

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

Richardson Outdoor (PVT) Ltd.
Parkland, Level 19, 33 Park Street,
Colombo 02.

CA (Writ) Application 752/2025

PETITIONER

Vs.

1. Colombo Municipal Council
Town Hall, Colombo 07.
2. Vraie Cally Balthazaar,
Mayor,
Colombo Municipal Council
Town Hall, Colombo 07.
3. Palitha Nanayakkara,
Municipal Commissioner,
Colombo Municipal Council
Town Hall, Colombo 07.

4. D.S. Rohana,
Deputy Municipal Commissioner,
Engineering Services,
Colombo Municipal Council
Town Hall, Colombo 07.
5. Nilmini Samaramane,
Municipal Treasurer,
Colombo Municipal Council
Town Hall, Colombo 07.
6. P.A. Chandrapala,
Director Traffic, Design & Road Safety,
Colombo Municipal Council
Town Hall, Colombo 07.
7. P.M.S. Liyanage,
Director Workshop,
Colombo Municipal Council
Town Hall, Colombo 07.
8. Anoja Mendis,
Secretary Advertising Committee,
Colombo Municipal Council
Town Hall, Colombo 07.
9. Hanif Yoosuf,
Governor Western Province,

Governor's Office-Western Province,
No. 204, Denzil Kobbekaduwa Mawatha,
Battaramulla.

RESPONDENTS

AND NOW BETWEEN

Emerging Media (Private) Limited,
25/F, East Tower,
World Trade Center,
Echelon Square, Colombo 01.

INTERVENIENT PETITIONER

Vs.

Richardson Outdoor (PVT) Ltd.
Parkland, Level 19, 33 Park Street,
Colombo 02.

PETITIONER – RESPONDENT

1. Colombo Municipal Council
Town Hall, Colombo 07.
2. Vraie Cally Balthazaar,
Mayor,
Colombo Municipal Council
Town Hall, Colombo 07.

3. Palitha Nanayakkara,
Municipal Commissioner,
Colombo Municipal Council
Town Hall, Colombo 07.
4. D.S. Rohana,
Deputy Municipal Commissioner,
Engineering Services,
Colombo Municipal Council
Town Hall, Colombo 07.
5. Nilmini Samaramane,
Municipal Treasurer,
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Town Hall, Colombo 07.
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Director Traffic, Design & Road Safety,
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Director Workshop,
Colombo Municipal Council,
Town Hall, Colombo 07.
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Secretary Advertising Committee,
Colombo Municipal Council
Town Hall, Colombo 07.

9. Hanif Yoosuf,
Governor Western Province,
Governor's Office-Western Province,
No. 204, Denzil Kobbekaduwa Mawatha,
Battaramulla.

RESPONDENT – RESPONDENTS

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

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

Counsel : Faiszer Musthapha, PC with Shaheeda Barrie, Mehran
Careem, Sierra Amarasiri, Nimantha Chandrasekara and
Dithya Senaratne for the Petitioner – Respondent instructed
by Sanjeeva Kaluarachchi.

Rajeev Amarasuriya with Chanaka Weerasekara and Yohani
Yogarajah for the Intervenant – Petitioner instructed by
Hashini Ratnayake.

Senany Dayaratne with Nishadi Wickremasinghe, Janani
Abeywickrema and Maheshika Bandara for the 1st – 8th
Respondent – Respondents.

Written Submissions on : 17.06.2026 for the Petitioner.

23.06.2026 for the Intervenant Petitioner

Decided on : 10.07.2026

K. Priyantha Fernando, J. (CA)

1. The Intervenant Petitioner (hereinafter sometimes also referred to as ‘Emerging Media [Private] Limited’) sought to intervene to the matter at hand on the basis that the Petitioner has in its Petition, subsequent motion filed and submissions on 27.05.2026 referred specifically to the LED Display operated by the Intervenant Petitioner and its purported legality. The Intervenant Petitioners argued that in doing so the Petitioner has caused and exerted pressure on the 1st Respondent (the Colombo Municipal Council) to take steps to shut down the said LED Display. The Intervenant Petitioner drew the attention of this Court to the fact that a cease-and-desist notice was sent to the Intervenant Company on 06.02.2026 and the running of its LED display was stopped on 07.02.2026, following the motion filed before this Court on 21.01.2026.
2. Thus, it was the argument of the Intervenant Petitioner that by making references and comparisons between the LED displays of the Petitioners and the Intervenant Petitioner, Emerging Media to be a necessary party to the application as their rights have been directly affected by the proceedings of the case before this Court through the invitation of administrative and legal action in respect of the installation of the Intervenant Petitioner.
3. The Intervenant Petitioner further pointed out that whilst supporting the application for intervention the learned counsel for Emerging Media proposed that in the event the Petitioner gave an undertaking that they would refrain from involving the LED display of Emerging Media into the writ matter at hand, the Intervenant Petitioner would be willing to withdraw its application for intervention. However, it ought to be noted that the same was refused by the Petitioner.
4. In light of such refusal the Intervenant Petitioner argued that by the Petitioner drawing reference and comparison to the LED display of the Intervenant resulting in prejudice caused to them, the Intervenant Petitioner should be permitted to bring before Court the true legal position of its

commercial activities. The Intervenant Petitioners laid down this position by highlighting that the fundamental difference between the LED display of the Intervenant Petitioner and the Petitioner is that the LED display of the Intervenant Petitioner is situated within private property and was established through an independent process as opposed to the proposed gantry of the Petitioner being one formed through a sponsored project tender process.

5. In response to the arguments of the Intervenant Petitioner, the Petitioner-Respondent (hereinafter sometimes referred to as ‘Richardson Outdoor [Private] Limited’) clarified that the purported motion filed by the Petitioner sought no relief against Emerging Media, and moreover, that it is no longer operative or presently relied upon by the Petitioner. The Petitioner further drew the attention of this Court to the Intervenant Petitioner’s conduct in filing a fresh writ application against the Colombo Municipal Council in reference to its own LED display. The Petitioner argued that in filing its own application, Emerging Media no longer has an interest or necessity to intervene to the instant matter, while having filed its own matter. This separate action bears case number CA/WRT/0074/2026, by which the Intervenant Petitioner has sought inter alia writs of certiorari and mandamus to quash the cessation of the LED panel operated by Emerging Media. Thus, the Petitioner argued that having filed a fresh application, Emerging media is estopped from approbating and reprobating.
6. Moreover, the Petitioner argued that the true reason for the grievance of the Intervenant Petitioner in being prevented from operating the LED display was in fact due to the time bound nature of the advertising display, which lapsed on 02.07.2025. The Petitioner drew this fact from the document labelled R7 which was submitted through the Statement of Objections filed by the 1st Respondent. The Petitioner further contended that the approval relied upon by the Intervenant Petitioner having now lapsed and having not been renewed is what resulted in the CMC requesting the removal of the LED advertising structure. The Petitioner hence contended that the contentions of the Intervenant Petitioner are inconsistent as it was not the proceedings of the instant matter that resulted in the cessation of the Intervenant Petitioner’s LED display.
7. Thus, the Petitioner contended that neither is the Intervenant Petitioner a necessary party to the matter nor are its rights being affected by the relief sought by the Petitioner in this application. The

Petitioner relied upon the precedents of Master Divers (Pvt.) Ltd. Vs. Commissioner General of Labour CA/WRT/391/2014 decided on 17.06.2016 to support its arguments. Furthermore, the Petitioner highlighted that since the Intervenant Petitioner is not similarly circumstanced as the Petitioner (not a sponsored tender project), the Intervenant Petitioner's application to intervene is not justified. Thus, the Petitioner contended that the Intervenant Petitioner is a mere busybody and meddlesome interloper.

8. This Court finds it important to highlight the Petitioner's conduct at the time of the Counsel for the Intervenant Petitioner supporting this application. The Intervenant Petitioner provided an alternative, that in the even the Petitioner gave an undertaking that it would refrain from involving the LED display of Emerging Media into the instant matter, the Intervenant Petitioner would withdraw its application to intervene. However, the Petitioner refused to give such an undertaking and yet contested against the intervention application. As such, the Petitioner's decision to refrain from giving such an undertaking does not seem to have been done in a *bona fide* manner.
9. The dicta laid down in the case of The Government Dental Therapists Association, et al v George Fernando, Director of Health Services, et al. CA Application No. 86/93 decided on 27.07.1994, in which Justice Ammer Ismail adopted the liberalized rules has been previously applied by this courts to allow intervention. The Order reads as follows:

*"Each of the Intervenant Petitioners in the present case cannot be said to be a different "meddlesome busybody" or a "meddlesome interloper" who does not have a sufficient interest in the pending application. I would therefore adopt the liberalized rules in regard to the standing of a party entitled to seek a remedy to the case of an intervenient who **similarly has a sufficient interest in the subject matter of pending writ application and on that basis to permit the intervention.**"* (the emphasis was added)

10. Thus, it is my considered view that especially in the absence of an undertaking by the Petitioner to refrain from drawing comparisons and referencing the Intervenant Petitioner, the Intervenant Petitioner is merely ensuring that its own rights are not adversely affected by the Petitioner's writ application, considering that the subject matter, although not entirely the same, is of similar nature.

The Petitioner's conduct thus demonstrates a lack of *bona fide*, and thus creates a situation where the Intervient Petitioner is vested with a certain level of sufficient interest in relation to the Petitioner's writ application.

11. In light of these unusual circumstances, I opine that the Intervient Petitioner has satisfied the threshold of "sufficient interest" and that it is clear and substantial in nature. Accordingly, I am inclined to allow the application pertaining to intervention. As such, I direct the Petitioner to file Amended Caption.

Judge of the Court of Appeal

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

I agree.

President of the Court of Appeal