

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

**CA (Writ) application No: 649/2024**

1. W.M.P.V.K Wijenayake  
173-A Galle Road, Thalpitiya North,  
Wadduwa.

2. B. Shamindra Mendis  
122, Sri Dewananda Road, Willorawatta,  
Moratuwa

**PETITIONERS**

**-Vs-**

1. Sri Lanka Institute of Architects (SLIA)  
No.120/7, Vidya Mawatha,  
Colombo 07.

2. Architects Registration Board (ARB)  
No.120/7, Vidya Mawatha,  
Colombo 07.

3. Registrar,  
Architects Registration Board,  
No.120/7, Vidya Mawatha,  
Colombo 07.

4. Chairman,  
University Grants Commission (UGC)  
No 20, Ward Place,  
Colombo 07.

5. Chairman,  
Tertiary and Vocational Education  
Commission (TVEC),  
“Nipunatha Piyasa”  
354/2, Elvitigala Mawatha,  
Colombo 05.

6. Honorable Attorney General  
Attorney General's Department  
Colombo 12.

**RESPONDENTS**

**Before: S. U. B. Karalliyadde, J.**

**Counsel:** Ravindranath Dabare instructed by Uvindi Dissanayake for the Petitioners.

Sumathi Dharmawardena, ASG, P.C. with Sachitha Fernando, SC for the 4<sup>th</sup>  
to 6<sup>th</sup> Respondents.

Dilumi De Alwis and Y. Almeda instructed by Amila Kumara for the 2<sup>nd</sup>  
and 3<sup>rd</sup> Respondents.

Samhan Munzir and Uthpala Senarathna instructed by Shaminda  
Wickramasinghe for the 1<sup>st</sup> Respondent.

**Written submissions tendered on:**

30.07.2025 by the Petitioners

30.07.2025 by the 1<sup>st</sup> Respondent

**Order delivered on:** 29.08.2025

**S. U. B. Karalliyadde, J.**

This Order pertains to the acceptance of the amended Petition dated 15.01.2025. The Petitioners have filed the instant Application by the original Petition dated 09.10.2024 and later amended it without permission of this Court by the amended Petition dated 15.01.2025. The Petitioners are Architectural Licentiates who are recognised by the Sri Lanka Institute of Architects Law (as amended) to practice as architects. The grievance of the Petitioners revolves mainly around the proper mapping out of the qualification required to be recognised as an Architectural Licentiate.

Before this Application was taken up for support, the Petitioners had filed an amended Petition dated 22.11.2024. When this matter was taken up for support on 02.12.2024, the learned Counsel appearing for the 1<sup>st</sup> Respondent, who appears before the Court on direct notices, objected to the amended Petition on the basis that it has been filed without obtaining the prior permission of this Court, violating Rule 3(8) of the Court of Appeal (Appellate Procedure) Rules 1990. Thereafter, the learned Counsel appearing for the Petitioners proceeded to withdraw the amended Petition dated 22.11.2024 and moved to file a new amended Petition. Thereafter, the Petitioners filed the amended Petition dated 15.01.2025. When this Application was mentioned on 07.02.2025, the learned Counsel appearing for the Respondents moved for a date to file objections to the amended Petition dated 15.01.2025. This matter was once again mentioned before the Courts on 08.05.2025, and the learned Counsel appearing for the Respondents other than the 1<sup>st</sup> Respondent stated that they are not objecting to the amended Petition dated

15.01.2025, whereas the 1<sup>st</sup> Respondent moved to file objections. Thereafter, with regard to the objection of the 1<sup>st</sup> Respondent, an inquiry was fixed for 23.06.2025. On that day, both Counsel appearing for the Petitioners and the 1<sup>st</sup> Respondent agreed to dispose of the inquiry on Written Submissions.

The objection raised by the learned Counsel appearing for the 1<sup>st</sup> Respondent regarding the amended Petition *inter alia*, is that the Petitioners have filed the amended Petition dated 15.01.2025 without adducing any reason for amendment, and the scope and ambit of the Application of the original Petition has been changed by the addition of new prayers (b), (c) and (d). The reliefs prayed for in prayer (f) and (h) in the amended Petition were not prayed for in the original Petition. The amended Petition has been filed without obtaining prior permission of this Court, and even if permission has been granted, still the Petitioners have failed to file the amended Petition within two weeks from the date of permission being granted as provided in Rule 3(8) of the Court of Appeal (Appellate Procedure) Rules 1990. Rule 3(8) reads as follows,

*“A party may, with the prior permission of the Court, amend his pleadings, or file additional pleadings affidavits or other documents, within two weeks of the grant of such permission, unless the Court otherwise directs. After notice has been issued, such permission shall not be granted ex parte”*

It is the view of this Court that, Court of Appeal (Appellate Procedure) Rules 1990 do not apply to Writ applications in terms of Rule 3(15) of the Court of Appeal Rules. Rule 3(15) reads thus,

*“These rules shall also apply mutatis mutandis to applications made to the court under any provision of the law, other than Articles 138, 140 and 141 of the Constitution”*

Even though the Supreme Court Rules of 1990 repealed Parts I, II and III of the Supreme Court Rules of 1978, Part IV of the Supreme Court Rules of 1978 on “writs and examination of records” is still in effect. Thus, Rules 50 and 51 of the Supreme Court Rules of 1978 apply to applications made under Articles 140 and 141 of the Constitution. Rule 50 reads as follows,

*“Where a petitioner moves to amend any of the papers he has filed or to tender any additional papers he shall do so within two weeks of the order made by Court on such motion unless the Court otherwise directs”*

Rule 51 reads thus,

*“Where any papers are filed under rule 50 the application shall be listed for an order of court within a week of such filing”*

In the case of *Road Development Authority v. Hon. Manusha Nanayakkara and Others*,<sup>1</sup> taking into consideration the fact that amendments to the pleadings are permitted in law

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<sup>1</sup> CA/WRT/0831/2023, CA Minutes of 27.11.2024

if there is no prejudice is caused to the opposing party, Mohammed Laffar, J. (as he then was) deciding that no material prejudice have been caused to the Respondents in that application by the amended Petition, has held that,

*“Thus, I am of the view that, the amendments to the petition do not change the pith and substance of the case inasmuch as the Petitioner has not attempted neither to take up new or different position, nor to introduce a new cause of action nor to pray different reliefs than the reliefs sought in the original Petition. Accordingly, it has not impeded or undermined the Respondent’s ability to address the claims of the Petitioner on its merits.”*

In the case of *Road Development Authority v. Hon. Manusha Nanayakkara and Others* (supra), the Petitioners have amended the Petition by the addition of two new paragraphs and have not prayed for different reliefs from the original Petition of that case. However, in the matter at hand, by amending the Petition, the Petitioners have added several new averments as well as additional reliefs (i.e. reliefs (b), (c) and (d)) to the amended Petition. Now the question before this Court is whether any prejudice has been caused to the Respondents by amending the original Petition. Upon examining the facts set out in the original Petition and the amended Petition, it is clear that the Petitioners, in the amended Petition, have merely elaborated upon the matters originally averred, without attempting to take up a new or different position or introducing new facts. Regarding the argument of the learned Counsel appearing for the 1<sup>st</sup> Respondent on prayers (f) and (h) in the amended Petition, it is the view of this Court that prayer (f)

in the amended Petition is identical to prayer (c) in the original Petition. Furthermore, relief prayed in prayer (h) of the amended Petition, the Petitioners seek the same relief as prayed for in prayer (e) in the original Petition, with an addition of the wording “Qualifying Examination” without changing the nature of the relief sought. Although the Petitioners have sought three additional reliefs in the amended Petition, in addition to those originally prayed for, it appears to this Court that these additional reliefs arise from and are founded upon the facts set out in the original Petition. Furthermore, considering the fact that the instant Application has neither been supported nor formal notices have been issued, it is the view of this Court that even if this Court accepts the amended Petition, the Respondents have ample opportunity to object to the amended Petition. Therefore, this Court is of the view that no prejudice will be caused to the Respondents if the Court accepts the amended Petition.

Therefore, considering the above-stated facts, this Court decide to accept the amended Petition dated 15.01.2022. Objections overruled. No costs ordered.

*Amended Petition Allowed.*

**JUDGE OF THE COURT OF APPEAL**