

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

The order of the Court of Appeal dated 02.09.2024 in Case No. CA Writ 301/2024 in terms of Articles 127 and 128 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

SC / SPL / LA / 257 / 2024

CA / WRIT / 301 / 2024

S.A. Harriett Chandrika
Mudunkotuwa West,
Kiriella.

Petitioner-Petitioner

Vs.

1. K.S. Abenayaka,
Deputy Director,
National Gem and Jewellery Authority,
Regional Office,
Eheliyagoda.
2. Viraj De Silva
Chairman and Chief Executive Officer
National Gem and Jewellery Authority,
No. 12, Macksons Tower,
Alfred House Garden,
Colombo 03.
3. National Gem and Jewellery Authority
No. 12, Macksons Tower,

Alfred House Garden,
Colombo 03.

4. P.D.S. Madushanka
Assistant Divisional Secretary
Divisional Secretariat,
Kiriella.
5. B.M.B.M.E. Batugedara
Former Divisional Secretary
Kiriella.
6. Divisional Secretary,
Divisional Secretariat,
Kiriella.

Respondent-Respondents

BEFORE : **A.H.M.D. NAWAZ, J.**
KUMUDINI WICKREMASINGHE, J. &
A.L. SHIRAN GOONERATNE, J.

COUNSEL : Dr. Sunil F.A. Coorey with Ms. Nadeesha Fernando for
the Petitioner-Petitioner.

Shemanthi Dunuwille, SC. for the Respondent-
Respondents.

ARGUED &
DECIDED ON : **13.11.2025**

A.H.M.D. NAWAZ, J.

We have heard both Dr. Sunil Coorey for the Petitioner and the learned State Counsel for the Respondent - Respondents.

This is a Special Leave to Appeal application against an order of the Acting President of the Court of Appeal refusing to grant an interim order as prayed for in prayer (g) to the Petition of the Court of Appeal dated 02.09.2024.

This matter is yet pending adjudication in the Court of Appeal and the learned State Counsel informs this Court that this matter is due to come up in the Court of Appeal on 27.11.2025. She further informs this Court after the suspension of the gemming licence by letter dated 22.04.2024 marked “P11” an inquiry has been held and findings have been made thereon by the Inquiring Officer. She states that these findings were handed over to the Court of Appeal. But, Dr. Coorey says that those findings have not been given to him.

We instruct the learned State Counsel to hand over a copy of the proceedings that were held before the Inquiring Officer to the learned Counsel for the Petitioner and it can also be filed of record by the State Counsel in the Court of Appeal.

The rights of the Petitioner are yet to be examined and adjudicated upon by the Court of Appeal on the prayer (b) as recited in the Petition dated 14.05.2024.

By agreement of Counsel, we act under the proviso to Rule 16 of the Supreme Court Rules and send this case back to the Court of Appeal to go into the merits and rule on the amenability of the document marked “P7” to judicial review.

Special Leave to Appeal is refused.

Judge of the Supreme Court

Kumudini Wickremasinghe, J.

Judge of the Supreme Court

I agree.

A.L. Shiran Gooneratne, J.

Judge of the Supreme Court

I agree.