

**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 Article 140 of the
Constitution of the Democratic
Socialist Republic of Sri Lanka.*

CA (Writ) App. No. 442/2026

A.A.F. Farween,
No. 275/3A, Megoda Kolonnawa,
Wellampitiya.

PETITIONER

Vs.

1. Chairman,
Board of Quazis,
2. The Board of Quazis,

Both Address:
Ministry of Justice and National
Integration,
3rd Floor,
No. 19, Sri Sangaraja Mawatha,
Colombo 10.

3. Mr. M.A.M. Hakeem,

Workplace:
No. 94,
Kumarathunga Munidasa Mawatha,

P.O. Box 1490,
Colombo 03.

RESPONDENTS

Before: M.C.B.S. Morais, J.

Dr. D. F. H. Gunawardhana, J.

Counsel:

Farhana Azeez instructed by F.F.A. Azeez for the Petitioner.

Rushdie Habeeb with Rimza Imtiaz instructed by Hikma Yoosuf for the 3rd Respondent.

Supported on: 14.07.2026

Order delivered on: 04.08.2026

Dr. D. F. H. Gunawardhana, J.

Order

Introduction

Learned Counsel Ms. Farhana Azeez was heard on behalf of the Petitioner, and, on the other hand, Mr. Rushdie Habeeb, learned Counsel, was heard in opposition.

Upon a perusal of the Petition, I regret to note that I am unable to decipher and comprehend the matters averred therein; the manner in which they have been averred by the Petitioner is not only incomprehensible, but also incoherent.

However, having perused the documents filed along with the Petition, which have already been referred to therein, I made an attempt to comprehend their contents and understand the nature of the Petitioner's Application. It appears to me that the Petitioner had made an application to the Quazi of Colombo North seeking an enhancement of the maintenance already awarded in proceedings instituted for that purpose against the 3rd Respondent.

Upon the *ex parte* application of the Petitioner, the Quazi had ordered the 3rd Respondent to pay a sum of Rs. 285,000/- as the aggregate amount of maintenance, which order had been made *ex parte*.

Thereafter, the Quazi of Colombo North had initiated proceedings in the Magistrate's Court of Colombo to recover the said maintenance in the case bearing No. 94479/09/23.

However, the 3rd Respondent thereafter appealed to the Board of Quazi to have the said order set aside on the basis that it had been made *ex parte*. Thereafter, upon the issuance of notice,

the Petitioner appeared and thereupon the 3rd Respondent has agreed to settle the aggregate amount by paying the same in two instalments, as reflected in the document marked **P5**. Thereby, upon that undertaking, the Board of Quazi caused the proceedings initiated by the Quazi of North Colombo in the Magistrate's Court to be recalled; the relevant case number is reflected in the proceedings of the Board of Quazi dated 21.10.2023 in the document marked as **P5**.

The Petitioner thereupon has made a complaint to the Judicial Service Commission against the Members of the Board of Quazi. There appears to have no response from the Secretary of the Judicial Service Commission. As such, the Petitioner now seeks *inter alia* relief against the Judicial Service Commission and its Members.

In addition to that, the Petitioner mainly seeks a *Writ of Mandamus* against the Members of the Board of Quazi as prayed for in prayer (c), which reads thus;

“c. Issue a Writ of Mandamus directing the 1st and 2nd Respondents to determine the enhancement application and claims on merits without delay, enforce prior orders (including 04th April 2015), and perform their statutory duties under the MMDA fairly and expeditiously;”

Contradictory to that, the Petitioner seeks the following relief;

“a. Issue a Writ of Certiorari quashing the recall of the Enforcement Certificate dated 14th November 2023 (P4) and all related proceedings (including PS);

b. Issue a Writ of Prohibition restraining the 1st, 2nd, and 3rd Respondents from proceeding with Board Application No. BQ/09/22/A/CMB until final determination of this Application, SC FR/168/2025, or constitution of an impartial Board;”

In relation to prayers (b) and (c), they are contradictory to each other because if relief sought in prayer (b) is issued, prohibiting the 1st to 3rd Respondents from proceedings with the application, a *Writ of Mandamus* cannot be issued at the same time, directing them to determine the enhancement application on merits without delay. Therefore, contradictory relief cannot be granted.

In addition to that, the Honourable Members of the Judicial Service Commission are not cited as Respondents, nor are the Judicial Service Commission or its Secretary. Therefore, I must hold that prayer (e) cannot be granted. For further clarity, I reproduce prayer (e) below;

“e. A direction to the Judicial Service Commission or other appropriate authority to inquire into and take disciplinary action against the 1st Respondent for the alleged misconduct, bias, abuse of power, threats, and undue influence;”

Thus, without citing the Judicial Service Commission, its Secretary, or any members of the Judicial Service Commission as parties to this Application, no order can be made against them, as prayed for in prayer (e).

Accordingly, none of the relief as prayed for in the Petition can be granted.

In addition to that, the way the Petitioner has averred and pleaded the facts on which the Petitioner seeks relief is incoherent and incomprehensible. Therefore, I wish to draw the

attention of the Petitioner to aver the relevant matters in chronological order so that the Petitioner can make out a case.

Conclusion

Therefore, as it appears, the Petitioner's Petition is not properly formulated, and the averments therein cannot be understood due to their incoherent and incomprehensible nature. Therefore, it is my view that this Petition must be dismissed *in limine* without issuing notice.

JUDGE OF THE COURT OF APPEAL

M.C.B.S. Morais, J.

I agree.

JUDGE OF THE COURT OF APPEAL