

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

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

**S.C. (FR) No. 210/2016**

Dinesh Rajeeva Hettiarachchi,  
No.166/3,  
Abeyratne Mawatha,  
Boralasgamuwa.

**Petitioner**

**Vs.**

1. Inspector General of Police  
Police Headquarters,  
Colombo 01.
  
2. DIG, Mathurata  
Field Force Headquarters  
Currently at:-  
C/O Police Headquarters  
Colombo 01.
  
3. Nuwan Wedasinghe,  
Director CCD,  
Colombo Crime Division,  
No. 216, Kolonnawa Road,  
Dematagoda.  
Currently at:-  
C/O Police Headquarters  
Colombo 01.

4. ASP Keerti Bandara (Admin.)  
Colombo Crime Division,  
No. 216, Kolonnawa Road,  
Dematagoda.  
Currently at:-  
C/O Police Headquarters  
Colombo 01.
5. ASP Jayatilleke  
(In-charge of Unit 06,)  
Colombo Crimes Division,  
No. 216, Kolonnawa Road,  
Dematagoda.  
Currently at:-  
C/O Police Headquarters  
Colombo 01.
6. IP Silogama  
OIC, Crimes - Fort,  
Police Station,  
Fort.  
Currently at:-  
C/O Police Headquarters  
Colombo 01.
7. Sumith Gooneratne  
OIC - Fort,  
Police Station,  
Fort.
8. Neville De Silva  
OIC - CCD,  
Colombo Crimes Division,  
No. 214, Kolonnawa Road,  
Dematagoda.
9. E. L. S. Bandara Thibbatuawa  
Sub - Inspector of Police, Headquarters  
Station, Puttalam.
10. Ravi Waidyalankara  
Senior DIG,  
Financial Crimes Investigation Division  
Fort.

11. Hon. Ranjan Ramanayake  
Deputy Minister  
Ministry of Social Empowerment and  
Welfare  
1st Floor, Sethsiripaya (Stage II)  
Battaramulla.
  12. Sugath Rohana Lokumudali  
No. 505, Galoruwa Udyanaya,  
Thalahena, Malabe.
  13. Mevan Silva  
Director Special Investigation Unit  
Police Headquarters  
Colombo 01.
  14. ASP Kingsley Gunawardena  
Special Investigation Unit,  
Police Headquarters,  
Colombo 01.
  15. Sarath Dissanayake  
No. 118/2, Weerauditha Mawatha,  
Madigama,  
Piliyandala.
- And  
No.16, Rawathawatta Road,  
Moratuwa.
16. DIG Nandana Munasinghe  
Senior DIG Crimes,  
Police Headquarters,  
Colombo 01.
  17. Prof. Siri Hettige  
Chairman  
National Police Commission  
Block No. 9, BMICH premises,  
Buddhaloka Mawatha,  
Colombo 07.
  18. N. Ariyadasa Cooray  
Secretary,  
National Police Commission,  
Block No. 9, BMICH premises

Bauddhaloka Mawatha,  
Colombo 07.

19. P. H. Manatunga  
Commission Member  
National Police Commission,  
Block No. 9, BMICH premises,  
Bauddhaloka Mawatha,  
Colombo 07.
20. Savithree Wijesekara  
Commission Member,  
National Police Commission,  
Block No. 9, BMICH premises,  
Bauddhaloka Mawatha,  
Colombo 07.
21. Y. L. M. Zawahir  
Commission Member,  
National Police Commission,  
Block No. 9, BMICH premises,  
Bauddhaloka Mawatha,  
Colombo 07.
22. Anton Jeyanadan  
Commission Member,  
National Police Commission,  
Block No. 9, BMICH premises,  
Bauddhaloka Mawatha,  
Colombo 07.
23. Tilak Collure  
Commission Member  
National Police Commission  
Block No. 9, BMICH premises  
Bauddhaloka Mawatha,  
Colombo 07.
24. Frank De Silva  
Commission Member,  
National Police Commission,  
Block No. 9, BMICH premises,  
Bauddhaloka Mawatha,  
Colombo 07.

25. Attorney General  
Attorney General's Department  
Colombo 12.

**Respondents**

Before : Mahinda Samayawardhena, J.  
Menaka Wijesundera, J.  
M. Sampath K.B. Wijeratne, J.

Counsel : Shavindra Fernando, PC with Natasha Wijeyesekera,  
Amanda Imbulana, instructed by Upendra Goonesekera  
for the Petitioner.  
Lakmali Karunanayake, PC, ASG for the 1<sup>st</sup>, 3<sup>rd</sup>, 8<sup>th</sup>, 10<sup>th</sup>,  
13<sup>th</sup>, 14<sup>th</sup> and 25<sup>th</sup> Respondents.

Written  
Submissions : Written submissions on behalf of 1<sup>st</sup>, 3<sup>rd</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>  
and 25<sup>th</sup> respondents on 12<sup>th</sup> of February 2026.  
Latest Written submissions on behalf of the Petitioner  
On 26<sup>th</sup> of August 2022.

Argued on : 16.01.2026

Decided on : 27.02.2026

**MENAKA WIJESUNDERA J.**

The petitioner in the instant matter had sought a declaration that his fundamental rights under Articles 12(1), 12(2) and 14(1)(g) have been violated by the respondents under the constitution.

The petitioner had joined the Sri Lanka Police on 1<sup>st</sup> of June 1996 as a Sub-inspector. Initially he had been attached to the Special Task Force of the Police (STF). He had risen to the position of Inspector of Police on 05.10.2002. He claims that he has served in the North and East during the war and thereafter,

on 23<sup>rd</sup> June 2009, the petitioner had been transferred out of the operational areas and out of the STF to the regular Police.

Thereafter, he had served in various stations in the capacity of Deputy Officer in Charge, and Officer in Charge (OIC). He also claims that he had been involved in many criminal investigations during his service.

On 8<sup>th</sup> of April 2016, the Fort Police Station had received a complaint by the 12<sup>th</sup> respondent alleging that 10 million rupees had been stolen from his vehicle while it had been parked outside the entrance of the Criminal Investigation Division. The complainant had alleged that he was suspecting his driver, the 15<sup>th</sup> respondent who had been missing since the incident.

The OIC Fort Crimes Division had investigated the matter had reported it to the Fort Magistrate. This B-report has been marked and introduced in the petition as P1.

On the 18<sup>th</sup> of April 2016, the 15<sup>th</sup> respondent was to be arrested but nevertheless, the OIC of Fort Police Station had not done so, therefore, the OIC of Crimes Fort had complained to DIG Mathurata, who in return had got the Director of Colombo Crime Division (CCD) to arrest the 15<sup>th</sup> respondent.

On the 26<sup>th</sup> of April 2016, Petitioner along with IP Thibbotuwawa, was instructed to arrest the 15<sup>th</sup> respondent. The petitioner had conducted the investigations on the directions of Director CCD and other officers, and he had taken steps to inform the senior officers of the ongoing investigations and the matters related to the arrest of the 15<sup>th</sup> respondent.

On the 4<sup>th</sup> of May 2016, the Petitioner received information regarding the whereabouts of the 15<sup>th</sup> Respondent and he had made arrangements to take steps for his arrest. He was furnished with the first complaint against the 15<sup>th</sup> Respondent, which was handed over by the 12<sup>th</sup> Respondent. However, on that day, they were unable to arrest the 15<sup>th</sup> Respondent.

But on the 5<sup>th</sup> of May 2016 after careful further investigations, the 15<sup>th</sup> respondent's whereabouts were located and the petitioner and a police party proceeded to his personal residence at Piliyandala and had apprehended him after a lot of resistance from the 15<sup>th</sup> respondent. They had brought him to the CCD in the early hours of the 6<sup>th</sup> of May 2016 and had proceeded to arrest the son of the 15<sup>th</sup> respondent as well.

The petitioner thereafter alleges that after they arrived at the CCD that he received a call from then Deputy Minister Ranjan Ramanayake, who he alleges

that informed the petitioner that, the 15<sup>th</sup> respondent was a State Witness and demanded to know as to why he was arrested. The petitioner has given him the information and had told him to speak to his boss SSP Nuwan Wedasinghe.

On the 6<sup>th</sup> of April morning, the 15<sup>th</sup> respondent had been questioned and arrested, and he had said that on the 8<sup>th</sup> of April, he had come to drop the petitioner at the CID when he had parked the car and had gone to have lunch. When he had come back to lock the car, a group had approached him, had assaulted him and then he had fled.

The petitioner claims that the statement of the 15<sup>th</sup> respondent is contradictory in many vital aspects, and he had wanted to produce the 15<sup>th</sup> respondent and his son before the Magistrate, but the Director of the CCD claims that he told him not to enlarge the 15<sup>th</sup> respondent and his son before the Magistrate but to produce him on police bail, to which the Petitioner had objected to.

On the 20<sup>th</sup> of May 2016, the petitioner was asked to make a statement to the SIU, and on the 25<sup>th</sup> of the same month, he claims that he was interdicted. On the 30<sup>th</sup> of the same month, he had lodged a complaint to the National Police Commission.

The petitioners, while denying the allegations made against them, have stated that the 15<sup>th</sup> respondent and his son had sustained injuries and they have been examined by a Judicial Medical Officer (JMO), and her statement has also been recorded and both the father and son have said that they have been assaulted while in police custody to the JMO and the injuries are consistent with the history.

The 14<sup>th</sup> respondent, while denying all the allegations, has stated in his objections that 15<sup>th</sup> respondent and his son were arrested in relation to the complaint by 12<sup>th</sup> respondent, that 10 million rupees were lost from his car while it had been parked near the CID. The petitioner after arresting 15<sup>th</sup> respondent and his son had put a note in the IB Extract that 15<sup>th</sup> respondent was involved in terrorist activities which the investigations have not revealed. Meanwhile the 15<sup>th</sup> respondent and his son had complained against the petitioner that they had been assaulted and threatened by the petitioner. The Medico legal Reports, the statement of Judicial Medical Officer regarding the injuries on the father and the son are marked and produced as 14R(2), 14R(3) and 14R(4) respectively also speak to the same.

Upon the complaint of the 15<sup>th</sup> respondent, the 1<sup>st</sup> respondent had directed the 14<sup>th</sup> respondent to investigate. Upon the conclusion of the said inquiry, they

had recommended disciplinary action against the 4<sup>th</sup> respondent, 5<sup>th</sup> respondent and the 9<sup>th</sup> respondent and subsequently the petitioner also had been interdicted. The 15<sup>th</sup> respondent and his son had been enlarged on police bail. But he states that the petitioner had been reinstated.

The 10<sup>th</sup> respondent also has denied the allegations made by the petitioner.

The 8<sup>th</sup> respondent in his objections have stated that the petitioner was assigned to investigate into the complaint of the 12<sup>th</sup> respondent, and that police bail was given to the 15<sup>th</sup> respondent and his son after duly considering the lack of evidence against them, and on the complaint of the 15<sup>th</sup> respondent an inquiry has been held against the petitioner and he had been interdicted for a short period and thereafter he had been reinstated.

The 3<sup>rd</sup> respondent also had denied the allegations levelled against him and had stated that the 15<sup>th</sup> respondent and his son were enlarged on police bail as there was no incriminating evidence against them, and as the 15<sup>th</sup> respondent had complained against the petitioner, an inquiry had been held, and the petitioner had been reinstated after an interdiction for a short period.

The 1<sup>st</sup> respondent also had filed his objections and had said that, as he had received a complaint from the 15<sup>th</sup> respondent, he had directed the 13<sup>th</sup> respondent to conduct an investigation, and the petitioner, along with the 4<sup>th</sup> respondent, 5<sup>th</sup> respondent and 9<sup>th</sup> respondent, had been interdicted and later the petitioner and 9<sup>th</sup> respondent had been reinstated pending inquiry.

The 5<sup>th</sup> respondent, who was interdicted after the inquiry, subsequent to the complaint of the 15<sup>th</sup> respondent have stated in his affidavit that the petitioner had never informed him of the outcome of the investigations conducted on the complaint of the 12<sup>th</sup> respondent, and he denies that he never gave any recommendations to interdict the petitioner.

The petitioner, in his counter objections have reiterated his position and has denied all that the respondents have said in their affidavits. However, he does not refer to the allegations of the 15<sup>th</sup> respondent and his son with regard to the injuries they allege were inflicted while in custody.

Upon considering the above stated material, I note that when this matter was supported for leave, this Court has granted leave under articles 12(1) and 14(1)(g) on 12.10.2016 of the Constitution against the 1<sup>st</sup> respondent, 3<sup>rd</sup> respondent, 5<sup>th</sup> respondent, 8<sup>th</sup> respondent, 10<sup>th</sup> respondent, 13<sup>th</sup> respondent, 14<sup>th</sup> respondent, and 15<sup>th</sup> respondent.

The crux of the matter is that the 12<sup>th</sup> respondent had lodged a complaint that his 10 million rupees had been stolen when his car had been parked in front of the CID on 8<sup>th</sup> April 2016. The petitioner, who was attached to the CCD at that time, had been instructed to carry out the investigation. During these investigations, the 15<sup>th</sup> respondent and his son had been arrested on the 5<sup>th</sup> April.

In May 2016, the petitioner had made an entry that the 15<sup>th</sup> respondent was involved in terrorist activities, but apparently, it had been revealed that the entries of the petitioner had not been correct, and as such, the 15<sup>th</sup> respondent and his son had been enlarged on police bail.

Meanwhile, after the release on police bail 15<sup>th</sup> respondent had complained to the 1<sup>st</sup> respondent that he and his son had been brutally assaulted while in police custody, and an investigation had commenced.

During the investigation, the 15<sup>th</sup> respondent and his son had been examined by the JMO and the MLRS, and the statement of the JMO substantiates the position of the 15<sup>th</sup> respondent and his son that they were assaulted and the nature of the injury, according to the JMO, is compatible with the history given by the patients and the timeline of the incident.

Upon the conclusion of the inquiry, a report had been submitted to the 1<sup>st</sup> respondent recommending that the petitioner, 4<sup>th</sup> respondent, 5<sup>th</sup> respondent and 9<sup>th</sup> respondent may be dealt with disciplinary action.

The petitioner had been interdicted but had been reinstated subsequent to his appeal. But the petitioner had been indicted by the Attorney General on the complaint of the 15<sup>th</sup> respondent, but the said indictment had to be withdrawn as the witnesses had gone abroad.

Therefore, upon consideration of the above-mentioned material, I find that the petitioner had been interdicted upon a formal inquiry and upon his appeal against his interdiction, he had been reinstated. Therefore, he cannot be considered as having not been treated equally before the law, as alleged by him in his petition.

In the petition, he had sought for a declaration under Article 12(1) of the Constitution, which reads as,

**Article 12(1)** *“All persons are equal before the law and are entitled to the equal protection of the law.”*

In the case of **Ariyawansa and others v The People's Bank and others** [2006] 2 Sri LR 145 at 152, Bandaranayake J stated that:

*“The concepts of negation of arbitrariness and unreasonableness are embodied in the right to equality as it has been decided that any action or law which is arbitrary or unreasonable violates equality.*”

Following which it has come to my attention that in the matter at hand, I do not find any material to support the contention of the petitioner's rights under Article 12(1) has been violated because it is the petitioner who had made unsubstantiated allegations against the 15<sup>th</sup> respondent. The allegations leveled by the 15<sup>th</sup> respondent had been supported by medical evidence which the petitioner had not been able to refute except for the fact of stating that his superior officers had acted on political influence.

Therefore, I see no reason to declare that the fundamental rights under Article 12(1) have been violated by the respondents.

This Court has granted leave on **Article 14(1) (g)** of the Constitution as well, which reads as,

*“the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise.”*

Observing the Former Chief Justice Sharvananda comprehensively meted out as to what amounts to a violation of Article 14(1)(g) in the case of **Elmore Perera v. Major Montague Jayawickrema, Minister of Public Administration and Plantation Industries [1985] 1 Sri LR 285**, Sharvananda C. J. stated that,

*“The right to pursue a profession or to carry on an occupation is not the same thing as the right to work in a particular post under a contract of employment. If the services of a worker are terminated wrongfully, it will be open to him to pursue his rights and remedies in proper proceedings in a competent court or tribunal. But the discontinuance of his job or employment in which he is for the time being engaged does not by itself infringe his fundamental right to carry on an occupation or profession which is guaranteed by Article 14(1)(g) of the Constitution”*

It does not confer the right to hold a particular job or to occupy a particular post of one's choice. A similar view was expressed by Justice A.R.B. Amerasinghe in **W.M.K. De Silva v. Chairman, Ceylon Fertilizer Corporation 9**, wherein he held that, Article 14(1)(g) ensures that freedom to

engage in any lawful occupation of one's choice, but that does not extend to a right to be employed by a particular master or in a particular place of work.

However, in the matter at hand, as stated before, I see no violation of the fundamental rights under Article 14(1)(g) of the Constitution because the petitioner had not been able to substantiate his investigative notes against the 15<sup>th</sup> respondent and he had not been able to refute the allegations levelled against him by the 15<sup>th</sup> respondent. Accordingly, the 1<sup>st</sup> respondent on the complaint received, had acted within his parameters as the head of the Police force.

Therefore, I see no merit in the instant application. The application is dismissed without costs.

**JUDGE OF THE SUPREME COURT**

**Mahinda Samayawardhena, J.**

I agree.

**JUDGE OF THE SUPREME COURT**

**M. Sampath K.B. Wijeratne, J.**

I agree.

**JUDGE OF THE SUPREME COURT**