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

Court of Appeal Writ Application No:

**CA/WRT/700/2025**

**CA/WRT/699/2025**

**CA/WRT/732/2025**

**CA/WRT/707/2025**

1. Duwage Kokila Sampath Warnasiri,
   Ranawiru Gammanaya,
   Salawa,
   Kosgama.

   And Others

**PETITIONERS**

**vs**

1. Sarangika Kalhari Jayasundara,
   Commissioner of Local Government
   for the Western Province,
   Department of Local Government,
   No. 204,
   Denzil Kobbekaduwa Mawatha,
   Baththaramulla.

   And Others

**RESPONDENTS**

Before: Hon. Justice N. R. Abeysuriya PC (P/CA)

Hon. Justice K. P. Fernando

Counsel: Ali Sabry PC with Naamiq Nafath and Vimukthi Bandara Karunarathne instructed by Athula De Silva for the Petitioners. (CA/WRT/700/2025) (CA/WRT/707/2025)

Chandima Weerakkody with Amila Perera, Shammi Jayaweera, Zam Zam Ismail and Aswida Benedict instructed by Dimuthu Athukorala for the Petitioners. (CA/WRT/699/2025)

Manohara De Silva PC with Dilmini De Silva and Harithriya Kumarage instructed by A. Perusinghe for the Petitioners. (CA/WRT/732/2025)

Sumathi Dharmawardene PC, A.S.G. with Manohara Jayasinghe D.S.G. and Medhaka Fernando S.C. for the 1st Respondent. (For the Hon. Attorney General in all matters)

Sapumal Bandara with Nishali Pieris and Amanda De Moore for the 2nd and 5th Respondents. (CA/WRT/699/2025)

Nigel Hatch PC with Shantha Jayawardena, Chamara Nanayakkarawasam and Hiranya Damunupola for the 6th – 17th Respondents. (CA/WRT/699/2025)

Supported On: 07/07/2025 and 09/07/2025

Decided On: 14/07/2025

**ORDER**

**N. R. Abeysuriya, PC, J. (P/CA),**

The aforementioned writ applications were consolidated and considered together since the matters to be determined are similar in nature.

The elections for the Local Authorities were held on the 6th of May 2025 which included the Seethawaka Pradeshiya Sabha. The total number of members of the Seethawaka Pradeshiya Sabha is 47. The final results of the said Pradeshiya Sabha Elections led to a situation where no particular political party or group had secured a majority.

As per the provisions of the Local Authorities Elections Ordinance No 53 of 1946 (as amended) (*hereinafter sometimes referred to as the Ordinance),* the Chairman and the Deputy Chairman should be elected at the first meeting of the Pradeshiya Sabha.

Section 66 (C) (1) of the Ordinance reads thus;

*"Where any recognized political party or independent group has obtained less than fifty per centum of the total number of seats in a local authority, the Mayor and the Deputy Mayor of such local authority shall be elected at the first meeting of such local authority*."

The first meeting of the Seethawaka Pradeshiya Sabha was held on 17th June 2025. The relevant Extraordinary Gazette Notification bearing No 2439/30 dated 3rd of June 2025 was annexed to the Petition of the Petitioners and marked as P4. At this meeting, two different groups of members of the Pradeshiya Sabha proposed the nominations of two different members for the Posts of Chairman and Deputy Chairman of the Pradeshiya Sabha.

Section 66 of the aforesaid Ordinance provides for the procedure to be followed in a situation of this nature. For convenience and clarity the English version of Section 66 D of the Ordinance is reproduced below.

> **"Procedure for the election of Mayor and Deputy Mayor at the first meeting or other meeting of a local authority.**
>
> (1) The first meeting and any other meeting that may be convened under section 66C until the election of a Mayor, shall be presided over by the Commissioner of Local Government (in this section referred to as the 'presiding officer').
>
> (2) The members of the Council shall at its first meeting, elect one of their members to be the Mayor of the Council.
>
> (3) The election of the Mayor of the Council under subsection (2) shall not take place, unless there is present at such meeting a quorum consisting of not less than half the membership of the Council.
>
> (4) Any member of the Council may, with his consent, be proposed and seconded for election as Mayor by any other member present at the meeting.

(5) Where only one name of the member is proposed and seconded for election as Mayor, the presiding officer of the meeting at which the election takes place, shall declare that member elected as the Mayor.

**(6) Where two or more names of members are proposed and seconded for election as Mayor, the mode of election shall be by open voting, and the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may decline to vote and in such a case, the presiding officer shall record the fact of such member declining to vote.**

(7) Where it is determined under subsection (6) that the election of the Mayor shall be by open voting, the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may decline to vote and in such a case, the presiding officer shall record the fact of such member declining to vote.

(8) Where it is determined under subsection (6) that the election of a Mayor shall be by secret voting, the election shall be by ballot papers.

(9) At the end of the proceedings for the election of a Mayor, the presiding officer shall declare the result of the voting."

As per sub section (6) of the Ordinance, there are two stages in the process of electing the Chairman of the Pradeshiya Sabha.

1. To decide the mode of elections of the Chairman of the Pradeshiya Sabha i.e as to whether it will be by open voting or secret voting.
2. The actual election to be conducted in the manner decided by the membership of the Pradeshiya Sabha.

The English text of the Ordinance states that the mode of election of the Chairman is by open voting and the Presiding Officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly.

It is pertinent to refer to the Sinhala version of Section 66 D (6) of the Ordinance at this stage. The Sinhala version reads thus;

සභිකයන් දෙදෙනෙකු හෝ ඊට වඩා සංඛ්‍යාවකගේ නම් නගරාධිපතිවරයා වශයෙන් තෝරාපත් කර ගැනීම සඳහා යෝජනා කොට ස්ථිර කරනු ලැබූ අවස්ථාවක, තෝරා පත් කර ගැනීමේ ක්‍රමය,

පැමිණ සිටින සාමාජිකයන් විසින් යෝජනා සම්මතයක් මගින් තීරණය කරනු ලබන විවෘත හෝ රහස්‍ය ඡන්දයක් මගින් විය යුතුය. එවැනි යෝජනා සම්මතයක් මත පාවිච්චි කරනු ලබන ඡන්ද සංඛ්‍යාව සමානව බෙදී ඇත්නම් තෝරාපත් කර ගැනීමේ ක්‍රමය නිශ්චය කිරීම මුලසුන දරන නිලධාරියා ඉදිරියේ ඔහු විසින් නියම කරනු ලබන ආකාරයට කුසපත් ඇදීමෙන් සිදු විය යුතුය.

It is apparent on the face of the two texts, that there is a serious discrepancy between the two versions and it is this particular sub section of 66 D of the Ordinance which is the bone of contention in the instant matter. The inconsistency between the Sinhala and English text are of such nature that those cannot be reconciled in order to ensure harmonious application of the provisions.

According to the Sinhala text, the mode of the election to the post of Chairman of the Pradeshiya Sabha should be decided by passing a resolution (යෝජනා සම්මුතිය). It should be noted that the Ordinance does not specify the manner in which such resolution should be passed or any guidelines given with regard to the adoption of such a resolution.

In this backdrop, the document marked as P6 by the Petitioners maybe considered.

The Ministry of Public Administration, Provincial Councils & Local Government issued a set of guidelines to assist the relevant Local Government officials in conducting elections to elect the Head of the respective Local Authority in a situation where no political party or independent group has secured a majority.

The Petitioners drew the attention of this Court to Clause 4.1 of the said guidelines which was marked by them as P6. The said clause reads as follows;

4.1 නගරාධිපති/ සභාපති සඳහා ඡන්ද විමසීම:

අපේක්ෂකයන් දෙදෙනෙකු හෝ ඊට වැඩි ගණනකගේ නම් නගරාධිපති / සභාපති තනතුර සඳහා යෝජනා කර ස්ථිර කර ඇත්නම්, කොමසාරිස්වරයා විසින් සභාවේ සභිකයන් අතර ඡන්ද විමසීමක් පවත්වා නගරාධිපති/ සභාපති තෝරා පත් කළ යුතුය. ආඥා පනතේ මෙම තරඟය සඳහා පියවරෙන් පියවර ක්‍රියාවලියක් දක්වා ඇත. මුලින්ම, සභාවේ සභිකයින් විසින් ඡන්ද විමසීමේ ක්‍රමය තීරණය කරනු ලැබේ. එනම්, තේරීම විවෘත ඡන්ද විමසීමකින් කළ යුතු ද, රහස් ඡන්ද විමසීමකින් කළ යුතු ද යන්නයි. එහි දක්වා ඇත්තේ, අපේක්ෂකයන් කිහිප දෙනෙක් තරඟ කරන ඡන්ද විමසීමකදී තෝරා පත්කර ගැනීමේ ක්‍රමය පිළිබඳව සභිකයන් අතර මත භේදයක් ඇති වුවහොත් (උදා: එක් පිරිසක් රහස් ඡන්දයක් ඉල්ලා සිටින අතර, අනෙක් පිරිස විවෘත ඡන්දයක් කැමති වන්නේ නම්), ඒ සඳහා එක් එක් සභිකයාගේ නම අඬ ගසා ඒ සම්බන්ධයෙන් ඡන්ද විමසීමක් කර බහුතරයේ එකඟතාව මත ඡන්ද විමසීමේ ක්‍රමය තීරණය කළ යුතු බවයි.

The aforementioned guidelines do not offer any clarification to the issue with regard to the mode of passing the resolution; whether by open voting or secret voting.

The original Section 66 of the Ordinance was totally repealed by the Local Authorities Elections (Amendment) Act No 22 of 2012 and in fact, Section 66 D was added by the aforementioned Amendment Act in 2012.

The Learned Additional Solicitor General submitted on behalf of the Respondents that the aforesaid guidelines were not published in the Gazette and in fact under the Ordinance, there's no provision for the Minister in charge of the subject of Local Government to formulate rules pertaining to the implementation of the said Ordinance and as such the guidelines have no force of law and therefore not binding. In other words, the said guidelines have no statutory validity.

The Counsel for the Petitioners also drew the attention of Court to page 12 of the Guidelines marked as P6 which contains a table referring to matters to which attention should be paid on the day the first meeting of the respective Local Government Body was to conduct its first meeting to elect the Head of such body.

Item No 14 of the table at page 12 states that if there is a divergence of views expressed with regard to the mode of the election to be held to elect the Chairman, an open vote should be conducted to decide on the mode.

It was the contention of the Counsel for the Respondents that the guidelines marked as P6 by the Petitioners were amended and the attention of Court was drawn to the amended item 14 of the said table. According to the amended version, the manner in which the vote with regard to taking the decision on the mode of the election is not specified. Under these circumstances, the Respondents argued that the amended version of the guidelines is in line with the Sinhala text of Section 66 D (6) (66 ඒ 6) of the Local Authorities Election (Amendment) Act.

This Court is of the view that when one were to carefully consider the Sinhala text, a discretion had been given to the Presiding Officer of the first meeting of the relevant Local Government Body to decide the manner in which the views of the members of such body is to ascertained with regard to the mode of the election of the Head of such Local Government Body.

The Respondents have produced the amended version of the said guidelines marked as 'Annexure 1' of the Affidavit of Mr. Sumana Alokabandara, the incumbent Secretary of the Ministry of Public Administration, Provincial Councils & Local Government affirmed on 3rd of July 2025. In paragraph 4 and 5 of the said affidavit, Mr. Alokabandara has stated the following.

> *4. I state that the aforesaid guidelines are not guidelines issued under the authority of the law and it is intended to only provide instructions and guidance to fulfill the statutory requirements, though the statutory responsibility is given to the Commissioners of Local Government Authority by Act No 22 of 2012.*
>
> *5. I further state that the Sinhala text of Section 66D (6) of the Local Authorities Elections (Amendment) Act No 22 of 2012 has a lacuna on the face of it, and that the Guidelines marked as Annexure 01 have only been issued to provide assistance to and/or guidance to the Commissioners of Local Government.*

The Petitioners themselves have admitted that there is indeed an inconsistency between the Sinhala and English text of the Ordinance. The Petitioners have also admitted that in view of the said inconsistency, the Sinhala text will prevail. This is in fact, the correct position in law with regard to this issue. As per the provisions of Section 80 of Local Authorities Elections (Amendment) Act, No. 22 of 2012, in the event of any inconsistency between the Sinhala and Tamil text of the said enactment, the Sinhala text shall prevail.

It is pertinent to allude to certain articles of the Constitution of Sri Lanka in order to understand the applicable legal provisions pertaining to the use of languages and primacy accorded to the Sinhala language. According to Article 18(1), the official language of Sri Lanka shall be Sinhala. However under the 13th Amendment to the Constitution, Tamil too has been recognized as an official language and English to be the link language. Article 19 of the Constitution has recognized both Tamil and Sinhala as National languages.

Article 23(1) reads thus,

*"All laws and subordinate legislation shall be enacted or made and published in Sinhala and Tamil, together with a translation thereof in English:*

*Provided that Parliament shall, at the stage of enactment of any law determine which text shall prevail in the event of any inconsistency between texts"*

In the aforesaid circumstances it is abundantly clear that the English text of any law enacted by Parliament under the 1978 Constitution is only the translation and the authoritative versions are the Sinhala and Tamil texts. This legal position was succinctly enunciated by the Supreme Court of Sri Lanka in the case of **Don Tilakaratne V Indra Priyadaeshanie Mandawala**[1]

*"The final point that the Petitioner mentions is the inconsistency between the Sinhala and English versions of the Maintenance Act No. 37 of 1999. The Sinhala term "noheka" appears in Section 2(2) and Section 4(b) which, in both cases, would apply to a child who is 'unable' to maintain himself. The Petitioner has put forward the argument that the English text should be resorted to in the interpretation of the Sinhala version. Section 21 of the Maintenance Act No. 37 of 1999 states that "in the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text should prevail". Further, Article 23(1) of the Constitution provides that all laws shall be enacted and published in both National Languages, namely, Sinhala & Tamil together with the translation in the English Language. In the event of any inconsistency between any two texts, the text in the Official language shall prevail. According to Article 18, the official Language of Sri Lanka shall be Sinhala and therefore the Sinhala text should prevail over the English version. The Petitioner's contention therefore is not tenable in law."*

In the aforesaid circumstances, this Court should take into consideration only the Sinhala text of the Local Authorities Elections (Amendment) Act, No. 22 of 2012 in making this order. If it is so, the duty of the Commissioner of the Local Government was to act according to Section 66 (D) (6) of the Ordinance and to decide on the mode of the election to elect the chairman of the Pradeshiya Sabha by way of a resolution passed by the members. The mode of passing such a resolution either by open voting or secret voting should be decided by the Commissioner. There is no stipulation contained in the Sinhala text of Section 66 (D) with regard to the requirement of holding an open vote for this purpose. The legislature in its wisdom has not included such a provision and this court is not inclined to fill this lacuna with its own additional provision which does not exist currently. It is up to the legislature to enact suitable amendments if Section 66 (D) (6) is deemed to be ambiguous. In the light of the aforesaid, it is pertinent to briefly consider the factual scenario which unfolded itself on the 17th of June 2025 at the Seethawaka Pradeshiya Sabha.

[1] SLR 2011 Volume 2 Page 280

The Respondents tendered to this Court the minutes of the meeting held on the said date at the Pradeshiya Sabha marked as X2 along with the affidavit of the first Respondent by way of a motion dated 4th of July 2025. Furthermore the audio recording of the said meeting was also tendered marked as X3 along with the said affidavit. Since two names were proposed and seconded by the members for the post of Chairman, the Presiding Officer i.e. the first Respondent acted under Section 66(D)(6) and to seek the opinion of the members with regard to the mode of the election. It does appear that the first Respondent decided to adopt the most prudent course of action which in the view of the said Respondent would protect the confidentiality of the vote and consequentially the integrity of the process.

The minutes reveal that the first Respondent intended to hold a secret ballot by enabling the members to cast a vote using a ballot paper. Furthermore the first Respondent had briefed the members with regard to the amendments to the guidelines issued by the line Ministry (The original version of the said guidelines has been marked as P6 by the Petitioners). At this juncture, a chaotic situation had prevailed at the meeting with different groups of members of the Pradeshiya Sabha interrupting the proceedings and demanding different methods of passing the resolution. A group of members had walked out in protest and as a result there was lack of a quorum. Due to this reason, the day's proceedings had to be terminated.

As evidenced by the minutes of the meeting, it is apparent that the first Respondent had accorded due consideration to the relevant provisions of the Ordinance and the guidelines issued in respect of it. There is no justification to the contention advanced by the Petitioners that the first Respondent took in to consideration extraneous and irrelevant factors in attempting to conduct a secret ballot for the purpose of passing the resolution. It is also recorded in the aforesaid minutes that a group of 24 members handed over to the first Respondent affidavits for the purpose of calling upon the first Respondent to conduct an open vote to pass the resolution and the 1st Respondent had informed the members that there is no provision in the enactment to determine the majority view of the members by such affidavits.

In the instant writ application the Petitioners have prayed for *inter alia* writ of *Certiorari* to quash the decision of the Respondents to hold a secret ballot to pass the resolution and writ of *Mandamus* to compel the Respondents to adhere to the provisions of the Ordinance and the guidelines and to take steps to have an open vote to pass the resolution with regard to the mode of conducting the election to elect the chairman of the Pradeshiya Sabha. The

Petitioners submitted to this Court that in fact there was no discretion vested in the first Respondent to determine in what manner the resolution should be adapted and the only legitimate manner of adopting the resolution was by open voting. Furthermore the proposition was advanced by the Petitioners to the effect that "resolutions" should necessarily entail open voting and also cited certain examples from other legislative enactments on this score.

This Court is not inclined to agree with the contention that a resolution must necessarily be passed by an open vote since there is no such binding precedents or legal provision. Holding otherwise would entail the imposition of a fetter on the discretion of the first Respondent which was not intended by the legislature.

At this juncture, it would be pertinent to consider the judgment of His Lordship Justice Weeramantry, in **M. P. Navarathnam vs S. K. Sabapathy**[2]. This was a writ application filed praying for a writ of Quo Warranto and/or Certiorari. The Court was called upon to consider provisions of the Village Councils Ordinance No 60 of 1961 which contained somewhat similar provisions as that of Section 66 D (6) of the Local Authorities Elections Ordinance. Section 19 (2) (b) of the Village Councils Ordinance reads as follows;

*"Where two or more candidates are proposed and seconded for election as Chairman, the mode of election shall be either by open or secret voting according as the members present may by resolution determine…"*

*"Held that the question whether the mode of electing the Chairman should be by open or secret voting need not itself be decided by secret vote if a member proposes that it should be so decided.* ***The presiding officer of a meeting ought ordinarily to be considered as being vested with a discretion to decide such ordinary matters of procedure as are not expressly provided for by statue or by rules governing the meeting."***

The aforesaid judgment makes it abundantly clear that either when the legislature has not specified the mode of passing a resolution or when two or more options are specified in the enactment itself, the presiding officer may exercise discretion and decide on an appropriate course of action.

During the course of his submissions, the Counsel for the Respondents traced back the history of secret ballot and specifically alluded to the developments in the United Kingdom. He submitted that until the Ballot Act was passed in

[2] [1968] 71 NLR 566

1872, voters had declared their candidate openly leading to drunken fights intimidation and bribery. That simple double-stroke of the pencil helped put an end to the drinking, partying, bribery and violence that made up the average Victorian election.

In fact, Sri Lanka has been described as being the oldest democracy in Asia having received Universal Adult Franchise way back in 1931 which needless to say, formed the bedrock of a vibrant democratic political culture in this country.

The secret ballot is a fundamental aspect of democratic elections, safeguarding voters' freedom of expression and ensuring that their choices are not influenced by coercion or intimidation.

The decision to use a secret ballot might be influenced by the specific context, if there are concerns about potential intimidation or influence a secret ballot could be considered a reasonable choice.

The 1978 Constitution of Sri Lanka has accorded primacy to the concept of a secret vote. Article 93 of the Constitution stipulates that;

> *"The voting for the election of the President of the Republic and of the Members of Parliament and at any Referendum shall be free, equal and by* ***secret ballot.****"*

It is apparent that the framers of the Constitution were of the opinion that the most appropriate manner in which the democratic rights of the people could be protected when conducting the most crucial elections is by ensuring a secret ballot.

Upon the consideration of the aforestated matters, it is the view of this Court that conducting a secret ballot when deciding the mode of elections for the Chairman is not irrational, unreasonable, unjustifiable and arbitrary.

Notwithstanding the aforementioned view of this Court, it must be emphasized that if a particular enactment specifically or by implication requires the holding of an open vote, it shall be done so. Non-adherence to such requirement may even lead to an illegality. In this context, both Counsel for the Petitioners and the Respondents drew the attention of Court to such provisions contained in the Pradeshiya Sabha Act No 15 of 1987 (as amended).

Section 172 (4) of the said enactment reads as follows;

*"Where any item of the accounts of a Pradeshiya Sabha relating to any expenditure authorized by a resolution of that Pradeshiya Sabha is disallowed by the Auditor-General as being contrary to law under subsection (3) of this section, the Chairman of that Pradeshiya Sabha and every other member of that Pradeshiya Sabha who voted in favour of such resolution. shall each be deemed to be a person who made or authorized the making of the payment for the purpose of that subsection."*

In the situation contemplated by the aforesaid provisions of the Pradeshiya Sabha Act and in respect of any similar resolution adopted for the purpose of spending public funds, it is not only salutary but necessary that an open vote is conducted. However, this requirement cannot be and should not be generalized to such an extent that all resolutions passed by Local Government Authority should be by open voting, as contended by the Petitioners.

Furthermore, the Petitioners also contended that the conduct of the 1st Respondent was unreasonable.

In **Premachandra & Dodangoda vs Jayawickrama & Bakeer Markar**[3] it was held that it is not the *merits* of the decision that the Court will review but its reasonableness. In considering reasonableness, the Court examines only whether the relevant public officers took into account the matters they are bound to consider.

This Court wishes to re-produce the following paragraphs of the aforesaid judgment under the heading "**Review on reasonableness of the impugned decisions"**

*The standard of reasonableness is stated in the oft quoted dictum of Lord Greene, MR in the case of Associated Provincial Picture Houses Ltd. Vs Wednesbury Corporation.[4] In later cases this dictum is commonly referred to as "Wednesbury's unreasonableness". Lord Greene in that case considered the validity of certain conditions imposed by a local authority for the grant of a license for cinematograph performances on Sundays. It was held that these conditions were imposed unreasonably. In the course of the judgment he dealt with the requirement that discretion should be exercised reasonably in the following way: "It is true the discretion must be exercised reasonably. Now what does that mean? Lawyers familiar with the phraseology commonly used in relation to exercise of statutory discretions often use the word*

[3] [1993] 2 SLR 294 at 308
[4] [1948] 1 KB 223

*"unreasonable" in a rather comprehensive sense. It has frequently been used and is frequently used as a general description of the things that must not be done. For instance, a person entrusted with discretion must so to speak, direct himself properly in law. He must call his own attention to the matters which he is bound to consider. He must exclude from his consideration matters which are irrelevant to what he has to consider. If he does not obey those rules, he may truly be said, and often is said, to be acting "unreasonably". Similarly, there may be something so absurd that no sensible person could ever dream that it lay within the powers of the authority. Warrington L.J. in Short Vs. Poole Corporation[5] gave the example of the red-haired teacher, dismissed because she had red hair. That is unreasonable in one sense. In another sense it is taking into consideration extraneous matters. It is so unreasonable that it might almost be described as being done in bad faith; and, in fact, all these things run into one another."*

These principles were also considered by the Court of Appeal in **W. A. G. Weerasinghe Pahala Kaligamuwa v P. N. K. Mallalesekara[6].**

When these rules are applied to the facts of the instant case, I am of the view that the Petitioners have failed to establish the existence of unreasonableness in the manner in which the first Respondent functioned on the 17th of June 2025 at the first meeting of the Seethawaka Pradeshiya Sabha.

I have also considered the aspect of "Irrationality", a test which is also used by Superior Courts in reviewing decisions of Public Authorities.

In **Council of Civil Service Unions v. Minister for the Civil Service[7]** (the landmark GCHQ case), Lord Diplock has further elucidated the test to be adopted by Courts,

*"By 'irrationality' I mean what can now succinctly be referred to as 'Wednesbury unreasonableness'. It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it."*

I am of the view that, it cannot be contended that the acts of the first Respondent are "unreasonable or irrational" given the context in which she was compelled to proceed with the resolution.

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[5] [1926]
[6] CA/Writ/256/2018 decided on 19.03.2021
[7] [1984] All ER 935

The Respondents also raised the issue of the unmeritorious conduct of the Petitioners and contended that due to this reason the Petition ought to be dismissed *in limine.* As per the minutes of the meeting held on 17th of June 2025 the proceedings were interrupted several times and finally a group of members had walked out in protest effectively preventing the adoption of the resolution due to lack of quorum. The Respondents contend that under these circumstances the Petitioners are not entitled to seek relief from a writ application and cited judicial authorities in support of this contention

Such conduct on the part of Petitioners was considered in **Wickramasinghe v. Ceylon Electricity Board and Another**[8] and **Patti Vidanelage Bandula Karunatilake v. The University of Peradeniya and Others**[9]

In these cases, Court held that the conduct of the Petitioners is indeed relevant in considering whether to grant administrative law relief.

The principle of law which maybe adduced from the various judicial authorities currently available is that when public authorities are granted discretion through statutes, the discretion so granted presupposes that there is no unique legal formula that can be followed to achieve the same result each time.

Due to the foregoing reasons, I hold that the Petitioners have not satisfied the initial threshold requirement of establishing a *prima-facie* case that warrants this Court to issue formal notice of these Applications to the Respondents.

Therefore, this Court dismisses these applications. This order is applicable to all the writ applications aforementioned.

*Applications dismissed without costs.*

**PRESIDENT OF THE COURT OF APPEAL**

**K. P. Fernando, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

[8] (1982) 2 SLR 607
[9] CA/ WRIT/ 433/2011 decided on 31.03.2020