

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.
47/2026**

Mohamed Hussain Siddique Mohamed
Ramzi
Councillor,
Colombo Municipal Council,
Town hall,
Colombo 7.

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,
Director (City Planning),
Colombo Municipal Council
Town Hall, Colombo 07.
9. Hanif Yoosuf,
Governor Western Province,
Governor's Office-Western Province,
No. 204, Denzil Kobbekaduwa Mawatha,
Battaramulla.

10. Emerging Media (Pvt) Ltd.

25th floor, East Tower, World trade Center,
Colombo 01.

11. Shangri-La Hotels Lanka (Private)
Limited

Level 5, No. 1A, Centre Road,
Galle Road, Colombo 02.

RESPONDENTS

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

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

Counsel : Niran Anketell instructed by R M S P Rathnayaka for the
Petitioner.

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

Rajeev Amarasuriya and Yohani Yoharajah instructed by
Hashini Rathnayake for the 10th Respondent.

Rozali Fernando instructed by F J & G De Saram for the
11th Respondent.

Rajika Aluwihare, SC for the 9th Respondent.

Written Submissions on : 21.07.2026 for the Petitioner
21.07.2026 for the 10th Respondent
22.07.2026 for the 1st to 08th Respondents.

Supported on : 07.07.2026

Decided on : 05.08.2026

K. Priyantha Fernando, J. (CA)

1. The matter at hand is in relation to the purported illegal conduct of the 1st and 3rd to 8th Respondents in permitting and allowing the 10th Respondent (Emerging Media Pvt Ltd) to display an advertisement facing Galle Face Centre Road, which contravenes by law 18 of the Gazette bearing No. 1713/10 and dated 05.07.2011. Furthermore, the Petitioner argued specifically that the prior conduct of the Respondents foreshadows the likelihood of future illegality occurring.
2. It was brought to the attention of this Court, that the application submitted by Emerging Media Pvt Ltd (the 10th Respondent) had submitted an incomplete application, which was subsequently rejected on that basis and that it was inconsistent with the by-laws stipulated in the gazette marked P4. However, it was contended that the Municipal Commissioner then reviewed the application under by law 22 and sought approval of the Governor for the same, which was subsequently approved by him on the pretext that the proposal had been reviewed by the advertising committee. It is the Petitioner's contention that: the Governor had no statutory authority to approve of the advertisement as by law 22 governs tenders and short-term programmes.
3. Nonetheless, the licence expired in July of 2025 (3 months after the official license was issued), however the advertisement remained active even till January 2026 and it was the Petitioner's contention that this was due to the letter sent to the 10th Respondent which directed Emerging Media to remove the LED board "at your earliest convenience". This, the Petitioner argued, solidified the apparent danger of repetition of such illegal conduct, in addition to the fact that

the Respondents allowed the illegality to continue for months after the expiration of the licence and have not undertaken to refrain from allowing the same.

4. In response to the preliminary objections of the Respondents: availability of prohibition and *locus standi*, the Petitioner stated that despite the relief of *certiorari* and *mandamus* being futile in the wake of the expired licences, the writs seeking prohibition still stand. This, the Petitioner argued is since the conduct of the Respondents warrants measures to prevent future illegal conduct. In relation to the objection of *locus standi*, the Petitioner stated that the Petitioner is not merely a member of the public, but the senior-most council member and hence has a legitimate interest in ensuring the powers of the council are exercised *intra vires*.
5. On the other hand, the Respondents argued that the relief sought by the Petitioner is: futile; and vague, uncertain, over broad and excessively wide for this Court to grant as it seeks an indefinite relief. The Respondents specifically referred to **prayers (h) and (i)** as prayed for in the Petition which read as follows:

“(h) Grant and issue a mandate in the nature of a Writ of Mandamus compelling 1st to 8th Respondents to remove and/or cause to be removed, the One Galle Face Mall advertising LED screen at Shangri-La facing Galle Face Centre Road installed following purported approvals produced P10(a) and P10(b) issued in violation of the law;

“(i) Grant and issue a mandate in the nature of a Writ of Prohibition preventing 1st to 8th Respondents from authorizing and/or permitting the operation of the One Galle Face Mall advertising LED screen at Shangri-La facing Galle Face Centre Road in violation of the law.”

6. Additionally, the Respondents argued that the Petitioner failed to establish the capacity by which he sought relief from this Court. The Respondents are of the view that the Petitioner is a mere busybody who filed the instant matter with collateral motives and bears no real interest or standing in the said matter.

7. The Respondents also contended that the Petitioner is guilty of *laches* and undue delay as although the purported illegal licence was issued in April 2025, this action was only brought against these Respondents in 2026.
8. Furthermore, the Respondents brought to the attention of this Court the existence of an “alternative remedy” available to the Municipal Council to make against he who acts in contravention to the by-laws. Section 267 of the Municipal Councils Ordinance reads as follows;

"267. (1) Every Municipal Council may, from time to time, make and when made may revoke or amend, such by-laws as may appear necessary for the purpose of carrying out the principles and provisions of this Ordinance.

(2) Every contravention of a by-law made by a Municipal Council shall be an offence under this Ordinance.

(3) Such by-laws may provide penalties for the contravention thereof as follows: -

(a) in the case of a first offence, a fine not exceeding one hundred rupees;

(b) in the case of a second or subsequent offence, a fine not exceeding two hundred rupees; and

(c) in the case of a continuing offence, an additional fine not exceeding twenty-five rupees for every day during which the offence is continued after a conviction or after service of a written notice from the Mayor directing attention to such contravention."

9. Additionally, the Respondents cited Clause 36 of the Colombo Municipal Council Advertisement, Decoration and Poster by-laws, which provides as follows:

"Any person who acts in contravention of any of the provisions of these By-laws shall be guilty of an offence, and shall on conviction be liable in case of a first offence to a fine not exceeding One Thousand Rupees (Rs. 1,000), in case of a second or subsequent offence to a fine not exceeding Two Thousand Rupees (Rs. 2,000) and in the case

of continuing offence, to an additional fine not exceeding Two Hundred and Fifty Rupees (Rs. 250) for every day during which the contravention is continued after conviction or after service of a written notice by the Commissioner directing attention to such contravention. Nothing contained in this provision shall prevent the Commissioner from removing any unauthorized advertisement or hoarding, decorations or posters erected or fixed whether it is on a private premises or on a land belonging to the Council or State and to recover the cost incurred for such removal from the person responsible."

10. Finally, the Respondents contended that seeing as another case bearing application number CA/WRT/0074/2026 is currently pending before this Court, filed by 10th Respondent Emerging Media (which was filed after the filing of this case) which concerns the same subject matter, it is no longer necessary for the instant application to be heard.
11. It is important to note that the Petitioner has abandoned the substantial reliefs originally sought and now seeks to proceed solely upon prayers (h) and (i). With regard to the relief (h), it calls on this Court to issue a Writ of Prohibition preventing Respondents from “authorizing and/or permitting the operation of the One Galle Face Mall advertising LED screen at Shangri-La facing Galle Face Centre Road **in violation of law**”.
12. Prayer (i) calls on Court to issue a Writ of Prohibition preventing the Respondents from ‘extending the purported and/or licence produced marked P10(a) and P10(b) and/or issuing an approval and/or licence for a further period to the 10th and/or 11th Respondents to operate the One Galle Face Mall advertising LED screen at Shangri-La facing Galle Face Centre road”.
13. The prayer (h) is vague, uncertain and excessively wide. It seeks a general order restraining the Respondents from acting “in violation of the law”. A writ of prohibition cannot issue in abstract or general terms merely directing a statutory authority not to act unlawfully. If such relief were granted, it would amount to nothing more than a general declaration that the Respondents should obey the law, which is not the function of a Writ of Prohibition.

14. In Sipkaduwa Anthony Dhanawathie Wimalasuriya vs Commissioner General of Lands and Others - CA (Writ) Application No. 47/2014, which was also referred to in CA Writ 431/2016, held that, *“This Court cannot issue writs in such vague terms against an array of Government Officials. This application filed seeking vague reliefs, shall, in my view, be dismissed in limine on that basis”*.

15. In Vinayagamoorthi Subramaniam and Others vs. Hon. Douglas Devananda and Others (CA/WRT/0591/2024, Court of Appeal Minutes dated 05.05.2026, the Court dismissed the Petitioners’ application on the basis that the prayers were vague and too broad. Notably, the Court held that it is crucial to consider the consequences of granting ‘open ended relief’. At page 9 of the judgment:

“.....Where the relief sought is too broad, especially in an application seeking a Writ in the nature of Mandamus, this Court would exercise repercussions of granting an open-ended relief are accurately explained in Annalingam Annarasa Case as follows:

“.... That is all the more why the governmental administrative process or any other process leading to litigation has prescribed initial steps to be followed. Allowing the reliefs as prayed for by the Petitioners would circumvent such preliminary steps, resulting unusual contempt proceedings being instituted straight away against the Respondents based only upon such Order/Judgment...”

16. Prayer (i) seeks an indefinite prohibition against the future exercise of statutory powers without reference to any specific future decision, factual circumstance or applicable legal framework. It is too broad for the reason that it has a perpetual effect as the Petitioner calls on this Court to issue a Writ of Prohibition preventing these Respondents from ever granting approval/issuing licence to the 10th and/or 11th Respondents to operate the LED screen forming the subject matter.

17. Furthermore, it was revealed that the 10th Respondent tendered a new application to the 1st Respondent - Colombo Municipal Council for a licence/approval to display advertisements on the LED screen at the One Galle Face Mall, and, on the 16th of June 2026 in the connected application bearing No. CA/WRT/0074/2026, this Court directed the 1st Respondent to consider the said application and arrive at a decision in terms of law. Thus, as the matter stands,

this Court has already directed the 1st Respondent to consider the 10th Respondent's new application for a licence to operate the LED screen and arrive at a decision in terms of the law.

18. The consequence that emanates from a Writ of Prohibition of this nature, if granted, would be to perpetually prohibit from granting approval/issuing licence. For instance, if the relief sought in Prayer (i) is granted, the Respondents would be prohibited from granting approval/issuing a licence to the 10th and/or 11th Respondents to operate the LED screen, even though if the Colombo Municipal Council Advertisement, Decoration and Poster By-Laws, or any other relevant law, are amended or repealed. The Respondents would then be left in a precarious position of complying with an Order of this Court while disregarding applicable law governing their conduct.

IS THE PETITIONER GUILTY OF LACHES?

19. It is revealed that the Petitioner who has been a member of the 1st Respondent since 1997, has been elected as a member of the present Council on 31.05.2025 (Vide P1), and that the Petitioner was a Councilor at the time the licence granted to the 10th Respondent from 02.04.2025 to 02.07.2025 was in force. However, the instant application has been instituted only on 26.01.2026, which is approximately 7 1/2 months after his appointment to the present Council. Since the Petitioner has been a member of the Council since 1997, it can be reasonably assumed that he has been privy to and/or aware of the matters disclosed in the instant application even prior 31.05. 2025.

20. In *Thankarajah vs University of Jaffna and Others* [2013] 2 Sri L. R. 1, at page 9,10 and 11, this Court held that: *“Even if a Petitioner is entitled to relief, still the court has a discretion to deny the Petitioner relief having regard to his conduct, delay, laches, waiver submission to jurisdiction are all valid impediments which stand against the grant of relief...An application for a writ of Mandamus should be filed within a reasonable period of time. Application for the writ of Mandamus have been refused on numerous occasions for undue delay. In the case of Madanayake vs Schrader, an application for a writ of mandamus was refused as there was a delay of 8 months between the election and filing of the application for a writ of Mandamus.”*

Thus, this application should fail on laches.

DOES THE PETITIONER HAVE SUFFICIENT *LOCUS STANDI*?

21. I am in disagreement with the contention of the Respondents that the Petitioner does not possess sufficient *locus standi* to bring forth this case. In A. R. Perra and others v Central Freight Bureau of Sri Lanka and another [2006] 1 Sri L. R. 83, Marsoof J. (P/CA) held as follows:

“Sri Lankan Courts too have been quick to recognize standing of any citizen to seek relief against public authorities that stray outside their legitimate bounds. In Bandaranaike v. de Alwis and Others at 682 Wimalaratne J. observed that “every citizen has standing to invite the Court to prevent some abuse of power, and in doing so he may claim to be regarded not as a meddlesome busybody, but as a public benefactor...”

22. To quote Justice Mahinda Samayawardhena J. in Lanka Viduli Podu Sevaka Sangamaya Vs. Ceylon Electricity Board [2019] 2 Sri L. R. 91,

“Who can file a writ application? The short answer is-any “person” (as defined in section 2(s) of the Interpretation Ordinance) who has “sufficient interest” as opposed to the outdated requirement of “personal interest” because of the element of “public interest”. This includes a Trade Union. High-flown technical objections regarding locus standi have no place in modern administrative law.”

23. As such, I am of the opinion that the Petitioner is well within his rights to file the instant matter. Especially in the context of the Petitioner being the most senior council member of the Colombo Municipal Council, the preliminary objection taken up by the Respondents, that the Petitioner lacks standing is entirely untenable.

AVAILABILITY OF AN ALTERNATIVE REMEDY?

24. In answering the question of whether there is an alternative remedy available to the Petitioner, it ought to be noted that the “relief” (provided for in Section 267 of the Municipal Councils Ordinance and in Clause 36 of the Colombo Municipal Council Advertisement, Decoration and Poster by-laws) is available not to the Petitioner himself, but to the Municipal Council. It seems highly likely that the Petitioner might have instituted this case by himself and in his own name, as public interest litigation as he was not supported by the other members of the Municipal Council, which may have been due to their differing views on matters of governance within the Council itself. Thus, I reject the argument of the existence of an alternative remedy available to the Petitioner as it is not available to the Petitioner himself, but to the Municipal Council.
25. For the aforesaid reasons, the Petitioner’s application is futile and should be dismissed in *limine*. Accordingly, the application is dismissed without costs.

Judge of the Court of Appeal

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

I agree.

President of the Court of Appeal