

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

*In the matter of an application in terms of  
Articles 17 and 126 of the Constitution of the  
Democratic Republic of Sri Lanka*

SC (FR) No. 191/ 2009

1. Roshan Harindra Fernando  
No. 9/6, Suranimala Place,  
Pamankada  
Colombo 06

2. Ishani Shrimanthi Fernando  
No. 9/6, Suranimala Place,  
Pamankada  
Colombo 06

**PETITIONERS**

Vs.

1. Monetary Board of the Central  
Bank  
No. 30, Janadipathi Mawatha,  
Colombo 01

2. Hon. Mahinda Rajapakse  
President of the Socialist Republic  
of Sri Lanka,  
Minister of Finance,

The Ministry of Finance and  
Planning, The Secretariat,  
Colombo 01

3. Sumith Abeysinghe  
Secretary to the Treasury,  
The Ministry of Finance and  
Planning, The Secretariat,  
Colombo 01
4. Sumith Abeysinghe  
Secretary to the Ministry of  
Finance and Planning,  
The Ministry of Finance and  
Planning, The Secretariat,  
Colombo 01
5. Ajith Nivad Cabraal  
Governor of the Central Bank,  
No. 30, Janadipathi Mawatha,  
Colombo 01
6. Golden Key Credit card Company  
Limited  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04
7. Deshamanya Dr. Lalith  
kothalawala  
Ceylino center No. 02,  
R. A. De Mel Mawatha,

Colombo 04

8. Khavan Perera  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04
9. Mrs.Sicille Kothalawala  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04
10. Daniel Jegasothy  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04
11. Padmini Karunanayake  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04
12. Suramya Karunarathna  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04
13. Bandula Ranaweera  
Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04

14. Niranjan Fernando

Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04

15. Saradha Sumanasekara

Ceylino center No. 02,  
R. A. De Mel Mawatha,  
Colombo 04

16. Ceylinco Consolidated Private  
Limited

No. 13, Dickman's Lane,  
Colombo 04

17. Hon. Attorney General

Attorney General's department,  
Colombo 12

### **RESPONDENTS**

Before : **P. PADMAN SURASENA, J**  
: **A. L. SHIRAN GOONERATNE, J**  
: **MAHINDA SAMAYAWARDHENA, J**

Counsel : Faisz Musthapha PC with Faisza Marker and Thushani Machado  
for the 10<sup>th</sup> and 11<sup>th</sup> Respondents.

: Rajitha Perera DSG for the 1<sup>st</sup> and 17<sup>th</sup> Respondent

Decided on : 25.05.2023

### **Order**

Perusal of the Journal Entry dated 25.10.2022 shows that, the bench comprising Hon. E. A. G. R. Amarasekara, Hon. A. H. M. D. Nawaz, Hon. Achala Wengappuli had taken up the application made by the 10<sup>th</sup> and 11<sup>th</sup> Respondent-Petitioners together and it can also be seen that one Counsel, Faisz Musthapha PC, had appeared for both 10<sup>th</sup> and 11<sup>th</sup> Respondent-Petitioners. The Court on 25.10.2022 had directed that the application of the 10<sup>th</sup> Respondent-Petitioner would be considered by that bench on the next date i.e., 09.11.2022. As that bench decided to consider the said application it had directed the Registrar to constitute that bench for the next date i.e., 09.11.2022. and the bench has taken the view therefore that the Application of 10<sup>th</sup> Respondent should also be considered by the same bench.

On 09.11.2022, the same bench had re-fixed the case to be taken up on 15.02.2023 as the Court did not have adequate time to consider the said Application of the 10<sup>th</sup> Respondent- Petitioner.

It was in that backdrop, that this case had been listed inadvertently before the bench comprising Hon. P. Padman Surasena J, Hon. Shiran Gooneratne J, Hon. Mahinda Samayawardhena J on 15.02.2023.

As we have detected the above inadvertence, we direct the Registrar to constitute the bench comprising of Hon. E. A. G. R. Amarasekara J, Hon. A. H. M. D. Nawaz J, Hon. Achala Wengappuli J, as directed by the said bench on 25.10.2022, to consider the Application made by the 10<sup>th</sup> Respondent.

In view of the above, the bench comprising of Hon. P. Padman Surasena, Hon. Shiran Gooneratne, Hon. Mahinda Samayawardhena, although heard submissions on 15.02.2023, would not make any order on the Application of the 10<sup>th</sup> Respondent-Petitioner.

Mention this case on 06.07.2023, before a bench comprising Hon. E. A. G. R. Amarasekara J, Hon. A. H. M. D. Nawaz J, Hon. Achala Wengappuli J, as directed by the said bench on 25.10.2022. The 10<sup>th</sup> Respondent-Petitioner is directed to take steps to have notices served on all parties. Requisite notices should be tendered to the Registry within two weeks.

**P. Padman Surasena J**

**JUDGE OF THE SUPREME COURT**

**A. L. Shiran Gooneratne, J**

**I agree,**

**JUDGE OF THE SUPREME COURT**

**Mahinda Samayawardhena, J**

**I agree,**

**JUDGE OF THE SUPREME COURT**