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

CA (Writ) Application No: 626/2025

1. Chaminda Prasanga Gunasekara
   No.47/7,
   Shramadhana Mawatha,
   Weliweriya,
   Matara.

2. K. Jayantha Sesiri
   No.66/3/3,
   Masdeniya,Pattigala.
   Beralapanathara.

3. Anjana Udai Galbadahewa
   No.367, Indurewatte,
   Sapugoda,
   Kamburupitiya.

4. P. Manoj Jayawardena
   Ekamuthu Mawatha,
   Pieris Waththa,
   Pitabeddara.

5. Thushara Chandana Vidanagama
   No.135/1,
   Pahalawaththa,
   Kubalgoda,
   Hakmana.

PETITIONERS

-Vs.-

1. Bandula Harischandra
   Governor of the Southern Province,
   Office of the Governor, Lower Dickson Road,
   Galle.

2. Sumith Alahakoon
   Chief Secretary of Southern Province,
   Chief Secretary's Office,
   S.H. Dahanayake Mawatha,
   Galle.

3. Chandrika Wickramasinghe
   Co-operative Development Commissioner of Co-operative Development/Registrar of Co-operative Societies of the Southern Province,
   147/3, Pettigalawatta,
   Galle.

4. Matara District Co-operative Rural Banks Union Limited,
   No.38/1/A, Esplanade Road,
   Uyanwata,
   Matara.

5. Achala Kottearachchi
   Secretary,
   Matara District Co-operative
   Rural Banks Union Limited,
   No.38/1/A, Esplanade Road,
   Uyanwata,
   Matara.

6. Kankanam Gamage Ranjith
   No.25,
   Kekanadura Road,
   Meddawatte,
   Matara.

7. Wijayamunige Priyantha
   Kumara
   Gonnagaha Watte,
   Udugamgoda,
   Makawita, Nawimana,
   Matara.

8. Amila Priyankara Jayasekara
   Mohotti
   No.56, Mihiri Uyana,
   Madiha,
   Matara.

9. Officer in Charge
   Matara Police Station,
   Matara.

RESPONDENTS

Before : Dhammika Ganepola, J.

Adithya Patabendige, J.

Counsel	:	Faiszer Musthapha, P.C. with Mehran Careem and Nimantha Chandrasena for the Petitioners. Manohara Jayasinghe, D.S.G with I. Randeny, S.C. for the 1st, 2nd, 3rd, 5th Respondents. Upul Kumarapperuma, P.C. with Radha Kuruwita Bandara for the 6th, 7th and 8th Respondents instructed by Darshika Nayomi.
Argued on	:	25.07.2025, 04.08.2025,06,08.2025
Written Submissions tendered on	:	Petitioners : 26.08.2025, 27.08.2025 8th 9th Respondent : 26.08.2025 6th to 8th Respondent : 26.08.2025
Decided on	:	30.09.2025

Dhammika Ganepola, J.

The 4th Respondent, Matara District Co-operative Rural Banks Union in the instant application, is a Co-operative society registered under the Co-operative Societies Law, which provides financial services to its 16-member Co-operative Societies. Each of these member Societies is governed by its own Board of Directors, headed by a Chairman. Chairmen of member Societies formed the General Committee of the 4th

Respondent. The General Committee elects 5 members to the Board of Directors. The Petitioners of the instant application had served as Chairmen of their member Societies named Matara District Entrepreneurs Society, Beralapanathara Multipurpose Co-operative Society, Kotapola Multipurpose Co-operative Society, Kamburupitiya Multipurpose Co-operative Society, and Hakmana Multipurpose Co-operative Society, respectively.

The Petitioners state that while the 4th Respondent Union was functioning efficiently, the 3rd Respondent on 19th May 2025 attempted to seize control of the 4th Respondent Union by arbitrarily dissolving the Board of Directors of the above-mentioned Beralapanathara, Kotapola, Kamburupitiya, and Hakmana societies from which the 2nd to 5th Petitioners were elected to the 4th Respondent Union's Board. Subsequently, the 3rd Respondent had appointed the 6th Respondent as the Chairman, the 7th Respondent as Deputy Chairman and the 8th Respondent as a Director of the Union by letter dated 19th May 2025 marked P7. Thereafter, the 3rd Respondent took steps to seal the office of the 4th Respondent Union with the assistance of the 9th Respondent Officer in Charge of the Matara Police. It is stated that the appointment of the 6th, 7th, and 8th Respondents as Board of Directors to the 4th Respondent Union, as reflected in the letter marked P7, is based on Section 57 of the Southern Provincial Council's No. 06 of 2019 Co-operative Society Precept (hereinafter sometimes referred to as Statute). The Petitioners urge that they have not been given a hearing prior to the appointments of the 6th, 7th, and 8th Respondents to the Director Board of the 4th Respondent and subsequent sealing of the premises. In the instant application, the Petitioner challenged the legality of the purported appointments to the Board of Directors of the 4th Respondent and the sealing of its premises by the 3rd Respondent. The Petitioners in the instant application, *inter alia* seek Writs of Certiorari to quash the Southern Provincial Council's No. 06 of 2019 Co-operative Society Precept and to quash the decision of the 3rd Respondent reflected in the letter marked P7 and a Writ of Prohibition restraining the 3rd Respondent from

obstructing the functions of the Petitioners in the capacity of members of the Board of Directors of the 4th Respondent Union.

It is observed that the members of the Board of Directors of the above-mentioned Kamburupitiya, Kotapola, Hakmana, Beliatta and Beralapanathara, Multi-purpose Co-operative Societies have filed Writ applications bearing Nos. Writ 621/25, Writ 622/25, Writ 623/25, Writ 624/25, and Writ 625/25 challenging the Southern Provincial Council's No. 06 of 2019 Co-operative Society Precept, the decision of the 3rd Respondent Registrar, whereby the removal of Directors of the respective Societies and establishing Boards of Management for such Societies. Having considered the submissions made by all parties in the abovementioned applications, this Court decided to issue formal notices on the respective Respondents of those applications, including the 3rd Respondent Registrar. In the instant application as well, the Petitioners challenge the above Southern Provincial Council's No. 06 of 2019 Co-operative Society Precept on the same basis. All parties agreed to adopt the submissions made in those applications, *mutatis mutandis* for this application as well. Considering the above and based on the reasons given in the orders pertaining to the issuance of notices in the above-mentioned applications, this Court is of the view that there is a matter to be looked into at the hearing. Accordingly, the Court is inclined to issue formal notices on the Respondents in the instant application.

The Petitioners further seek *inter alia* interim orders preventing 3rd Respondent exercising any powers under the Southern Provincial Council's No. 06 of 2019 Co-operative Society Precept, suspending the appointment of the 6th,7th, and 8th Respondents to the Board of Directors of the 4th Respondent Union and preventing the 3rd Respondent interfering with the Petitioners carrying out duties as the Board of Directors of the 4th Respondent Union.

However, applications for interim orders suspending the decision of the 3rd Respondent Registrar to appoint the Boards of Management to the respective Multi-Purposed Co-operative Societies were not granted in the above applications. As a result, the term of office of the elected members of the Boards of Directors of respective member Societies has ended.

Therefore, the Petitioners are no longer members of the Board of Directors or Chairmen of the respective member Societies. Thus, they are not eligible to be appointed as Chairman, Deputy Chairman or members of the Board of Directors of the 4th Respondent Union.

Hence, it is my view that there is no ground for the issuance of any interim relief as prayed for in the prayer of the Petition.

Accordingly, the application for interim relief is refused.

Judge of the Court of Appeal

Adithya Patabendige, J.

I agree.

Judge of the Court of Appeal