, and which is therefore prior to the submission of the report 'R21':

- (a) The attendance sheet marked 'R15' containing the names of those who were present on the second date of inquiry including the Secretary of SLAS.
- (b) 'X20' which had been copied to SLAS, with the following endorsement setting out the reason for 'X20' being copied - 'ඉහත සඳහන් විනයානුකූල පියවර පිළිබඳ අවශ්‍ය ඉදිරි කටයුතු සඳහා'

In the above circumstances, I am of the view that:

- (a) Neither the Director General of Sports, nor the Minister of Sports have the power to conduct an inquiry into a complaint arising out of an incident that occurs in a sporting event conducted by SLARDAR, unless such an inquiry is being held in the exercise of the appellate jurisdiction conferred by the Minister by Section 30; and
- (b) The 1st Respondent and the 4th Respondent acted outside their jurisdiction by conducting an inquiry, and arriving at findings against the Petitioner.

A decision reached after such a process in my view is illegal, and is liable to be quashed by a Writ of Certiorari.

The second complaint of the learned President's Counsel for the Petitioner was that the Minister has clearly been involved in the decision making process that culminated in 'X20', and that such involvement on the part of the Minister has deprived the Petitioner of a fair and unbiased hearing in the exercise of his statutory right of appeal to the Minister.

I have already referred to the framework within which disciplinary action must be taken by SLARDAR, and the role played by the SLAS as an appellate body in the event a ban is imposed on a participant. Even if I accept the position of the learned Senior State Counsel that SLAS has the authority to hold an inquiry into the conduct of the Petitioner and that the 1st Respondent conducted the said inquiry in his capacity as the Competent Authority for SLAS, the Petitioner would still have a right of appeal to the Minister in terms of Section 30 of the Act.

However, the penultimate paragraph of 'X20' makes it clear that the approval of the Minister has been granted for the punishment imposed on the Petitioner. Therefore, any appeal to the Minister would be an exercise in vain, as the Minister cannot review a decision which has been approved by him. The learned Counsel for the 10th Respondent has submitted in his written submissions that '*when the document marked X20 is read holistically in context, the said phrase reflects a warning issued to the petitioner considering his prior misconduct and punishment given for his wrongful behavior at a motorcycle race in Kandy*'. However, my understanding of the said

paragraph in 'X20' is that the imposition of the punishment in respect of the Super Cross 2017 event has been approved by the Minister, thereby depriving the Petitioner of a fair and unbiased hearing of his appeal.

I am therefore in agreement with the second submission of the learned President's Counsel for the Petitioner, and am of the view that 'X20' is liable to be quashed, on this ground as well.

Before concluding, I must state that the Petitioner and the 10th Respondent appear to have lost sight of the fact that they are mere competitors in a sporting event. As submitted by the learned Counsel for the 10th Respondent, discipline among sportsmen and sportswomen is paramount, and any breach must be dealt with strictly, but in accordance with the law. The Committee chaired by the 4th Respondent, having had the benefit of watching the video footage relating to the incident, has in its report 'R21' exhaustively dealt with the manner in which the Petitioner had obstructed the 10th Respondent, and the counter steps that had been taken by the 10th Respondent. Unfortunately, the 1st – 4th Respondents have been over zealous, and in the process drifted outside their jurisdiction, leaving this Court with no other option, but to quash their decisions.

In the above circumstances, I issue a Writ of Certiorari quashing the decision contained in 'X20'. I make no order with regard to costs.

Judge of the Court of Appeal

Mahinda Samayawardhena, J

I agree

Judge of the Court of Appeal