

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

In the matter of an application for a mandate in the nature of writ of Certiorari and Prohibition under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Mohamed Mooseem Abdullah,
252/07, Sri Wanijadasa Mawatha,
Colombo -09.

And presently at
Hotel Wilson's Sayyid Shihab Thangal Jeelani,
Eravadi Dhargah,
Ramanathpuram District,
Thamil Nadu - 623 566,
India

PETITIONER

CA/WRT/543/2026

Vs.

1. Priyantha Weersooriya,
Inspector General of Police,
Police Headquarters,
Colombo 01.
2. H.M.C.P. Herath
Director,
Senior Superintendent of Police (SSP) Narcotics
of Police Bureau.

3. SI Sanath Wickramarachchi,
Officer in Charge,
Police Narcotic Bureau Unit of the
Bandaranaike
International Airport,
Katunayake.
4. P. C. J. De Silva,
Officer In Charge,
Police Narcotic Bureau,
Colombo 01.
5. Hon. Attorney General,
Attorney General Department,
Colombo 12.
6. Hon. Magistrate of Negombo,
Additional Magistrate Court,
Negombo.

RESPONDENTS

Before: **B. Sasi Mahendran, J.**
 Adithya Patabendige, J.

Counsel: Asthika Devendra with Gayal Kalatuwawa and Aruna Madushanka for the
 Petitioner.

 Yuhan Abeywickrma, DSG for the State.

Supported On: 30.09.2026

Decided On: 20.10.2026

B. Sasi Mahendran, J.

This order concerns the question of whether notice should be issued to the Respondents and whether interim relief should be granted to the Petitioner.

The Petitioner, *inter alia*, seeks a ***Writ of Certiorari*** to quash the decisions of the 1st to 4th Respondents to name him as a suspect, the relevant B Reports bearing Nos. B 9477/2026, B 9460/2026, B 9461/2026, B 9462/2026, B 9463/2026, B 9464/2026, B 9465/2026, B 9466/2026, B 9467/2026, B 9468/2026, B 9469/2026, B 9470/2026, B 9471/2026, B 9472/2026, B 9473/2026, B 9474/2026, B 9475/2026, B 9476/2026, B 9478/2026, B 9479/2026, B 9480/2026 and B 9481/2026, filed in the aforesaid cases, the decisions seeking travel bans against him, and the orders made by the learned Magistrate, the 6th Respondent, naming him as a suspect and imposing travel bans upon him.

The Petitioner further seeks a ***Writ of Prohibition*** restraining the relevant Respondents from arresting him in connection with the matters forming the subject matter of the aforesaid cases.

The Petitioner also seeks interim orders staying the proceedings in the aforesaid cases pending before the Magistrate's Court of Negombo, presided over by the Learned Magistrate, or, in the alternative, staying such proceedings insofar as they relate to the Petitioner. Furthermore, the Petitioner seeks orders suspending the travel bans imposed upon him by orders dated 9th of May 2026 and 26th of May 2026.

The following facts are relevant to the determination of this application.

According to the Petitioner, the Police Narcotics Bureau received information that a group of Buddhist monks arriving from Bangkok were suspected of carrying a substance known as "Kush", identified as *Cannabis sativa L.* Acting on this information, Sub-Inspector Thilanka attached to the Airport Narcotics Bureau Unit searched 22 Buddhist monks and discovered 5 kilograms and 81 grams of the said substance in the luggage of the 1st Suspect, who was subsequently arrested.

The Petitioner states that, thereafter, the 3rd and 4th Respondents initially filed B Reports bearing Nos. B 9460/2026 to B 9481/2026 in the respective cases pending before the learned Magistrate of Negombo, including B Report No. B 9477/2026 dated 24th of April 2026. The Petitioner contends that the initial B Reports, with the exception of B Report No. B 9477/2026, merely set out the facts relating to the incident and contained no allegations or material connecting him to the alleged offences.

According to the Petitioner, it was only by way of a further B Report dated 9th of May 2026 that the 4th Respondent sought to name him as the 7th Suspect in Case No. B 9477/2026.

The Petitioner states that his implication in the investigation was based principally on a statement recorded on 8th May 2026 from Mahamud Thariq Mohamad, the 6th Suspect, who referred to a person known as a “*Maulawi*” in connection with securing a house for the storage of narcotics. The said statement is marked as ‘P5’. The Petitioner contends that the investigating officers subsequently identified him as the person referred to as the “Maulawi” and sought to implicate him in the alleged offences.

The Petitioner further contends that the Police sought a travel ban against him in Case No. B 9477/2026 without independent evidence or material establishing reasonable grounds to suspect his involvement in the alleged offences, thereby misleading the learned Magistrate.

The Petitioner states that a further B Report dated 14th of May 2026 was filed in Case No. B 9477/2026, setting out allegations purportedly arising from the statement of the 6th Suspect, marked as ‘P6’. According to the said report, the 6th Suspect allegedly informed the Police that the 4th Suspect had acted on the instructions of the Petitioner, who was identified as the 7th Suspect, to secure vehicles and houses for the purpose of narcotics trafficking.

The said report further alleges that the Petitioner left India on 21st of April 2026, travelling through India to Bangkok, and subsequently returned to India on 26th of April 2026. Further, the 6th suspect revealed that the 7th suspect in this case had travelled to Bangkok, Thailand, where he stayed in a hotel room provided by the 4th suspect. During his stay, the 7th suspect prepared travel bags containing narcotics and handed them over to 22 Buddhist monks.

Furthermore, the Police allege that the Petitioner transferred money in connection with his visit to Bangkok. In particular, according to the Police, the Petitioner transferred money on 26th April 2026 for the purpose of obtaining legal assistance for the monks.

At this juncture, it is pertinent to produce the relevant portion of the evidence of the 6th suspect in the said B Report, which is marked as ‘P6’.

“මෙම නඩුවේ 06 වන සැකකරු වන මහමුද් කාරික් මොහොමඩ් යන අය සම්බන්ධයෙන් සිදු කරන ලද විමර්ශනයේදී මෙම 06 වන සැකකරු මෙම නඩුවේ 07 වන සැකකරු ලෙස නම් කර ඇති මොහමඩ් මුසීම් අබ්දුල්ලා හා තුවාන් ෂීරාස් සමසුදින් යන අයවලුන් සමග ALL CEYLON SUFFI SPIRITUAL ASSOCIATION නමින් සමාගමක් පවත්වාගෙන ගොස් ඇති බවත්, ඒ අතරතුරු කාලයේදී එනම් 2025 වසරේ 10 වන මාසයේදී මොවුන් විසින් මෙම නඩුවේ 04 වන

සැකකරු ලෙස නම් කර ඇති පුජ්‍ය අඹගස්මුල්ලේ පුඤ්ඤරත්න යන හිමිනමව හඳුනාගෙන ඇති බවත්, එම හඳුනාගැනීම මත මොවුන් සියල්ල එකට එක්ව සැලසුම් සහගතව මෙම මත්ද්‍රව්‍ය ජාවාරම සිදු කර ඇති බවට කරුණු අනාවරණය වී ඇත.

ඒ අනුව වැඩිදුරටත් සිදු කරන ලද විමර්ශනයේදී මෙම 06 වන සැකකරුගේ අංක 006020125095 දරණ හැටන් නැෂනල් බැංකු ගිණුම වෙත අවස්ථා ගණනාවකදී මෙ නඩුවේ 04 වන සැකකරු ලෙස නම් කර ඇති පුජ්‍ය අඹගස්මුල්ලේ පුඤ්ඤරත්න යන අය විසින් මුදල් යොමු කර ඇති අතර එම මුළු මුදල රුපියල් 4,880,000/= වශයෙන් යොමු කර ඇති බවත්, එම මුදල් උපයෝගී කර ගනිමින් මෙම 06 වන සැකකරු 07 වන සැකකරු ලෙස නම් කර ඇති මොහමඩ් මුසීම් අබ්දුල්ලා යන අයගේ උපදෙස් මත කටයුතු කරමින් මෙරට සිදු කරන ලද මත්ද්‍රව්‍ය ජාවාරම සඳහා වාහන සම්බන්ධ කරදීමේ කටයුතු හා නිවෙස් ලබා ගැනීමට අවශ්‍ය කටයුතු සිදු කර ඇති බවට කරුණු අනාවරණය වී ඇත.

තවද මෙම නඩුවට අදාළව අත්අඩංගුවට ගෙන ඇති 01 වන සැකකරු හිමිනම සමග මත්ද්‍රව්‍ය අඩංගු ගමන් බැගයන් මෙරටට රැගෙන ඒම සඳහා තායිලන්තය වෙත ගොස් ඇති අනෙක් සැකකරු හිමිවරුන් 21 දෙනා 2026.04.22 වන දින මෙරටින් පිටව ගොස් ඇත. ඒ අනුව එම මත්ද්‍රව්‍ය ජාවාරම මෙහෙයවීම සඳහා මෙම නඩුවේ 07 වන සැකකරු 2026.04.21 වන දින ඉහත සඳහන් හිමිවරුන් මෙරටින් පිටත්වීමට පෙර දින ශ්‍රී ලංකාවේ සිට ඉන්දියාවේ දිල්ලි ගුවන්තොටුපල හරහා තායිලන්තයේ බැංකොක් වෙත ගොස් ඇති අතර නැවත 2026.04.26 වන දින දිල්ලි වෙත පැමිණීමට අදාළ ගුවන් ටිකට්පත්ද රැගෙන ගොස් ඇති බවට 06 වන සැකකරුගෙන් සිදු කරන ලද ප්‍රශ්න කිරීම් වලදී අනාවරණය වී අතර තවදුරටත් ඒ සම්බන්ධයෙන් විර්මාණ කටයුතු සිදු කරමින් පවතින බව වාර්තා කරමි.

මෙම නඩුවේ 07 වන සැකකරු තායිලන්තයේ බැංකොක් වෙත ගොස් මෙම නඩුවේ 04 වන සැකකරු හිමිනම විසින් සපයා දෙන ලද හොටෙල් කාමරයක් තුල රැඳී සිට ඇති බවත් එසේ රැඳී සිටිමින් මෙම නඩුවේ 01 සැකකරු හිමනම ඇතුළු හික්ෂුන් වහන්සේලා 22 දෙනෙකු හට මෙරටට රැගෙන ඒමට නියමිතව තිබූ මත්ද්‍රව්‍ය අඩංගු ගමන් බැගයන් සකස් කර ඔවුන් වෙත ලබාදීම සිදු කර ඇති බවට ප්‍රශ්න කිරීම් වලදී අනාවරණය වී ඇත.

2026.04.26 වන දින කුෂ් මත්ද්‍රව්‍ය හා හෂිෂ් මත්ද්‍රව්‍ය අඩංගු ගමන් බැගයන් රැගෙන මෙරටට පැමිණි හික්ෂුන් වහන්සේලා 22 නා අත්අඩංගුවට ගෙන ඇති බවට දැන ගැනීමෙන් අනතුරුව මෙම නඩුවේ 07 වන සැකකරු විසින් මෙම නඩුවේ 06 වන සැකකරුට දුරකථන ඇමතුමක් ලබා දී කටුනායක ගුවන්තොටුපල වෙත ගොස් ඒ සම්බන්ධයෙන් සොයා බලා දැනුම් දෙන ලෙසට දන්වා ඇති අතර ඒ අනුව මෙම නඩුවේ 06 වන සැකකරු 2026.04.26 වන දින උදෑසන 03.00 ත් 04.00 ත් අතරතුර කාලයේ දී ගුවන්තොටුපල වෙත ගොස් මෙම සිද්ධිය සම්බන්ධයෙන් මෙම නඩුවේ 07 වන සැකකරු ලෙස නම් කර සිටින අය වෙත දැන්වීමෙන්

අනතුරුව එදින දිල්ලි වෙත පැමිණීමට නියමිතව සිටි 07 සැකකරු තායිලන්තයේ බැංකොක්හි මෙම නඩුවේ 04 වන සැකකරු සමග රැඳී සිටිමින් මෙම හික්ෂුන් වහන්සේලාට අවශ්‍ය නීතිඥ සහය ලබා ගැනීමට රුපියල් ලක්ෂ 05 ක මුදලක් ලබා දීම සඳහා මෙම 06 වන සැකකරු වෙත දැනුම් දීම මත එම මුදල් ලබා දී ඇති බවට අනවරණය වී ඇත.

තවද 2026.04.26 වන දින දිල්ලි වෙත පැමිණීමට ගුවන් ටිකට්ටුවක් රැගෙන ගොස් ඇති මෙම නඩුවේ 07 වන සැකකරු ලෙස නම් කර ඇති මොහමඩ් මුසීම් අබ්දුල්ලා යන අය මෙම සිදුවීම සමග බියට පත්ව එදින නැවත දිල්ලි වලට පැමිණීමක් සිදු නොකර මෙම නඩුවේ 04 වන සැකකරු සමග රැඳී සිටි 2026.04.28 වන දින නැවත ගුවන් ටිකට්ටුවක් ලබා ගෙන දිල්ලි වෙත පැමිණ වෙන්නායි ඔස්සේ තමිල්නාඩු, රාමිනාඩු ප්‍රදේශයේ දැනට රැඳී සිටින බවත් මෙම නඩුවේ 04 වන සැකකරු හිමිනම වන පුජ්‍ය අඹගස්මුල්ලේ පුඤ්ඤරත්න යන අයද දැනට සැඟව සිටින බවත් මෙම සැකකරුගෙන් සිදු කරන ලද ප්‍රශ්න කිරීම් වලදී මේ වන විට අනාවරණය වී ඇති අතර තවදුරටත් ඒ සම්බන්ධයෙන් විර්මාණ කටයුතු සිදු කරමින් පවතින බව ගරු අධිකරණය වෙත ගෞරවයෙන් වාර්තා කරමි.”

Thereafter, the learned Magistrate of Negombo permitted the Petitioner to be named as the 7th Suspect in Case No. B 9477/2026 and imposed a travel ban upon him.

The Petitioner further states that he subsequently discovered that, on 26th May 2026, he had been named as a suspect in 21 other cases pending before the Magistrate’s Court of Negombo, all arising from the same investigation.

The Petitioner contends that the 1st to 4th Respondents proceeded to implicate him as a suspect in 22 cases without independent evidence connecting him to the alleged narcotics offences. The Petitioner maintains that his association with Ven. Punyaratne Thero arose through the activities of the All-Ceylon Sufi Spiritual Association, of which he is the President, and was confined to interfaith activities, social interactions and *bona fide* business dealings involving the gem, textile and cosmetics industries.

The Petitioner further states that the financial transactions between the parties were legitimate business transactions and maintains that he travelled to Thailand on 21st of April 2026 to explore business opportunities before proceeding to India on 27th of April 2026. The Petitioner also contends that he became aware of the narcotics investigation only after learning of the arrest of several individuals at the Bandaranaike International Airport.

The Petitioner denies involvement in narcotics trafficking or criminal conspiracy, contending that the allegations and travel bans imposed against him are unlawful and based primarily on

an uncorroborated statement without independent supporting evidence, thereby prejudicing his personal liberty, reputation, and business interests.

Being aggrieved by the impugned decisions, the Petitioner has invoked the writ jurisdiction of this Court by way of the present application.

I am mindful of the dictum encapsulated in Lord Atkin's celebrated formulation, as discussed in Sunil F. A. Coorey's *Principles of Administrative Law in Sri Lanka*, 3rd edn, Vol. 2, at page 911.

“(2) Availability of Certiorari & Prohibition

The circumstances in which certiorari and prohibition will be available have been summed up by Lord Justice Atkin, an English judge, in the following famous words which on numerous occasions have been cited and followed by our courts:

"Whenever any body of persons having legal authority to determine questions affecting the rights of subjects, and having the duty to act judicially, act in excess of their legal authority they are subject to the controlling jurisdiction of the King's Bench Division exercised in these Writs."

The dictum has been analyzed as follows as laying down four conditions which must be satisfied for certiorari or prohibition to issue:-

‘Whenever anybody of persons, (firstly) having legal authority, (secondly) to determine questions affecting the rights of subjects, (thirdly) having the duty to act judicially, (fourthly) act in excess of their legal authority, they are subject to the controlling jurisdiction exercised by these writs.’

In the present case, the Petitioner challenges the actions of the 1st to 4th Respondents in naming him as a suspect by filing further B Reports and taking consequential steps in the investigation.

In order to obtain a *Writ of Certiorari*, the Petitioner must establish a recognised legal ground warranting the quashing of the impugned decision. As reflected in Lord Atkin's dictum, the remedy is available where the relevant decision-making authority has acted in excess of its lawful authority.

Sections 110 to 115 of the Code of Criminal Procedure Act (hereinafter referred to as the “Act”) confer powers upon police officers in relation to the investigation of offences and the reporting of the progress and findings of such investigations to the Magistrate.

In this regard, it is pertinent to refer to Section 115(1) of the Act, which provides as follows:

“115. (1) Whenever an investigation under this Chapter cannot be completed within the period of twenty-four hours fixed by section 37, and there are grounds for believing that further investigation is necessary the officer in charge of the police station or the inquirer shall forthwith transmit to the Magistrate having jurisdiction in the case a report of the case, together with a summary of the statements, if any, made by each of the witnesses examined in the course of such investigation relating to the case, and shall at the same time forward the suspect to such Magistrate.”

The purpose and significance of filing a summary of the statements recorded during an investigation have been considered by our courts.

In ***Dayananda v. Weerasinghe and Others*, (1983) 2 SLR 84 at page 91**, Ratwatte, J held that;

“Before I conclude I think it is pertinent to make some comments on the procedure that has been followed in this case. The first report filed by the 1st Respondent was, as the report itself states, filed in terms of Section 115(1) of the Code of Criminal Procedure. Section 115(1) requires the Police to file along with the report a summary of the statements, if any, made by each of the witnesses examined in the course of the investigation.”

In ***Mohamed Razik Mohamed Ramzy v. B.M.A. S.K. Senaratne and Others*, SC/FR Application No.135/2020, decided on 14th November 2023**, His Lordship Yasantha Kodagoda PC, J. held that;

“It is seen that, according to section 115(1), the documentation that the law requires to be submitted include – (i) a report of the case, and (ii) a summary of the statements if any, recorded during the course of the investigation that has thus far been conducted. Both the report of the case and the summary of the statements recorded are to serve a purpose which is of critical importance. It is noteworthy that there is nothing in section 115(1) that prevents both these requirements being incorporated into a single document,

such as “A5”, which is routinely referred to as a “B Report”. That being material based upon which the Magistrate having to determine whether or not the suspect being produced by the officer-in-charge of the police station should be placed in remand custody and/or enlarged on bail. Section 115(2) of the Code of Criminal Procedure Act provides that ‘The Magistrate before whom a suspect is forwarded under this section, if he is satisfied that it is expedient to detain the suspect in custody pending further investigation, may after recording his reasons, by warrant addressed to the superintendent of any prison authorise the detention of the suspect ...’

Further held that

“If the officer in charge of the police station on whom the statutory duty is cast to submit the report along with the summary of statements is to move the Magistrate to consider placing the suspect in remand custody, he must place before the Magistrate sufficient material to substantiate the allegation contained in the report that the suspect has committed one or more offences.”

In *Meettage Piyaseeli v. Hon. Attorney General*, CPA/63/21, decided on 30th November 2021, Her Ladyship Menaka Wijesundera, J observed;

*“The section of the CPC 115(1) quoted by the Petitioner states as follows,
“Whenever an investigation under this Chapter cannot be completed within the period of twenty-four hours and there are grounds to believe that further investigations are necessary the officer in charge of the police station or the inquirer forthwith forward the suspect to the Magistrate a report of the case together with a summary of the statements if any made by each witness...”, and it very clearly states that the Magistrate has to be furnished with a synopsis of the evidence recorded against the suspect who is being produced for remanding because the following subsection specifies the necessity for the Magistrate to record his or her reasons if any before remanding the suspect. Therefore the law is very clear that the Magistrate should be furnished with the evidence recorded against the suspect who is being produced before him.*

Therefore it is very clear that the investigative officers must submit a synopsis of the statements recorded if any for the Magistrate to ascertain any reasons if any to remand the suspects. The case law submitted by the petitioners very clear on this point of law.”

In ***Wickrama Arachchi Athukoralage Asantha Udayakara Vs. Mr. Priyantha Weerasooriya and others***, CA/WRT/725/2024, decided on 30th January 2026, His Lordship Mayadunne Corea J, held that,

“It is observed the said report consists of facts only, and there are no charges against the Petitioner. The said report does not have any decisions or conclusions against the Petitioner. As per the above definition, I am of the view that there cannot lie a Writ of Certiorari to quash the facts that are reported to the Magistrates Court.”

Furthermore, Section 120 of the said Code empowers the officer in charge of the relevant police station to submit further reports within a period of 15 days where the investigation cannot be completed within the prescribed period.

The B Report filed on 14th of May 2026 purportedly set out material relating to the alleged involvement of the Petitioner in the matters under investigation. The 1st to 4th Respondents rely on the powers conferred upon them by the said Act to submit reports and the findings of their investigations to the learned Magistrate.

The 1st to 4th Respondents have neither made any determination against the Petitioner nor acted beyond the scope of their lawful authority. Rather, they have acted in the exercise of the powers conferred upon them by the said Code.

The Petitioner has therefore failed, at this stage, to establish that the act of identifying him as a suspect in the impugned reports was *ultra vires* or otherwise vitiated by an error of law warranting the issuance of a *Writ of Certiorari*.

At this juncture, it is pertinent to refer to the sentiment expressed by Lord Diplock in the case of ***Council of Civil Service Unions v Minister for the Civil Service (1985) AC 374***,

“... one can conveniently classify under three heads the grounds on which administrative action is subject to control by judicial review. The first ground I would call 'illegality', the second 'irrationality' and the third 'procedural impropriety'.

The aforesaid dictum of Lord Diplock has been reiterated in several subsequent cases. In *Council of Civil Service Unions v Minister for the Civil Service* (CCSU), Lord Diplock identified three principal grounds upon which an administrative decision may be subject to judicial review, namely:

“(i) *'Illegality'* which means that the "decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it" It means that the decision-maker must keep within the scope of his legal power. *Illegality* means that the decision-maker has made an error of law; it represents infidelity of an official action to a statutory purpose. Such grounds as *excess of jurisdiction, patent error of law, etc. fall under the head of "illegality"*

(ii) *'Irrationality'* denotes unreasonableness in the sense of *Wednesbury unreasonableness*.

(iii) *Procedural Impropriety*-The expression includes failure to observe procedural rules including the rules of natural justice or fairness wherever these are applicable.”

Applying the aforesaid principles to the facts and circumstances of the present case, I am of the view that the Petitioner has failed to establish a sufficient legal basis for the issuance of a *Writ of Certiorari*. In particular, the Petitioner has not demonstrated, on the material presently before this Court, that the impugned actions were unlawful, irrational or procedurally improper, or that they were otherwise vitiated by an error of law or jurisdiction warranting the intervention of this Court.

With regard to the relief sought to set aside the travel bans imposed upon the Petitioner, I am of the view that the Petitioner may make an appropriate application before the learned Magistrate seeking the cancellation or variation of the relevant orders.

It is trite law that the issuance of prerogative writs is discretionary and that the availability of an adequate alternative remedy is a relevant consideration in determining whether the Court should exercise its writ jurisdiction.

In *Ishak v. Laxman Perera, Director General of Customs and Others* (2003) 3 SLR 18, at page 22, Shiranee Tilakawardane, J. held:

“Where there is an alternative procedure which will provide the applicant with a satisfactory remedy the Courts will usually insist on an applicant exhausting that remedy before seeking judicial review. In doing so the Court is coming to a discretionary decision.”

In the circumstances of the present case, I hold that the Petitioner should seek the cancellation or variation of the travel ban by making an appropriate application before the learned Magistrate.

Accordingly, having considered the material placed before this Court, together with the applicable legal principles, I am of the view that the Petitioner has failed to establish that he is entitled to the reliefs sought.

In particular, the Petitioner has failed to demonstrate a sufficient *prima facie* or arguable case warranting the issuance of formal notice to the Respondents. Accordingly, this Court declines to issue notice to the Respondents in the present application.

For the foregoing reasons, the application is dismissed.

JUDGE OF THE COURT OF APPEAL

Adithya Patabendige, J.

I AGREE

JUDGE OF THE COURT OF APPEAL