

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

**C.A. (Writ) Application**

**No: 1154/25**

Tuk Tuk Rental (Pvt) Ltd,  
11/A, Negombo Road,  
Katunayake.

**PETITIONER**

**Vs.**

1. Hon.Bimal Rathnayake,  
Minister of Transport, Highways, and  
Urban Development,  
“Maganeguma Mahamedura”,  
No.216, 9<sup>th</sup> Floor,  
Denzil Kobbekaduwa Mawatha,  
Koswatte,  
Battaramulla.
2. Snr. Prof. Kapila C.K Perera,  
Secretary,  
Ministry of Transport, Highways, and  
Urban Development,

“Maganeguma Mahamedura”,  
No.216, 9<sup>th</sup> Floor,  
Denzil Kobbekaduwa Mawatha,  
Koswatte,  
Battaramulla.

3. Mr. Kamal Amarasinghe,  
Commissioner General of Motor Traffic,  
Department of Motor Traffic,  
Borelasgamuwa.
4. Mr. Priyantha Weerasooriya,  
Inspector General of Police,  
Police Headquarters,  
Colombo 02.
5. Automobile Association of Ceylon,  
40, Sir Mohamed Macan Markar Mawatha,  
Colombo 03.
6. Hon. Attorney General,  
Attorney General’s Department,  
No. 159, Hulftsdorp,  
Colombo 12.

**RESPONDENTS**

**Before** : Dhammika Ganepola, J.  
Adithya Patabendige, J.

**Counsel** : Avindra Rodrigo, P.C. with Ashiq Hassim, Nishika Fonseka,  
  
Aneeraz Samahon, Basura Rajapaksha, and Afdhal Marikar instructed by  
John Wilson Partners for the Petitioner.

Avanthi Weerakoon S.C. for the 1<sup>st</sup> to 4<sup>th</sup> and 6<sup>th</sup> Respondents.

Sanjay Rajaratnam, P.C. with Edward Jayasinghe for the 5<sup>th</sup> Respondent  
Instructed by Punsara Rathnayake.

**Supported on** : 13.02.2026

**Decided on** : 19.02.2026

**Adithya Patabendige, J.**

The Petitioner, Tuk Tuk Rental (Pvt) Ltd., has filed this application seeking, *inter alia*, a mandate in the nature of a *writ of prohibition*, preventing the 1<sup>st</sup> to 4<sup>th</sup> Respondents from implementing the document marked **P10**, by which foreign tourists who have obtained permission from the 5<sup>th</sup> Respondent are prohibited from driving three wheelers in Sri Lanka.

The Petitioner further seeks *writs of mandamus* compelling the 3<sup>rd</sup> Respondent to recognize the covering permits duly issued by the 5<sup>th</sup> Respondent, directing the 4<sup>th</sup> Respondent to issue necessary instructions to all Police Stations to refrain from taking any action against foreign tourists who hold valid international driving permits and covering permits.

In the alternative, the Petitioner seeks a *writ of certiorari* to quash the directives embodied in document marked **P10**.

In addition to the aforementioned reliefs, the Petitioner moves from this Court to grant interim reliefs as prayed for in the paragraphs “h” and “i” of the prayer of the petition.

When this matter was taken up for support of formal notice and interim relief, the learned Presidents' Counsel appearing for the Petitioner and the 5<sup>th</sup> Respondent made their submissions. The learned State Counsel appearing for the 1<sup>st</sup> to 4<sup>th</sup> and 6<sup>th</sup> Respondents objected to the application.

Upon consideration of the submissions of all Counsel, the principal issue that arises for the determination is whether the applicable legal framework governing the present matter is the **Motor Traffic Act** or the **Motor Car (Convention) Ordinance**, together with the **Regulations** made thereunder.

The learned Presidents' Counsel appearing for the Petitioner and the 5<sup>th</sup> Respondent contended that **Regulation 22(2) made under the Motor Car (Convention) Ordinance** expressly authorizes *bona fide* tourists to drive motor vehicles in Sri Lanka upon compliance with the prescribed requirements, and that the impugned document marked **P10** is inconsistent with that statutory regime. It was further contended that the Respondents, by issuing and seeking to implement **P10**, have acted in excess of jurisdiction and in a manner that is *ultra vires* the governing legal framework.

In contrast, the learned State Counsel submitted that the matter falls within the scope of the Motor Traffic Act and that foreign tourists holding International Driving Permits are not eligible to operate three-wheelers in Sri Lanka.

This Court is of the view that the rival contentions raise a serious and substantial question of public law, namely, whether the impugned decision embodied in **P10** constitutes an unlawful restriction imposed without statutory authority or whether it represents a permissible exercise of regulatory power under the applicable legislation.

At this stage, it is sufficient for this Court to be satisfied that a serious question of law exists for determination.

Further, this Court is satisfied that if **P10** is permitted to operate pending the final determination, the Petitioner's business operations and the permits already issued by the 5<sup>th</sup> Respondent would be adversely affected. On the other hand, the granting of interim relief

merely preserves the *status quo ante* existing prior to the issuance of impugned document **P10** until the legality of that decision is conclusively determined.

In these circumstances, this Court finds that the threshold requirements for granting interim relief have been satisfied.

Accordingly, formal notice shall issue to the Respondents.

Interim Orders are granted as prayed for in paragraphs “h” and “i” of the prayer of the petition.

**JUDGE OF THE COURT OF APPEAL**

**Dhammika Ganepola, J**

**I agree.**

**JUDGE OF THE COURT OF APPEAL**