

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

*In the matter of an application for mandates in the  
nature of Writs of Mandamus under and in terms of  
Article 140 of the Constitution.*

**CA WRT 267/2024**

**M/S Randika Sevakaru (PVT) Ltd.**

No. 4, “Hiru Sevana”

Jethawana Watta,

Essella, Udugama, Veyangoda.

**PETITIONER**

**VS.**

**Ceylon Electricity Board**

No. 50, Sir Chittampalam A Gardiner

Mawatha,

P.O.Box 540, Colombo 02.

**RESPONDENT**

Before : **Hon. Rohantha Abeysuriya PC, J.(P/CA)**

: **Hon. K. Priyantha Fernando, J.(CA)**

Counsel : Prabashini Jayasekara SC for the Respondent.

Petitioner appears in person.

Written Submissions on : 20.11.2025 for the Petitioner.

Decided on : 20.01.2026

**K. Priyantha Fernando, J.(CA)**

The Petitioner, by way of Petition dated 28<sup>th</sup> October 2024, invoked the jurisdiction of this Court under and in terms of Article 140 of the Constitution seeking Writs of Mandamus directing the 1<sup>st</sup> Respondent to allow the Petitioner to construct, fix wires, erect lamp posts as mandating the provision of electricity connections to the auctioned lands.

The primary reliefs prayed for in the Amended Petition are Writs of Mandamus directing the Respondent to allow the Petitioner to construct, fix wires and erect lamp posts in order to obtain supply of electricity to the auctioned lands and directing the Respondent to approve the 25 most recent wiring projects completed by the Petitioner for the supply of electricity by the Respondent.

POSITION OF THE PETITIONER:

The Petitioner in submission put forth that the Petitioner is a company engaged in wiring and fixing electricity connections to lands owned by real estate companies. The Petitioner submitted that the Petitioner company has been engaged in the business of constructing connections and fixing wires since around 1990.

However, the Petitioner contends that it has been prevented from engaging in its business of fixing wires following its involvement in the Writ case bearing No. CA/WRT/157/2021 in which the Petitioner company was an Interventient Petitioner. The Petitioner submits that the relevance of its involvement in this matter to the instant case stems from the fact that the Petitioner was a key figure which aided in highlighting the corruption of the 1<sup>st</sup> Respondent in failing to provide a breakdown of the costs in its estimates to real estate companies who had newly wired plots of land. As such, the Petitioner was of the view that the Respondent had developed an animosity towards the Petitioner and had for that reason restrained the Petitioner from engaging in its business of providing its services to the real estate companies.

The Petitioner stated that it had written several letters to the 1<sup>st</sup> Respondent regarding the necessity of allowing the Petitioner Company to engage in its business and construct and fix wires. However, the Petitioner stated that it has only received back replies detailing that the 1<sup>st</sup> Respondent holds the power to ensure that connections are constructed and fitted according to its standards.

It was the Petitioner's contention that in refusing to allow the Petitioner Company to carry out its electrical work of wiring and fixing connections, the Respondent has failed to provide many auctioned lands with the necessary electricity connections to sell them. In doing so, had created a delay and allegedly charges exorbitant amounts for constructing such connection. Whereas, the Petitioner contended that it would be able to provide the same service at a more reasonable rate.

The Petitioner argued and alleged that the actions of the Respondent in not allowing the Petitioner to engage in its business and instead compelling the real estate companies to forgo the affordable services of the Petition has committed acts which are arbitrary, illegal and ultra vires.

Additionally, the Petitioner had submitted in length documents detailing the alleged corrupt nature of the 1<sup>st</sup> Respondent in unlawfully accruing money by way of its incorrect estimates for which purpose a case is currently being heard in the District Court bearing case No. DMR/6301/2019. The Petitioner had even requested that the General Manager of the CEB, the 1<sup>st</sup> Respondent be summoned before this court.

#### POSITION OF THE RESPONDENT:

The Respondent by motion dated 7<sup>th</sup> November 2025 stated that the application of the Petitioner is devoid of merit and lacks legal and factual basis. Furthermore, the Respondent submitted the procedure required to be followed when obtaining a new electricity connection is available in the published "Supply Services Code," which is also available for public access via the official CEB website and the website of the Public Utilities Commission of Sri Lanka.

Moreover, a summary of the procedure is available in the “Guidelines to Obtain a New Service Connection” which is available on its official website and marked as ‘Annex A.’ The same is detailed in a flowchart, also available on the official CEB website marked as ‘Annex B.’

#### ANALYSIS AND CONCLUSION:

In terms of the ingredients necessary to issue a Writ of Mandamus, it is evident that there must be a public duty owed and a refusal to perform such duty by the public body. This is considered in the case of **Annalingam Annarasa and others v S. J. Kahawatta and others**, CA/Writ/21/2022 decided on 13.02.2023 in which it was observed that;

*“The Review Courts have developed the scope of the jurisdiction to issue writs of Mandamus to a greater extent but subject to certain limitations. The Supreme Court in Weligamawa Multi-Purpose Cooperative Society Ltd. vs. Chandradasa Daluwatta (1984) 1 Sri. L.R. 195 confirmed that a writ of mandamus may be issued to secure the performance of a public duty, in the performance of which the applicant has sufficient legal interest. The public duty sought to be enforced must be of public nature stemming from a statute, charter, the common law or custom and however, cannot be of a merely private character.”*

Furthermore, as Lord Goddard CJ said: ‘to allow an order of mandamus to go there must be a refusal...’. Although it is evident that the Respondent in this case owes a public duty to the Petitioner, it has not been proved to this court that performance of such duty has been refused by the Respondent. The Petitioner Company has only annexed letters marked ‘P7-P9’, of which ‘P7’ is a letter sent by the Petitioner to the Public Utilities Commission detailing its inability to obtain a supply of electricity from the Respondent. To which the Petitioner has received a reply from an officer of the Commission detailing the procedure which is to be followed when carrying out such services and has even requested that the Petitioner provide the Commission with further details so that they might assist him. The Public Utilities Commission in its reply has further mentioned that it is necessary for the Respondent to inspect the wiring prior to providing the supply of electricity in order to maintain its standards.

In any event the response from the Commission does not amount to a refusal of the Respondent and sufficient evidence to prove the same has not been furnished before this court. In the case of **Ranaweera V Mahaweli Authority Of Sri Lanka And Another** (2004] 2 SLR 346, it was held that;

*“In any event the petitioner in this case has failed to produce any evidence to show that he had demanded compliance with order of the Labour Tribunal and the Provincial High Court from the 1st respondent authority. This by itself is sufficient to disentitle the petitioner to any relief prayed for by him. In this context, it is necessary to quote from H.W.R. Wade and C.F Forsyth, Administrative Law, 8th Edition, page 615 in which the authors have succinctly stated the law in the following words:*

*‘It has been said to be an ‘imperative rule’ that an applicant for mandamus must have first made an express demand to the defaulting authority, calling upon it to perform its duty, and that the authority must have refused. But these formalities are usually fulfilled by the conduct of the parties prior to the application, and refusal to perform the duty is readily implied from conduct. The substantial requirement is that the public authority should have been clearly informed as to what the applicant expect it to do, so it might decide at its own option whether to act or not.’ ...”*

Additionally, the Petitioner has provided no factual basis to prove that it has been maliciously refused or restrained by the 1<sup>st</sup> Respondent from carrying out its business of fixing and wiring electrical connections. It has not been specifically pleaded that the Respondent has acted *mala fide* or maliciously against the Petitioner. It has instead been put forth as a mere statement in the 9<sup>th</sup> averment of the Petition. It is trite law that malice should be specifically pleaded. However, the same has not been pleaded nor sufficiently proven to this court and is unaccompanied by any evidence of such malice.

Furthermore, the Respondent by way of motion dated 7<sup>th</sup> November 2025 has plainly detailed the procedure by which an owner or applicant is to apply for supply of electrical connection to their residential property marked as ‘Annex A’ and ‘Annex B’ respectively. It does not, in any guideline state that private contractors are not allowed to carry out their own wiring. In fact, it is seen to be a commonplace practice as such procedure is even detailed in the flow diagram marked as ‘Annex B’ tendered by the Respondent.

For all the above circumstances, issuance of formal notice on the Respondent is refused and the application of the Petitioner is dismissed without costs.

**Judge of the Court of Appeal**

**Hon. Rohantha Abeysuriya PC, J.(P/CA)**

I agree.

**President of the Court of Appeal**