

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

In the matter of an Application under Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka for mandates in the nature of Writs of Certiorari, Prohibition and mandamus.

Thavarasa Kalai Arasan,
15/40 A, Navithanveli 2,
Kalmunai.

CA Writ Application No. 67 /2023

PETITIONER

1. Dinesh Gunawardena,
Prime Minister, Minister of Public Administration, Home Affairs, Provincial Councils and Local Government, Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government. Independence Square, Colombo 07.
2. Neil Bandara Hapuhinne,
Secretary, Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government Independence Square, Colombo 07.
3. J.M.A. Douglas,
District Secretary,
Ampara.
4. J. Liyakath Ali,
Divisional Secretary,
Kalmunai South Division,
Kalmunai.
5. T.J. Athisayaraj,
Divisional Secretary (Assistant)
Kalmunai North Division,
Kalmunai.

RESPONDENTS

6. Habeeb Mohamed Mhohamed Harees,
Member of Parliamen,
42, Mosque Road,
Kalmunai – 8.

7. Mohamed Aliyar Kaleellur Rahuman,
141, Sailan Road,
Kalmunai – 8.

ADDED RESPONDENTS

Before: **N. Bandula Karunarathna J. P/CA**

&

M.C.B.S. Morais J.

Counsel: M.A. Sumanthiram PC, and Divya Mascranghe AAL, Dharshika Ariyanagasam AAL, Ann Kulanayagam AAL for the Petitioner.

Manohara Jayasinghe DSG, with Medhaka Fernando for the 1st to 4th Respondents

Faiszer Musthapha, PC with Shaheeda Barrie, AAL, Mahren Careem, AAL, Sierra Amarasiri AAL, instructed by Sanjeewa Kaluarachchi, AAL for the 6th Respondent

Sanjeewa Jayawardana PC, with Rukshan Senadheera AAL for the 7th added Respondent.

Written Submissions: By the Petitioner – 02.11.2023

By the Respondents – 01.11.2023.

By the 7th Respondent – 01.11.2023.

Supported on : 04.04.2023, 12.07.2023, 27.09.2023, 03.10.2023 and 06.10.2023.

Decided on : **24.11.2023.**

N. Bandula Karunarathna J. P/CA

The Petitioner is a Member of Parliament appointed on the National List and is a resident of Navithanveli, Kalmunai.

Petitioner invokes the jurisdiction of this Court on his own behalf as well as in the public interest, particularly that of the, public living within the Divisional Secretariat area of Kalmunai North. The Kalmunai North Division was established in 1989, by the Minister of Home Affairs and has been functioning for a period of approximately 33 years. At the time of establishment, it was referred to as the 'Karavahu North (Tamil)' division. It is now referred to as "Kalmunai North" division and sometimes also referred to as "Kalmunai Tamil".

Mr. V. Alagaratnam was appointed as the Assistant Government Agent in 1989.04.06, and thereafter Ms. K. Balasingam in 1991.04.30. By way of a Cabinet memorandum dated 17.03.1993, several sub offices were proposed to be upgraded to the status of divisional secretaries. Cabinet memorandum dated 30. 03. 1993 indicates there were no objections of the Minister of Finance to set up new Divisional Secretaries.

Thereafter, cabinet memorandum No. HA/DA/22 dated 31.03.1993 referring to the memorandum dated 17.03.1993 states that the Kalmunai Tamil Division of the Ampara District, among others, be upgraded to the status of a divisional secretariat from the status of a sub office. By cabinet memorandum dated 09.07.1993 the report of the subcommittee on setting up new divisional secretariats was submitted to the cabinet ministers for approval.

The said report states *inter alia* as follows:

- a) 207 Divisional Secretariats have been set up.
- b) There are 28 AGA Offices which were set up and included the 3 in the Eastern Province which has not been upgraded to function as Divisional Secretariats and it was recommended that they should be upgraded.
- c) A sum of Rs. 127 million was allocated for the said 28 divisions.

During the cabinet meeting held on or about 1993.07.28 the Report of the Cabinet Sub Committee on matters relating to the Public Service on "setting up of new Divisional Secretariats was submitted by the Minister of Public Administration, Provincial Councils and Home Affairs by his memorandum dated 09.07.1993. The said Kalmunai North (Tamil Division) AGA was approved to be converted to function as Kalmunai North (Tamil Division) Secretariat.

The said division has since been functioning as an Independent Division. The Website of the Ampara district also acknowledged and referred to the Kalmunai North Divisional Secretariat and provided the number allocated to the Kalmunai North Divisional Secretariat - 21. The Website also provided information on the various Grama Niladhari Divisions that falls within the Kalmunai North Division.

The Petitioner states that Kalmunai North Division currently has a total population of 36,346 with 45 Hindu Temples, 12 Churches, 3 Mosques and a Buddhist Temple within its area. Further, according to the voters list of 2020 published by the election commission, the said commission

has recorded and admitted that 23,217 voters were within the Kalmunai North division. The Petitioner states that the Department of Census and Statistics assigns code numbers for all Provinces, Districts, Divisional Secretariat Divisions and Grama Niladari Divisions. The Kalmunai North Division is assigned code number 52-21 and the Kalmunai South Division 52- 24.

According to the secretary to the Ministry of Home Affairs by letter dated 1993.09.03 the cadre creation process for the said area was in progress and was approved thereafter in or around 1994. Appointments were made thereafter. The Petitioner states that there are currently over 300 staffs within the Kalmunai North Division. Approximately 120 cadres fall within the Divisional Secretary while the remaining appointments are made by the respective ministries. The Ministry of Sports or the Department of cultural affairs for instance would send their officers to be attached to the Kalmunai North Division.

The said allocation and approval of cadres for the Kalmunai North Division would not have been possible if not for the existence of a Divisional Secretariat. The Petitioner also states that transfers have taken place between the Kalmunai North and South Divisions implemented by Ministries and Departments including District Secretariat Ampara, Ministry of Home Affairs and Ministry of Public Administration. Many administrative offices and structures have also been established based on the Divisional Secretariat Divisions. Each division has one respective office. These include one Pradeshiya Sabha, Ministry of Health Division, Veterinary Division, Multi-Purpose Corporate Division, and Cultural Departments to name a few. Both the Kalmunai North and South Divisions have their respective offices.

Civil society registrations are also based on the Divisional Secretariat Divisions. Both the Kalmunai North and South Divisions have Civil Societies that are registered within their respective divisions. Rural Development Society (RDS), the Women's Rural Development Society (WRDS), 27 Sports Clubs, 26 Youth Clubs, 26 Elders Societies, 39 Voluntary Organisations, 27 Women's Societies and 06 Children's Clubs are registered and are functioning under Kalmunai North Divisional Secretariat.

The Petitioner also states that over 50 departments including ministries are currently implementing their work through the Kalmunai North Division similar to other Divisional Secretariats around the island. These departments include the District Secretariat, Ministry of Home Affairs, the Ministry of Public Administration and the Public Service Commission. The Petitioner also states that Veterinary Hospitals have also been established within Kalmunai North Division covering 18 Grama Sevaka Divisions. These Veterinary Hospitals have been crucial in cattle and other animal health care for the Kalmunai North Division.

The registration of Kalmunai North Multi-Purpose Co-operative Society has been approved by the Assistant Commissioner of Co-operative Development on or about 28.05.2005. The Petitioner also states that the letters of the Director of Combined Services, under the Ministry of Public Administration through the appointments, promotions and transfers of persons have been sent through the Kalmunai North Division. The Kalmunai North division has also been recognized by the Registrar General's Department through its appointment of Divisional Secretaries, and calls for applications for the posts of Additional Registrar of Marriages, Registrar of Birth and Deaths by Gazette no. 2075 dated 8th June 2018 and for the appointment of an Additional Marriage Registrar.

The Petitioner states that the Pensions Department is currently providing its services through the Kalmunai North Divisional Secretariat, similar to other Divisional Secretariats in around the Island through its appointments of Development Officers and implementing e-pension program with separate account, username and password for Kalmunai North. The Election Secretariat is currently implementing its work through the Kalmunai North Divisional Secretariat, similar to other Divisional Secretariats in and around the island though considering Kalmunai North as a separate and independent division during its elections and voters list activities

The Kalmunai Tamil Division has been further identified and acknowledged by various Departments and Ministries. The following are named as some of them by the Petitioner;

- a. The Ministry of Home Affairs called for the vacancy application for the post, of Grama Niladhari grade III examination in the gazette notification dated No. 2230 dated 28th of May 2021.
- b. Gazette Notification of Ministry of Economic Policies and Plan Implementation No 2264/8 dated 25th January 2022.
- c. Annual Performance Record of District Secretariat 2019, Statistical pocket book 2021 Department of Census and Statistics, Statistical handbook Eastern Provincial Council 2020 which acknowledges that the Kalmunai Tamil Division is one of its 20 Divisional Secretariat Divisions.
- d. Report of Department of Census and Statistics 2020 of information of the Grama Niladhari Divisions.
- e. Recruitment notice of the Postal Department.

The Kalmunai North Divisional Secretariat has its own land and office building and further states that:

- a. Survey Plan No. PP M 3555 for the building that houses the office of the said administrative office is on land located within the Kalmunai North (Tamil Division) divisional secretariat office.
- b. The Valuation report of Department of Valuation for the said building dated 2021.06.30 is addressed to the Divisional Secretariat of the Kalmunai North Division.

The Petitioner further states that a tender notice was published by the District Secretariat of Ampara in the Thinakaran newspaper on or about 2007.05.25 calling for bidders for the construction of the ICTAD project, including for the Kalmunai North division office construction under the ICTAD project. The Petitioner also states that registration of grants of State and Private lands where the schedule describing the land refers to such properties as situated in the Divisional Secretariat Divisions of Kalmunai, North, have been in the Kalmunai North Division. Divisional Development Co-ordinating Committees are set up to plan and execute local development projects and research and resolve related problems, headed by a Chairman. These co-ordinating committees have been established in Kalmunai North Division and have functioned with the appointments by the Presidents of Sri Lanka.

The Petitioner states that the Kalmunai North Division has *inter alia* played a vital role in the national and regional implementation of development programs and action plans. The implementing agency for the development programs are the respective Divisional Secretaries including the Kalmunai North Divisional Secretary. Funds have been allocated for projects such as:

- a. Approximately Rs.5,200,000/- for 'Gama Samaga Pilisandara 2022' Rural Development Project by the District Secretariat Ampara by letter dated 2022.01.27.
- b. Approval letter of 2021.09 from the Ampara District dated for constructing concrete roads.
- c. 'Rural Roads Development Project 2021' with funds reaching Rs. 8 million for the Kalmunai North Division under the hand of the State Ministry of Rural Roads and other Infrastructure dated 2021.09.04.
- d. Requesting to release fund for 'supiri gamak 2020' Gramiya development project by letter dated 2020.09.17.
- e. Approximately Rs. 6,000,000/- for 'supiri gamak' project by the District Secretariat. Ampara by letter dated 2020.07.24
- f. Release of approximately Rs.7,000,000/- for 'supiri gamak 2020' rural development project by the District Secretariat Ampara by letter dated 2020.07.08.
- g. Allocation of Rs.829,500/- for the renovation of the Sri Nagathampiran Alayam by letter dated 2019.09.03.

The Government Agent, Ampara District has made allocations of money to the District Secretariat of Ampara and identified the sum allocated to the Kalmunai North Division in the, following letters:

- a. Notice of allocation of Rs.10,000/- to make payments of the Department of Cultural Arts by letter dated 2022.06.29.
- b. Notice of allocation of Rs.5,000/- to make payments of State Ministry of Internal Security, Home Affairs and Disaster Management by letter dated 2022.01.24.
- c. Notice of allocation of Rs.1,183,700/- to make payments of State Ministry of Primary Health Care and Covid Disease Control - SUWASIRIPAYA by letter dated 2022.01.18
- d. Notice of allocation of Rs.8,596,504/- for the Gama Samaga Pilisandara work shop by letter dated 2022.09.07.

The Department of Social Services has sent a sum of Rs. 1,028,200/- as payment of public welfare assistance monthly allowance (PAMA) to the Divisional Secretariat to take necessary action to pay the PAMA through its post offices.

The Petitioner also states that the Department for Registration of Persons has also been carrying out work based on the existence of the Kalmunai North Division. The said department has by

letter dated 19.01.2022 informed the District Secretariat of Ampara of the release of provisions for Salaries, Allowances, Stationary, Provision of Corona Virus and Language allowances for the period of January to March 2022 to officers recruited under all Divisional Secretariats within the Ampara District Secretariat. A total sum of Rs.308,100/- has been specifically allocated to the Kalmunai North Division.

The Petitioner also states that by letter dated 2022.04.08, the Ministry of Technology informed the District Secretariat, Ampara of the allocation of funds for electricity expenses of the Department of Registration of Persons (Kalmunai North Division) for the 2nd Quarter of 2022, as decided in the National Budget Circular No. 02/2021 dated 06.12.2021 issued by the Ministry of Finance. The Ministry of Women and Child Affairs has released allocation of funds for work carried out.

According to the District Planning Committee's meeting minutes dated 2017.07.31, approximately Rs.14.5 million was allocated for 50 projects within the Kalmunai North Division. The said committee comprised members of Parliament and Provincial Council Members. The Petitioner further states that Sub-Divisions do not participate in the meetings. Therefore, further evidence is that the Kalmunai North Division is not a Sub-Division and was never considered as such, and rather is an entire Independent Division on its own.

The State Ministry of Samurdhi, Household Economy, Micro Finance, Self-Employment and Business Development by letter dated 04.04.2022 has made appointments of Grade III Development Officer in the Kalmunai North Divisional Secretariat Division. The Petitioner also states that the Ministry of Lands has considered the Kalmunai North Division to be an independent entity and in doing so appointed officers to the said division. The said division has also been accepted as an Independent Division by the Land used and Planning Department who has appointed officers to this division. The Kalmunai North Division has also been considered as a separate division in planning decisions made at the District Land Use Planning Committee meetings.

The Coast Conservation and Coastal Resources Management Department has also appointed officers specifically to the Kalmunai North Division. State Ministry of Batik and Handloom and Local Apparel Products have been allowed to establish their training centres and manufacturing within the Kalmunai North Divisional Secretariat by letter dated 2021.11.03. The Department of Social Services has also approved transfers specifically to the Kalmunai North Divisional Secretariat. The Ministry of Foreign Employment has also approved transfer of officers and made appointments to the said Divisional Secretariat. The Petitioner states the Department of Probation and Child Care Services and the National Child Care Protection Authority in acknowledging that the Kalmunai North is a separate division, has appointed their respective officers to the said Kalmunai North Division.

The appointments and transfers of officers has also been made for the Department of Manpower and Employment, Ministry of Health and Indigenous Medicine and the Ministry of Environment, for the office within the Kalmunai North Division. The Petitioner also states that land grants have been issued under the Crown Lands Ordinance on the basis that the Kalmunai North is a separate division. The boundary of properties defined in the schedules of legal instruments specifically refers to the Kalmunai North Division.

The Department of Land Administration Eastern Province, Inner Harbour Road, Trincomalee has sent letters to the Divisional Secretariat of the Kalmunai North Division informing of permission being granted for fisherman vadi and the issuing of permits. The Department of Land Administration of the Eastern Province has been implementing its work through the Divisional Secretariat of Kalmunai North. Other Departments, implementation of projects and other conduct based on the existence of an independent Kalmunai North Division.

National Youth Services Council (NYSC) through *inter alia* the appointment of Youth Services Officers (YSO), Department of cultural affairs, Department of Sports have been implementing its programs and provisioning its services through the Kalmunai North Divisional Secretariat, as do other Divisional Secretariats around the island. The Ministry of Agriculture by letter of October 2021 has temporarily transferred staff to the Kalmunai North Divisional Secretariat. The District Disaster Management Centre has also considered the Kalmunai North Divisional Secretariat to be an independent division, as evidenced in their letter dated 25.08.2020.

The National Elders Secretariat is implementing its programs through the Kalmunai North Divisional Secretariat, through the appointment of Elders Rights Promoting Officers and Development Officers, while also having registered many societies. An Elders Care Centre, which is established on the basis of one centre per Divisional Secretariat division has also been set up in the Kalmunai North Division. The Department of Community based corrections, Small Enterprises Development Division (SED) and the Department of Multipurpose Development Task Force (MDTF) currently implement their respective programs and services through the Kalmunai North Divisional Secretariat, while also appointing Development Officers to the said division.

The National Productivity Secretariat, the Ministry of Justice (Mediation Boards), the Department of Census and Statistics, the Ministry of Skills Development, the Department of Cultural Affairs (Central), the Department of Hindu Religious and Cultural Affairs, the National Secretariat for Persons with Disabilities and the Kalmunai Municipal Council have all accepted the Kalmunai North Division as an independent and separate division with the District Secretariat.

The National Audit Office, the Presidential Secretariat, the National Housing Development Authority, the Central Bank of Sri Lanka, the Training Centre for Women Development under the Department of Rural Development (Eastern Province), the Social Care Centre and the Elders Care centre have also acknowledged the Kalmunai North Division as an independent and separate division as evidence by official documentation and letters sent by the said Department, Centres and Offices. The Divisional Cultural Centre which falls under the purview of the Ministry of Cultural Affairs has also conducted itself in the context that the Kalmunai North Divisional Secretariat is a separate and independent division. Foreign Diplomatic entities such as the Embassy of France in Sri Lanka and the Embassy of Switzerland have sought the assistance of the Kalmunai North Divisional Secretariat in determining the authenticity of documents submitted to them.

Therefore, the Petitioner states that the said Kalmunai North Divisions has played a crucial role in the national administration system and has been so acknowledged by various State Ministers, Ministers, other Administrative Departments, and Presidents over the past 33 years. The establishment of this Kalmunai North Division has *inter alia* contributed to the health care of the region by integrating it within the National Health Care System Animal Husbandry and Veterinary Services, Document Registration, Land Ownership, Youth, Sports and Rural Development.

The Petitioner further states that:

- a. By letter dated 2021.02.22, the accountant attached to the Kalmunai South Divisional Secretariat refused to approve the amounts given for the Samurdhi stamps for reasons that they were from the Grama Sevaka belonging to the Kalmunai North Division.
- b. Divisional Secretariat Kalmunai by letter dated 2022.05.22 communicated to the 5th respondent and reminded him about the previous letters sent to him, directing him to use the title in the rubber stamp as 'Assistant Divisional Secretary' and to refer to the DS division as the "Sub Divisional Secretariat". The letter requested the 5th respondent to follow instructions and exercise within his official authority.
- c. An inquiry in the Deed of Declaration bearing No. 539 attested by M. Arthika, situated within the jurisdiction of the 5th Respondent was a state land or private land.
- d. The Respondent by letter dated 2022.10.10 informed said individuals to be present at the Respondent's office by ignoring the authority of the 5th Respondent to settle inquiries of lands within his division. The Petitioner further states that the said letter was sent through the 5th Respondent's office and thereby acknowledging the lawful status of his office and the authority that it Bolds.
- e. By letter dated 2022.8.30 the 417 Respondent informs Mr. Nallathambi, Mr. Kanthakutty, Mr. Kanthan and Mr. Arumugam, all of whom were affected by the Tsunami, to be present at the 04th Respondent's office to receive deeds issued under the hand of the President. The said Mr. Nallathambi, Mr. Kanthakutty, and Mr. Kanthan's land falls within 01D division which is within the jurisdiction of the 5th Respondent and not the 4th Respondent.
- f. Individuals were informed through a letter dated 2022.01.13 that the Training Programme for Placement of Unemployed Graduates 2020 is being held at the Kalmunai North (sub) Divisional Secretariat.

The Petitioner further states as follows;

- a. the State Minister of Home Affairs by letter dated 2021.3.31 informs the District Secretary, Ampara of the purportedly 'correct' way to refer to the Kalmunai North and Kalmunai South Divisional Secretariats; 'Sub Divisional Secretariat. Kalmunai North', and 'Divisional Secretary, Kalmunai' respectively.
- b. Until August 2022, the official website of the Ministry of Home Affairs lists Kalmunai North as the 21st Divisional Secretariat in the Ampara district.
- c. Thereafter, on or about 23.8.2022 Kalmunai North has been removed from the list of Divisional Secretariats in the Ampara District.
- d. On or about 21.9.2022 Kalmunai North re-appears on the list unlawfully, wrongfully and in ultra vires renamed as 'Kalmunai North Sub Office'.
- e. A code has also been allocated to the said division as depicted on the website.

The Petitioner also states that the Kalmunai North Division was also given an official Cheque book from the government account and therefore, it should have received approval from the cabinet for expenditure, which would not have occurred if the said Kalmunai North Division was not recognized by the Cabinet of Sri Lanka. By letter dated 2012.12.21 a separate deed book was approved for the Kalmunai North Division to register the respective documents. Both the North and South Divisions have separate books allocated to them. Following the said letter, additional district registrar at the time, sent a letter dated 2013.2.27 to the Kalmunai North Division requesting a list of Grama Sevaka Divisions and the villages governed by the Kalmunai North Division, in order to implement the said letter. The said letter was also sent to the Kalmunai South Division requesting Grama Sevaka divisions under their authority.

Thereafter, the Kalmunai North Divisional Secretariat at the time replied to the above by letter dated 2013.4.5 stating that the requested information will be provided by him. The Petitioner states that the 4th Respondent however, has unlawfully, illegally, wrongfully and in *ultra vires* interfered with the authority of the 5th Respondent and acted beyond his powers and ordered the cancellation of the deed book of the Kalmunai North Division. The Petitioner states that as requested, the administrative areas of Kalmunai North were sent by letter dated 2013.3.7. However, the learned President's counsel for the Petitioner submits that as demonstrated above, there are now attempts to divide administrative divisions that do disregard the divisions in the said documentation.

The Land Registry had a separate book for registration of lands within the Kalmunai North Divisions, however, the Petitioner became aware that by letter dated 2022.04.18, the Additional Registrar General writes to the Land and District Registrar, Kalmunai and directs her to register the instruments hereafter under a common 'Y' division and thereby obliterating registration under the Kalmunai Tamil Division.

The Petitioner states that despite the establishment of the Kalmunai North division over 3 decades ago and the vital part it has played over these years in the administrative system of the country. The Respondents have unlawful; illegally and in *ultra vires* begun stripping of powers of the Kalmunai North Divisional Secretariat in an attempt to illegally abolish the division entirely. The Kalmunai North Division has been unlawfully, illegally and in *ultra vires* removed from the official website of the Ministry of Home Affairs and no longer reflects the information seen in annexure.

Several right to information applications were filed requesting information *inter alia* on who had taken the said decisions and whether permission was given to the officer who took this decision to change the Kalmunai Divisional Secretariat (North) to Kalmunai (sub) Divisional Secretariat.

Accordingly, the following information was obtained:

- a. The State Ministry of Home Affairs responded with a letter dated 2021.9.29, claiming that no such decision had been made.
- b. Divisional Secretariat, Sainthamaruthu, responded with a letter dated 2021.04.30, informing of how and when the Sainthamaruthu DS Divisional Secretariat was established, as well as that it being a 'Sub' Secretariat claiming that it was purportedly functioning a Sub Secretariat from 1999.12.19 to 2001.02.03.

- c. By letter dated 2020.12.08, the Additional District Secretariat Batticaloa stated that no Gazette declaration was made designating the Koralai Pattu Central Divisional Secretariat as Divisional Secretariat.
- d. By letter dated 10.5.2002, the information Officer, Koralai Pattu Central, Divisional Secretariat made a claim on how the Koralai Pattu Central Divisional Secretariat was constituted on 2002.05.24 and that the Gazette notification is pending.
- e. By letter dated 2021.05.11, information Officer, Divisional Secretariat, Eravur Town informs that the Eravur Town Divisional Secretariat was separated from Eravur Pattu, and Senkaladi Divisional Secretariat and it was declared as Divisional Secretariat on 1993.01.01.
- f. By letter dated 10.5.2021, the Assistant Divisional Secretary of the Divisional Secretariat, Koralaipattu West-Oddamavadi stated that their Secretariat was separated from Koralai Pattu Valaichchenai Divisional Secretariat and constituted 1990.09.28 purportedly as Sub Secretarial for Ottamavadi. However, this Secretariat did not function as a Sub Secretariat.
- g. Gazette No. 1032, dated 12th June 1998.

In the aforesaid circumstances the Petitioner states that the actions complained of herein are unlawful, illegal, unreasonable and against the legitimate expectations of the Petitioner and the public at large. Thus, the Petitioner invokes the jurisdiction of this Court for the issuance of the Writs or Prohibition and Mandamus as prayed for herein. The petitioner states that if the interim prayed for herein are not granted, grave and irremediable mischief and irreparable loss and damage would be occasioned to the Petitioner and the public at large.

The Respondents vehemently objected for issuing of notices as well as the interim relief.

Heard all counsel in regard to this application for notice and an interim relief to be granted. After considering the submissions and documents tendered by all parties, we are of the view that there is an important matter to be decided in this case. In the circumstances the court is satisfied that there is a *prima facie* case to be looked into, by this court.

Accordingly, we direct the registrar of this court to issue notices on all the respondents. The application for an interim relief is refused as it is the final relief.

Notice returnable on 17.01.2024.

President of the Court of Appeal

M.C.B.S. Morais J.

I agree.

Judge of the Court of Appeal