

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

CA (WRIT) Case No.190/26

1. Committee for Protecting Rights of Prisoners (Guarantee) Ltd.
2. Mr. Rangoda Hettiarachchige Senaka Perera,
Executive Director,
Committee for the Rights of the Prisoners.

Both at,

245/12, Serpentine Road,
Borella,
Colombo 08.

3. Hettiarachchilage Amal Raj,
No.631
4. Mamdooh Mumin Rasheed,
No.557
5. Mahadura Isuru Dilshan,
No.5665

Currently at,
Boosa Prison,
Galle.

PETITIONERS

Vs.

1. Hon. Harshana Nanayakkara, AAL
Minister of Justice and National
Integration,
Ministry of Justice – Sri Lanka,
No.19, Sri Sanagaraja Mawatha,
Colombo 10.

2. Ms. Ayesha Jinasena, PC
Secretary,
Ministry of Justice and National
Integration,
Ministry of Justice – Sri Lanka,
No.19, Sri Sanagaraja Mawatha,
Colombo 10.
3. Mr. H.M.N.C. Dhanasinghe,
Commissioner General of Prisons
(Actg),
Prison Headquarters,
150, Baseline Road,
Colombo 09.
4. Hon. Mr. Ananda Wijepala,
Minister of Public Security and
Parliamentary Affairs,
Ministry of Public Security and
Parliamentary Affairs,
14th Floor,
Suhurupaya,
Battaramulla.
5. Mr. D.W.R.B. Seneviratne,
Secretary,
Ministry of Public Security and
Parliamentary Affairs,
14th Floor,
Suhurupaya,
Battaramulla.
6. Mr. Priyantha Weerasooriya, AAL
Inspector General of Police,
Police Headquarters,
Colombo 02.
7. Hon. Attorney General,
Attorney General's Department,
No.159, Sanchi Arachchi Waththa,
Colombo 12.

RESPONDENTS

Before: **Amal Ranaraja J.**

&

Dr. Sumudu Premachandra J.

Counsel: Geoffrey Alagaratnam, PC with Melusha Dodangoda instructed by Ishara Gunawardena for the Petitioners.

R. Gooneratne, SC for the Respondents.

Written Submissions: By the Petitioner - Not filed.
By the Respondents – Not filed.

Supported On : 31/08/2026.

Order On : 30/09/2026.

Dr. Sumudu Premachandra J.

1] The Petitioners in this application contend that STF officers are unlawfully executing daily management functions including routine physical searches of prisoners, visitors, and attorneys-at-law thereby intimidating individuals and obstructing legal representatives. They argue that prison authorities have abdicated their duties by allowing this non-temporary presence. Citing Sections 6(2), 10(2), 12, 13, and 33 of the Prisons Ordinance, the Petition highlights that administrative control, prisoner discipline, and search powers are legally restricted to designated prison officers, making the STF's systematic operational role ultra vires, arbitrary, and unlawful.

2] To substantiate these allegations and show attempts to seek redress, the Petition incorporates several key annexed documents as evidence. Supporting affidavits outlining the grievances are attached as X1, X2, and X3. Formal letters

of demand sent to the Respondents on 12/02/2026 which received no response prior to filing are annexed as X4 and X5. Furthermore, X6 consists of a rough diagram drawn by the 2nd Petitioner detailing the exact physical locations inside Boossa Prison where STF personnel continuously base their routine operations, supported by an attesting affidavit marked as X7.

3] X1 to X3 are affidavits of Mahadura Isuru Dolshan, Hettiarachchilage Amal Raj and Mamdhoo Moomin Rasheed. They have averred their harassments caused by the STF and their routine operations. X4 is the letter of demand which was sent to 1st, 2nd and 3rd Respondents for immediate vacation of STF from Boossa Prison and hand over it to the Prison Department. X5 is a letter of demand which was sent to the 4th, 5th and 6th Respondents demanding removal of STF from Boossa Prison. A is an affidavit of Mr. Ranchagoda Hettiarachchige Senaka Perera, Attorney at Law who personally visited Boossa Prison and X6 is a Sketch of Boossa Prison, prepared by him.

4] In these circumstances the Petitioners pray from this Court;

- a) To grant and issue Writ of Certiorari against the 1st and/or 2nd and/or 3rd and/or 4th Respondent and/or 5th Respondents and/or 6th Respondents or their officers/agents/servants quashing any decision and/or order permitting STF personnel, to continuously or as a matter of routine, be present within the prison premises and/or carrying out routine functions;
- b) To grant and issue a Writ of Mandamus against the 1st and/or 2nd and/or 3rd and/or 4th Respondent and/or 5th Respondents and/or 6th Respondents or their officers/agents/servants to carry out their duties under the Prisons Ordinance especially under sections 12, 13 and 33;
- c) To grant and issue a Writ of Mandamus directing the 1st and/or 2nd and/or 3rd and/or 4th Respondent and/or 5th Respondents and/or 6th Respondents or their officers/agents/servants to cease from permitting routine searches, checks or any interferences by STF personnel's in

carrying out routine duties under the Prisons Ordinance especially within the prison premises;

- d) To Grant and issue a Writ of Mandamus against 1st and/or 2nd and/or 3rd Respondents or their officers/agents/servants to direct prison officers/authorities to carry out their legal duties under the Prisons Ordinance and desist from delegating/relegating/surrendering such duties to STF personnel;
- e) To Grant and issue a Writ of Prohibition restraining the 1st and/or 2nd and/or 3rd and/or 4th Respondent and/or 5th Respondents and/or 6th Respondents or their officers/agents/servants preventing STF personnel from carrying out, or permitting the carrying out, of routine functions as envisaged under the Prisons Ordinance;
- f) To issue an interim order against the 1st and/or 2nd and/or 3rd and/or 4th Respondent and/or 5th Respondents and/or 6th Respondents or their officers/agents/servants restraining the continued presence of STF personnel within the prison premises, the routine deployment and interference by STF personnel within prison premises and/or carrying out routine functions, such as searches, provided for under the Prisons Ordinance pending the final determination of the application;
- g) For costs; and
- h) For such other and further relief as to Your Lordship's Court shall seem meet.

5] It is seen that from prayer “A”, the Petitioners seek a Writ of Certiorari for “quashing any decision and/or order permitting STF personnel, to continuously or as a matter of routine be present within the prison premises and/or carrying out routine functions”. This prayer clearly shows that the Petitioners do not know what decision to be quashed and therefore the prayer is vague.

6] In **Amarasinghe and Others Vs. Central Environmental Authority and Others** [202] 3 SLR 467, His Lordship OBEYESEKERE, J. (P/CA) considered with regard to vague prayers and no production of impugned decision as follows;

*“1. A petitioner invoking the jurisdiction of the Court of Appeal must seek relief that would address their grievance and must not refer to each and every section in an Act hoping that his case would come under at least one of those sections. **The relief that is sought must be specific and should address the concerns of the petitioner. The relief sought in this application is vague and the application is liable to be dismissed in limine.***

*2. **The decision(s) that is/are being impugned must be produced by the petitioners,** thereby affording the respondents an opportunity of setting out the basis for the issuance of the relevant licenses and also of explaining whether the terms and conditions of the licenses have been complied with. **The decision must also be available for the court to examine, as the court is exercising discretionary jurisdiction under Article 140 of the Constitution and cannot quash documents that are not before it.**” [Emphasis is added]*

7] Thus, the application asking any decision or order permitting STF personnel, to continuously as a matter of routine operation by STF to be quashed without producing the decision is bad in law and should be dismissed *in limine*.

8] At this juncture, I would like to consider the nature of operations of Special task force (STF). At the very outset, it should be noted that the STF is not special creature of law and it functions under the umbrella of the Sri Lanka Police, deriving its general law enforcement powers and authority from the overarching Police Ordinance No. 16 of 1865 rather than a separate, standalone legislative act of incorporation. It was formed in 1983 as a specialized tactical and counter-terrorist unit within the existing police structure, blending military-style training and discipline with police authority. STF operates under the command of a Commandant (typically a Deputy Inspector General of Police) and ultimately

answers to the Inspector General of Police (IGP) and the Ministry of Public Security. Thus, it is designed for special security for special prison inmates and no sinister is being done by deploying them in a prison with prison officers for the safety and the security of the prison. Thus, the contention that the Prison Officers have abdicated their duties cannot be accepted.

9] It is to be noted that Sri Lanka faced a wave of deadly prison riots in July and August 2026 driven by severe systemic overcrowding and clashes between rival drug-trafficking factions. In Negombo Prison (July 5–6, 2026) incident, 28 people dead (including 20 prisoners and 8 guards/officials) and over 100 injured. It was revealed as a clash between rival drug gangs and escalated when inmates seized control of parts of the facility and climbed onto rooftops. In Mahara Prison (August 1–2, 2026) incident one inmate dead and six injured after prisoners set fire to the administrative buildings, the kitchen, and the hospital. Military and Special Task Force commandos were deployed to restore order. Moreover, in New Magazine & Kuruwita Prisons (August 6–7, 2026) outbreak at Colombo's New Magazine Prison killed one inmate, while a separate riot at Kuruwita prison left two prisoners dead, resulting in a total of 3 deaths and 23 injuries across these two institutions. Thus, high security for every prison is demanded by these incidents and circumstances.

10] It is to be noted the Respondents are directly liable for providing security of prison inmates including the 2 to 5 Petitioners. Thus, the court is of the view that deploying STF for prison security along with prison officers cannot be held as an act of ultra vires.

11] Dr. Sunil F.A Coorey, ***Principles of Administrative Law in Sri Lanka*** (3rd ed. Vol 2), Page 46, defines ultra vires as;

“Ultra vires and intra vires are two Latin phrases which respectively mean “beyond power” and “within power”. They are frequently used in discussing

the nullity question. When an exercise of power is said to be ultra vires, what it meant is that as the exercise of power is invalid and a nullity.”

12] I cannot hold that the said operation is ultra vires within the meaning above. I cannot see the operations are beyond power.

13] The Petitioners seek a Writ of Mandamus and Writ of Prohibition. In seeking a Writ of Mandamus, the Petitioners must have an enforceable legal right. This is a conditioned precedent. In **Credit Information Bureau of Sri Lanka v Messers Jafferjee and Jafferjee (Pvt) Ltd** 2005(1) SLR Page 89, His Lordship Justice J.A.N. De Silva (As he then was) held;

“There is rich and profuse case law on mandamus, on the conditions to be satisfied by the applicant. Some of the conditions precedent to the issue of mandamus appears to be;

a) The application must have a legal right to the performance of a legal duty by the parties against whom the mandamus is sought...the foundation of mandamus is the existence of a legal right.

b) The right to be enforced must be a “public right” and the duty sought to be enforced must be of a public nature” ...

14] Further, in the case of **Kaluarachchi v Ceylon Petroleum Corporation and others**, SC Appeal No. 43/2013; SC Minutes of 19/06/2019, the Supreme Court held;

“The foundation of Mandamus is the existence of a legal right. A court should not grant a Writ of Mandamus to enforce a right which is not legal and not based upon a public duty”.

15] The Section 77(5) of the Prisons Ordinance reads thus;

“Every police officer who is for the time being engaged in escorting any prisoner or prisoners, or in guarding any prison or other place where prisoners are confined or employed, or in assisting in the quelling of any disturbance or violence on the part of any prisoners, or in recapturing any escaped prisoner, shall be deemed to have all the powers and rights granted by this section to prison officers.”

16] On the other hand, Section 56 of the Police Ordinance, discusses the duty and powers of the police officers as;

*“Every police officer shall for all purposes in this Ordinance contained be considered to be always on duty, and **shall have the powers of a police officer in every part of Sri Lanka**, It shall be his duty,*

(a) to use his best endeavors and ability to prevent all crimes, offences, and public nuisances ;

(b) to preserve the peace ;

(c) to apprehend disorderly and suspicious characters ;

(d) to detect and bring offenders to justice ;

*(e) to collect and communicate intelligence affecting the public peace ;
and*

(f) promptly to obey and execute all orders and warrants lawfully issued and directed to him by any competent authority.” [Emphasis is added]

17] Since Boossa Prison is well within the above territory, deploying STF Officers under the current situation cannot be decided as ultra vires. If the Government has taken a Policy Decision, the court would not interfere with the decision as such.

18] In ***Sidheswar Sahakari Sakhar Karkhana Ltd v Union of India*** (2005) 3 SCC 369; it was held;

“Normally the Court should not interfere in policy matter which is within the purview of the government unless it is shown to be contrary to law or inconsistent with the provisions of the Constitution”

19] On 31/08/2026, the matter was supported for formal notices. Learned State Counsel informs the court, this application cannot be maintained as the identical matter CA/WRT/712/2025, **Jayasekara Withanage Ruwan Chamara, (Alias Midigama Ruwan) vs The Assitant Superintendent of Prison, Boossa Prison**, and others, was decided on 04/09/2025 and formal notices were refused. In that case, considering in depth His Lordship N. R. Abeyesuriya, PC, J. (P/CA), held as follows;

“If this Court were to hold that Police Officers, be it STF or the Police regular force, cannot conduct investigations inside a prison in a situation where there was reasonable suspicion of an offence being committed/ planned, it would lead to an absurdity.”

20] It is to be stressed that issuing Writs are subjected to the discretion of court. In **Jayaweera v. Asst. Commissioner of Agrarian Services Ratnapura and Another** [1996] 2 SLR 70, His Lordship Ninian Jayasuriya, J. held;

“A Petitioner who is seeking relief in an application for the issue of a Writ of Certiorari is not entitled to relief as a matter of course, as a matter of right or as a matter of routine. Even if he is entitled to relief, still the Court has a discretion to deny him relief having regard to his conduct, delay, laches, waiver, submission to jurisdiction - are all valid impediments which stand against the grant of relief.”

21] For the aforesaid reasons, I do not see any substance in this application. Thus, formal notices on the Respondents are refused and application is dismissed without costs.

JUDGE OF THE COURT OF APPEAL

AMAL RANARAJA J.

I agree

JUDGE OF THE COURT OF APPEAL