

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

In the matter of an application for mandates in
the matter of *Writ of Mandamus and Certiorari*
under and in terms of Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

**C.A. (Writ) Application
No: 0261/2026**

Mahawatta Mudiyansele Sanjaya
Convenor,
Civil Intelligence Front,
Meddegoda,
Gurubevilagama,
Balangoda

Petitioner

Vs.

- 1) Dr. W.A.R.T. Wickramaarachchi
Director General of Agriculture,
Peradeniya.
2. G.G.D. Lalani
Additional Director (CUD),
National Plant Quarantine Services,
Agriculture Department,
Canada Friendship Road,
Katunayake
3. K.A.D.S.D. Kahandawa Arachchi
Deputy Director,
Deputy Director Agriculture,
National Plant Quarantine Services,
Agriculture Department,
Canada Friendship Road,
Katunayake.
4. Oshada Heshan Silva,
S & P Safety Suppliers,
No. 258, Nagoda, Kandana

5. Hon. Attorney General
Attorney General's Department
Colombo 12

Respondents

Before : R. Gurusinghe, J.
&
Dr. S. Premachandra, J.

Counsel : Bhagya Herath with Sajeevi Jayasinghe and
Abhirami Balasubramaniam instructed by
Sandaruwani Bandara
for the Petitioner.

Shemanthi Dunuwille, SC
for the Respondents.

Ruwantha Cooray with Aftha Ali Sabry
For the 4th Respondent.

Supported on: 05-05-2026

Decided on: 18-06-2026

ORDER

R. Gurusinghe, J.

Petitioner instituted the present application against the respondents, seeking, *inter alia*, a Writ of Certiorari, several Writs of Mandamus and several Interim Orders.

The petitioner's position is that the 4th respondent had imported a consignment of live plant material on 12-01-2026, under AWB 312-96356061. The petitioner states that the authorised officers of the National Plant Quarantine Service have detected live pests in the said consignment during inspection. Petitioner further states that, in terms of the applicable legal provisions, the 1st to 4th respondents are bound and obliged by law to take one of the following steps in respect of the said consignment, namely,

- (a) Authorize to carry out its disinfection or treatment,
- (b) Authorize or carry out its immediate destruction,

- (c) Direct it to be taken out of the country within a specified period; or
- (d) Direct it to be detained in quarantine or any other place approved by the Director of Agriculture for a period not exceeding twenty-four (24) months.

The petitioner further states that a credible whistle-blower informed the petitioner that, contrary to the applicable statutory requirements and without lawful authority, the 1st to 3rd respondents released twelve contaminated boxes from the said consignment before the laboratory test results were received. The petitioner further states that the laboratory results subsequently issued, confirmed the presence of pathogens in the said consignment.

The petitioner invokes the Writ jurisdiction of this Court on the basis of an alleged public interest grievance. The petitioner himself is not an aggrieved party to this matter by the said acts or omissions complained of. The 1st respondent is the Director General of Agriculture; the 2nd respondent is the Additional Director-National Plant Quarantine Service; the 3rd respondent is the Deputy Director of Agriculture-National Plant Quarantine Service Agriculture Department; and the 4th respondent is a regular importer of flowers.

The petitioner's case is built principally on information he allegedly received from a whistle-blower. Accordingly, the petitioner's application is based largely on hearsay evidence. Furthermore, the documents marked P4, P5, P5A, P6, and P6A are neither originals nor certified copies and the authenticity has not been established in accordance with law.

Rule 3 (1) (a) of the Court of Appeal (Appellate Procedure) Rules 1990 is as follows:

3. (1) (a) Every application made the Court of Appeal for the exercise of the powers vested in the Court of Appeal by Articles 140 or 141 of the Constitution shall be by way of petition, together with an affidavit in support of the averments therein, and shall be accompanied by the originals of documents material to such application (or duly certified-copies thereof) in the form of exhibits. Where a petitioner is unable to tender any such document, he shall state the reason for such inability and seek the leave of the Court to furnish such document later. Where a petitioner fails to comply with the provisions of this rule the Court may, *ex mero motu* or at the instance of any party, dismiss such application.

(b) Every application by way of revision or restitutio in integrum under Article 138 of the Constitution shall be made in like manner together with copies of the relevant proceedings (including pleadings and documents produced), in the Court of First Instance, tribunal or other institution to which such application relates.

According to Rule 3(1) (a), it is necessary for an application to be made by way of petition together with an affidavit in support of the averment therein and the originals or duly certified copies of the documents, material to such application.

In the case of Shanmugavadivu V. Kulathilake [2003] 1 Sri LR 215, the Supreme Court held that the requirements of Rules 3(1)(a) and 3(1)(b) are imperative.

The aforesaid Rule mandates that, where a petitioner fails to comply with its provisions, the Court may, either *ex mero motu* or upon an application made by a party, dismiss such application.

The respondents have pointed out that there is no admissible evidence before Court to support the petitioner's position. The respondents have further taken up the position that the petitioner lacks the requisite *locus standi* to maintain the present application. The petitioner is not an aggrieved party.

The petitioner's application is largely founded on hearsay evidence and speculation. There is no evidence to substantiate the allegation contained in the petition. The petitioner's failure to comply with Rule 3(1) (a) and 3(1) (b) requires dismissal of the petitioner's application. The petitioner also has failed to establish a *prima facie* case against the respondents. Therefore, Court refuses to issue formal notice on the respondents. Application is dismissed.

Judge of the Court of Appeal

Dr. S. Premachandra J.

I agree.

Judge of the Court of Appeal.