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

In the matter of an Application for a
Writ of *Mandamus* under and in terms
of Article 140 of the Constitution of the
Democratic Socialist Republic of Sri
Lanka.

Case No.: CA/Writ/437/2022

Ramalingam Ranjan,
Attorney-at-Law,
No. 121,
Hampdane Lane,
Colombo 06.

The Petitioner

Vs.

01. Hon. Sanjay Rajaratnam

Hon. Attorney General
Attorney General's Department
Hulftsdorp, Colombo 12.

02. Chandana D. Wickramaratne

Inspector General of Police
Police Head Quarters,
Colombo 01.

03. Kavinda Piyasekara

Director
Criminal Investigation Department
York Street,
Colombo 01.

04. Deshabandu Tennakoon

Senior Deputy Inspector General of
Police Western Province,
Police Headquarters,
Colombo 01.

The Respondents

On this 16th Day of November 2022

To His Lordship the Honourable the President and other Honourable Judges of the Court of Appeal of the Democratic Socialist Republic of Sri Lanka.

The Petition of the Petitioner appearing through NICLO Associates his Registered Attorneys-at-Law, state as follows.

1. The Petitioner states that the Petitioner is a citizen of Sri Lanka and who is a practicing Lawyer by his profession, a human rights activist and was also a staunch supporter of anti-government movement of Aragalaya-2022.
2. The Petitioner states that,
 - a. the 1st Respondent is the Attorney General of the Republic who is the public prosecutor of Sri Lanka;
 - b. the 2nd Respondent is the Inspector General of Police who has the powers to arrest, detain, conduct investigations of the suspects who commit crimes in Sri Lanka for the purpose of maintaining the law and order of the Republic;

- c. the 3rd Respondent is the Director of the Criminal Investigation Department whose role is to assist the 2nd Respondent in the aforesaid duties;
 - d. the 4th Respondent is the Senior Deputy Inspector General of Police and also the alleged suspect of crimes which have been more fully described below;
3. The Petitioner states that from or about 09th of April 2022 a group of peaceful protestors had gathered at the entrance of the Presidential Secretariat and the Galle Face Green area in Colombo showing its dissent to the incumbent government and its head of state as the latter failed to arrest the abysmal and irrational economic condition which was prevailed in the country.
 4. This entire area they gathered to show their dissent was also known as '*GotaGoGama*' and the prime objective of the demonstrators was to peacefully oust the President - Gotabaya Rajapakse, the Premier - Mahinda Rajapakse both of whom came to power under the political party called the 'Sri Lanka Podu Jana Peramuna' and the government of the day.
 5. The Petitioner states that the aforesaid peaceful protestors had also camped outside the official residence of the Prime Minister, the Temple Trees, by the Galle road which was known to be '*MainaGoGama*' from or about the 26th of April 2022 in protest against the government of Sri Lanka at the time.
 6. The Petitioner states that this campaign of protest in front of official residence of the Prime Minister and the Presidential Secretariat Office was renowned to be as the most peaceful protest in the anal of world history and which comprises of dramatic, artistic, choreographic and intellectual presentations and orations around the vicinity by the participation of Lawyers, Doctors, University Lecturers, University Students, Teachers, Engineers, IT Specialists,

Sportsmen, Artists, Celebrities, Academics, Journalists, Bankers, Labrours and so on and so forth.

7. The Petitioner states that the demonstrators who gathered at the '*GotaGoGama*' and '*MinaGoGama*' took steps to celebrate Sinhala-Hindu New year, Ramazan and the Vesak Full Moon Poya day at these premises and to those events, Sinhalese, Tamils and Muslims and even foreigners participated in numbers showing lot of unity and harmony.
8. Whilst this peaceful protest was going on, the Petitioner states that on or about the 09th of May 2022 the then Prime Minister, Mahinda Rajapaksa summoned a political meeting at the official residence of the Prime Minister, the Temple Trees.
9. The Petitioner verily believes that the aforesaid political meeting was convened about 3000-4000 supporters who had come from across the island representing Sri Lanka Podu Jana Peramuna political party.
10. The Petitioner states that at the aforesaid political meeting, couple of emotional speeches were given away by the orators and gist of them was to protect the incumbent government and eliminate the protestors who have been camping outside the Temple Trees and the Presidential Secretariat Office since April.
11. The Petitioner verily believes that those were summoned on to this meeting at the Temple Trees were lavishly indulged by liquor and provided iron poles, swords and wooden stumps by the event organizers before they were unleashed from the Temple Trees.
12. The Petitioner states that at the conclusion of the said assembly a large number of attendees came out from the Temple Trees from its Northern entrance and marched towards '*MainaGoGama*' down that lane. Thereafter,

the said attendees had attacked the peaceful protestors stating at the 'MainaGoGama'.

A compendious set of photographs which were published in the social media to show that attack are annexed herewith marked as P1 and pleads part and parcel of this Petition.

13. The Petitioner states that the said attendees after assaulting those who were present at 'MainaGoGama' began to march in the direction of the Galle face Green in Colombo on the Galle Road towards the peaceful protestors stayed at the 'Gota GoGama' passing Crescat Building, entrance of the Cinnamon Grand Hotel, Colombo Residencies, the bridge next to St. Anrew's Scots Kirk Church, Sri Lanka Tourist Board, Indian High Commission Office and Galle Face Hotel.

14. Thereafter, the said mob who came from Temple Trees entered to the Road of the Galle Face Green area and mercilessly attacked the peaceful protestors of 'GotaGoGama' which includes assaulting to persons whomever confront them, injuring to by standers, set fire to the tents and huts, intimidating those who were presents and etc.

A compendious set of photographs which were published in the social media on this incident are annexed herewith marked as P2 and pleads part and parcel of this Petition.

15. The Petitioner states that as a result of the aforesaid unlawful and brutal attack launched by the supporters who came to Temple Trees in turn a series of counter attack triggered in the width and breadth of the country which brought a mayhem on the said day which reminds the nights of backlash in July 1983.

16. The Petitioner states that consequent to the aforesaid inhuman attack unbridled, the Criminal Investigation Department commenced an

investigation on the said incidents and a B report dated 10.05.2022 was filed in the Magistrates' Court of Fort under the case No.22046/2022.

A certified copy of the case records up to 05.09.2022 is annexed herewith marked as P3 and pleads part and parcel of this Petition.

17. The Petitioner states that the extracts from the aforesaid B report dated 10.05.2022 read as follows;

“2022.05.22 දිනැතිව පොලිස්පතිතුමා විසින් අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුවේ නියෝජ්‍ය පොලිස්පති තුමා වෙත යොමු කරන ලද ලිඛිත තොරතුරක් ප්‍රකාරව විමර්ශනයක් ආරම්භ කරන ලදී.”

“මෙකී විමර්ශනයට විශයගත කරැණුවී ඇත්තේ 2022.05.09 දිනැතිව අරලියගහ මන්දිරය වෙත නිටපු අග්‍රාමාත්‍ය මනින්ද රාජපක්ෂ මහතාට සහාය පළ කරමින් පැමිණ සිටි පිරිසක් විසින් අරලියගහ මන්දිරය ඉදිරිපිට සාමකාමීව උද්ඝෝෂණයක යෙදී සිටි පිරිස වෙත ප්‍රහාරයක් එල්ල කරමින් ප්‍රචණ්ඩකාරී ලෙස හැසිරීම හා එම ස්ථානයේ තිබූ දේපළ වලට හානි කිරීම සම්බන්ධයෙන්...”

The B report dated 10.05.2022 marked as P3(a) and pleads part and parcel of this Petition.

18. Accordingly, investigations by the Criminal Investigation Department on the attack launched by the supporters of Sri Lanka Podujana Peramuna on the peaceful anti-government protestors stayed at the 'MainaGoGama' and the 'GotaGoGama' revealed that;

- a) a member of Parliament Hon. Sanath Nishantha, now suspect in the aforesaid case No. B 22046/2022, was in conversation with the 4th Respondent at the time of the said attack on 'GotaGoGama';
- b) the 4th Respondent was the field officer in charge at the incident at time of the said attacks were carried out;

- c) there was an absence of duties performed by the police officers present at the crime scene;

19. The Petitioner states that the extracts from the B report dated 05.11.2022 reads as follows;

“මෙම සිද්ධිදාමයේදී පොලිස් නිලධාරීන් විසින් සිදුකරන ලද රාජකාරී සම්බන්ධයෙන් යම් ගැටලු සහගත තත්වයක් නිරීක්ෂණය වන බවද සැලකර සිටිමි”

“දැනට අනාවරණයවී ඇති පරිදි අරලියගහ මන්දිරය අසලදී මයිනාගෝ ගම හා ජනාධිපති ලේකම් කාර්යාලය අසලදී ගෝඩාගෝගම වශයෙන් හැඳින්වෙන ස්ථානවල පොලිස් කණ්ඩායම් භාරව කටයුතු කරන ලද සහ එම ස්ථානය ආසන්නයේ දැනට හඳුනා නොගත් පුද්ගලයන් පිරිසක් සමග සහ පාර්ලිමේන්තු මන්ත්‍රී සහිත නිගාන්ත මහතා සමග සංවාදයේ යෙදෙන බවට නිරීක්ෂණය වන බස්නාහිර පළාත්භාර පෙර්ශ්ඩ් නියෝජ්‍ය පොලිස්පති - දේශබන්දු තෙන්නකෝන් මහතා...”

The B report dated 05.11.2022 marked as as P3(b) and pleads part and parcel of this Petition.

20. The Petitioner states that prior to the said 2-attacks to the ‘MinaGoGama’ and to the ‘GotaGoGama’, the 4th Respondent was informed through a letter dated 08.05.2022 by the 2nd Respondent, based on intelligence information, of possible attacks on ‘MainaGoGama’ and ‘GotaGoGama’ and by the said letter, the 4th Respondent was given a clear written instruction to prevent such imminent attack.

Letter dated 08.05.2022 by the Inspector General of Police to the Senior Deputy Inspector General of Police Western Province marked as P3(c) and pleads part and parcel of this Petition.

21. The Petitioner states that the 4th Respondent willfully failed to carry out the aforesaid orders.

22. The Petitioner states that due to the willful omission to carry out the duties by the police officers at the crime scene, consequently a statement was recorded from the 4th Respondent by the Criminal Investigation Department.

The summary of the statement by Deshabandu Tennakoon - Senior Deputy Inspector General of Police Western Province given to the Criminal Investigation Department marked as P3(d) and pleads part and parcel of this Petition.

23. In that statement the Petitioner states that the 4th Respondent had categorically admitted that the former President – Gotabaya Rajapakse had at noon time specifically ordered the former that any such mob who comes towards the ‘GotaGoGama’ must be stopped somehow.

The relevant part of summary of the statement by Deshabandu Tennakoon - Senior Deputy Inspector General of Police Western Province given to the Criminal Investigation Department marked as P3(d)(1) and pleads part and parcel of this Petition.

24. That relevant part is re-produced for Your Lordships’ convenient as follows:

“එමෙන්ම එම අවස්ථාවේදී පවතින තත්වය සම්බන්ධව ජනාධිපතිවරයා දැනුවත් කිරීමට පැය 1213 ට පමණ ඇමතුමක් ගත් අතර එහිදී ජනාධිපතිතුමාට අරලියගහ මන්දිරයේ සිට පැමිණෙන පිරිස ගාලු මුවදොර දක්වා පැමිණෙමින් සිටින බවත් එම පිරිසට කනා කර නතර කිරීමට උපරිම උත්සාහ ගන්නා බවත්, අවශ්‍ය වුවහොත් ජල ප්‍රහාර සහ කඳුලු ගැස් ප්‍රහාර එල්ල කරන බව දැනුම්දුන් බවත් කියා සිටී. එහිදී ජනාධිපතිවරයා අවශ්‍ය දෙයක් කරන නතර කරන ලෙසට දැනුම් දුන් බවත් කියා සිටී...”

25. The Petitioner states that even though many have been named as suspects in the aforesaid Magistrate’s case No. B 22046/2022 which was filed after the incident, a key figure and character of the said incident on the 09th of May 2022 - the 4th Respondent, who failed in his duties and obligations as the field officer in charge has not been named as the suspect of the aforementioned action.

26. The Petitioner states that the 4th Respondent who supposed to stop the unruly marchers who broke out from the Temple Trees had failed to prevent them from entering to '*MinaGoGama*' and '*GotaGoGama*' and in contrast aided and abetted to the said attacks on the peaceful protestors.
27. The Petitioner states that had the 4th Respondent wanted to prevent the marchers who came out from the Temple Trees, the former could easily have blocked the way of that mob of people at the Rotunda Avenue before they enter into the Galle Road or at the bottle neck created on the road at the Bridge of the Galle Road at Kolpity in front of St. Anrew's Scots Kirk Church.
28. The Petitioner states that the 4th Respondent, being the senior most Police Officer at the place where this incident took place had done nothing in prevention of such a calamity.
29. The Petitioner states that having the head of the state and the Commander of Forces given clear instructions to prevent the marchers who comes from Temple Trees, the 4th Respondent being the senior most officer on the filed had not even used tear gas nor did he order to use force over the unruly mob to prevent this attack.
30. Further, the Petitioner states that when the aforesaid matter was before the Magistrate's Court at Fort, it was revealed that the 4th Respondent in his authority was interfering with the investigations of the Criminal Investigation Department in the said matter and this was brought to the notice of court few times by the Lawyers who appeared on behalf of the aggrieved parties.
31. The reluctance and the prolong delay by the Criminal Investigation Department to carry out their duties diligently over the 4th Respondent in the

said Magistrate's Court matter was noted by the learned Magistrate in several times. An extract from the order dated 19.05.2022 entered by the learned Magistrate of the Magistrates' Court in Fort reads as follows;

අද දින විෂය අධිකරණයේ කරුණු දක්වමින් ජනාධිපති නීතිඥ මෙහි ගුණරත්න මහතා සඳහන් කර සිටියේ මෙම සිද්ධියේ ප්‍රධාන සාක්ෂකරුවන් මහගරිමින් සුළු සුළු වැරදි වලට සම්බන්ධ සාමන්‍ය පුද්ගලයන් පමණක් අත්අඩංගුවට ගෙන ඉදිරිපත් කිරීමට අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුව කටයුතු කරමින් සිටින බවත් මෙම සිද්ධියට ප්‍රධාන වශයෙන් දායක විය යුතු සහ මෙම සිද්ධිය රාජකාරිමය වශයෙන් වළක්වා නොගැනීමට කටයුතු කර පුද්ගලයින් සම්බන්ධයෙන් අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුව මන්දගාමී ලෙසට කටයුතු කරන බවට අධිකරණයේ අවධානය යොමු කරන ලදී. මේ පිළිබඳව විවෘත අධිකරණයේදී මා විසින් විමසා සිටීමේදී අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුව වෙනුවෙන් පෙනී සිටි සහකාර පොලිස් අධිකාරී වානක ද සිල්වා මහතා සඳහන් කර සිටියේ රාජකාරී පැහැර හැරී නිලධාරීන් සම්බන්ධව සහ මෙම සිද්ධියට මුල්වූ ප්‍රධාන සාක්ෂකරුවන් සම්බන්ධයෙන් වන සාක්ෂි වල නිවැරදිතාවය තවදුරටත් පරීක්ෂා කරන බැවින් ඒ පිළිබඳව ඉදිරියේදී පියවර ගැනීමට කටයුතු කරන බවයි. එහෙත් මේ වන තෙක් ඉදිරිපත් කොට ඇති සාක්ෂකරුවන් 13 දෙනා සම්බන්ධයෙන් ඔවුන්ට එරෙහිව ඇති ප්‍රකාශවල නිවැරදිතාවය තහවුරු කර ගැනීමකින් තොරව එම සාක්ෂකරුවන් අධිකරණයට ඉදිරිපත් කිරීමත්, ප්‍රධාන සාක්ෂකරුවන් සහ මෙම අපරාධමය වැරදි වළක්වා ගැනීමට කටයුතු නොකළ නිලධාරීන් සම්බන්ධයෙන් පමණක් තහවුරු කරගැනීමේ සාක්ෂි පිළිබඳව විශ්වාසය තැබීම කෙරෙහි මෙම අධිකරණය අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුව වෙත අවධානය කරමින් ඒ පිළිබඳව අවධානය යොමුකරන ලෙසට දන්වා සිටී.”

The order dated 19.05.2022 by the Magistrate of the Magistrates' Court in Fort marked as P3(e) and pleads part and parcel of this Petition.

32. The 1st Respondent who assists as the *amicus* to the learned Magistrate of Fort in the case bearing number B 22046/2022 since its beginning has taken the notice of the fact that continuance of duty of the 4th Respondent as the Senior Deputy Inspector General of Police Western Province would bring an impediment in the investigations of the Criminal Investigation Department over this crime and therefore has issued a letter dated 23.05.2022 advising the 2nd Respondent to transfer the 4th Respondent.

The letter dated 23.05.2022 by the Hon. Attorney General to the Inspector General of Police marked as P3(f) and pleads part and parcel of this Petition.

33. To this date the 2nd Respondent has not taken any action over the aforesaid letter and turned the blind eye.

34. Furthermore, the learned Magistrate of Fort had also observed the following which would sufficient to connect the 4th Respondent to the alleged crime incident;

- I. It was observed that the letter dated 08.05.2022 marked as P3(c) was in fact received by the 4th Respondent;
- II. It was observed that the 1st Respondent has informed and advised the 2nd respondent by letter dated 23.05.2022 marked as P3(f) to transfer the 4th Respondent to a different portfolio in the police department;
- III. It was observed that during the time said attack against 'GotaGoGama', the 4th Respondent was having an intimate conversation with the Parliamentarian - Sanath Nishantha who is the 5th suspect, of the aforesaid case No. B 22046/2022.

35. Extracts from the Order dated 25.05.2022 made by the Magistrate of the Magistrates' Court of Fort reads as follows;

“2022-05-09 වන දින සිදුවූ සිද්ධිය සම්බන්ධයෙන් ඊට පෙර දින එනම් 2022-05-08 වන දින පොලිස්පතිවරයා වෙත බුද්ධි තොරතුරු මගින් කරුණු අනාවරණයවී ඇති බවත්, එම තොරතුරු පොලිස්පතිවරයා විසින් ලිඛිතව බස්නාහිර පළාත් භාර ජ්‍යෙෂ්ඨ නියෝජ්‍ය පොලිස්පති දේශබන්දු තෙන්නකෝන් යන අය වෙතට ලබාදී ඇති බවයි.”

“එහිදී එවැනි කිසිදු විධානයක් කරන ආකාරයක් එම ජායරූපය අනුව ගමන් නොවන අතර, හුදෙක් 05 සැකකරු හා අදාළ ජ්‍යෙෂ්ඨ නියෝජ්‍ය පොලිස්පතිවරයා ඉතා සුහද සාකච්ඡාවක යෙදවීමේ පෙළපාලිය සමග එක්ව ඉදිරියට ගමන් කරන ආකාරයක් නිරීක්ෂණය වන බව තීරණය කරමි.”

“2022-05-23 වන දින ගරු නීතිපතිවරයා විසින් මෙම ජේෂ්ඨ නියෝජ්‍ය පොලිස්පතිවරයා ස්ථාන මාරු කරන ලෙසට පොලිස්පතිවරයාට උපදෙස් ලබාදී ඇති බවයි. මේ තුළින් පැහැදිලිවම ගමන වන්නේ ගරු නීතිපතිතුමා මෙම විමර්ශනයට අදාළ ජේෂ්ඨ නියෝජ්‍ය පොලිස්පතිවරයා තවදුරටත් එම තනතුරේ රාජකාරී කිරීම බාධාවක් වන බවත්, සැකකරුවන්ට බලපෑමක් වන බවටත් කරුණු ලිඛිතව පිළිගෙන ඇති බවයි.”

The Order dated 25.05.2022 marked as P3(g) and pleads part and parcel of this Petition.

Few Photographs which were published on the social media which show that the 4th Respondent walks with the suspects of case bearing number 22046/2022 marked as P3(h) and pleads part and parcel of this Petition.

36. The Petitioner reserves the right to file a video footage and a transcript recorded based on it, in which the 4th Respondent specifically utters that, “*ඔයාලා යන්න. මම ඔක්කොම බලාගන්නමි*”.

The Petitioner seeks the permission from Your Lordships’ Court to mark the aforesaid video footage and the transcript thereof as P3(i) and P3(j) and pleads part and parcel of this Petition when it is submitted to courts.

37. The above conduct of the 4th Respondent of willfully allowing to the suspects of case No. B 22046/2022 filed at the Magistrate’s Court of Fort, the Petitioner states that, the 4th Respondent has *inter alia*, failed to act;

- I. under **Section 77 of the Police Ordinance**, which reads as follows;

Section 77 (3) Notwithstanding anything in any other law, an officer of police of a rank not below the grade of Assistant Superintendent, if he considers it expedient so to do in the interests of the preservation of public order, may give directions (whether orally or in writing) prohibiting the taking out of any procession or imposing upon the person or persons organizing or taking part in the procession such conditions as appear to him to be necessary, including conditions prohibiting or restricting the display of flags, banners or emblems.

II. under **Section 32 of the Criminal Procedure code**, which reads as follows;

Section 32 (1) Any peace officer may without an order from a Magistrate and without a warrant arrest any person-

(a) who in his presence commits any breach of peace;

(A) who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned;

III. under **Section 107 of the Criminal Procedure Code**, which reads as follows;

Section 107 (1) Every peace officer may interpose for the purpose of preventing and shall to the best of his ability prevent the commission of any cognizable offence.

(2) Every peace officer receiving information of an attempt to commit any cognizable offence shall communicate such information to the officer to whom he is immediately subordinate or to some other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

(3) A peace officer knowing of an attempt to commit any cognizable offence may arrest without orders from a Magistrate and without a warrant the person so attempting if it appears to such officer that the commission of the offence cannot be otherwise prevented.

(4) A peace officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property movable or immovable or the removal of injury of any public landmark or buoy or other mark used for navigation.

(5) It shall be the duty of every peace officer to give immediate information to an inspector of weights and measures of any breach of any provision of any enactment for the time being in force relating to weights and measures and at the request of any such inspector to assist him in carrying out the provisions of any such enactment.

38. The Petitioner further states that the 4th Respondent, having provided all the necessary orders from his superior officers, advises, resources such as water cannon, tear gas, police troops, barricades, busses to block the way and riot troops to prevent any crime being committed on 09th May 2022, intentionally and willfully failed to prevent the said attacks on the peaceful protestors who were gathering at the 'MinaGoGama' and the 'GotaGoGama'. Hence, the Petitioner states that the 4th Respondent ought to be criminally liable to all and every charge(s) in the aforesaid case No. B 22046/2022 along with the other suspects.

39. The Petitioner further states that the 4th Respondent, in addition to the all and every charge(s) in the aforesaid case No. B 22046/2022 along with the other suspects, ought to be charged, *inter alia*, under:

- I. under **section 102 of the Penal Code (Punishment for abetment);**
- II. under **section 113B of the Penal Code (Punishment for conspiracy);**
- III. under **section 140 of the Penal Code (Punishment for being a member of unlawful assembly);**
- IV. **Criminal Negligence;**
- V. and any or other charge as the learned Magistrate thinks fit under the case bearing number B 22046/2022 filed at the Magistrate's Court of Fort.

40. The Petitioner states that up to the filing of this action the 4th Respondent has not been made as a suspect of the case No. B 22046/2022 and that there has been unjust, unfair and considerable delay in naming the 4th Respondent as a suspect in the said matter, which would lead to a travesty of justice.

41. The Petitioner states that considering the investigation reports by the Criminal Investigation Department, observations made by the learned Magistrate of the Magistrates' Court in Fort, advises given by the 1st Respondent in the aforesaid case No. B 22046/2022 and orders given by the then head of the state, there is ample evidence and a *prima facie* evidence against the 4th Respondent being named as a suspect in the said Magistrate's Court matter.

42. Further, delaying to arrest such errant officer such as 4th Respondent and immediately suspend his service has occurred far reaching ramifications of colipase down the law and order in the country. The Petitioner is learnt that that the 4th Respondent is the person who has ordered to the Police Officers of the Western Province to arrest 2-ladies who was walking with carrying 2-placards and doing so, the former officers had manhandled 2-women police constables (WPCs).

Few Photographs of arrest 2-ladies who was walking with carrying 2-placards and manhandling of 2-women police constables (WPCs) under the order of 4th Respondent are marked P4 and pleads part and parcel of this Petition.

43. In the circumstances, the Petitioner states that cause of action has arisen to the Petitioner as a citizen of this country to seek from Your Lordship's Court,

- a. a mandate in the nature of a **Writ of Mandamus** to compel the 1st and 2nd and 3rd Respondents to make the 4th Respondent a suspect in the case bearing No. B 22046/2022 filed at the Magistrates' Court of Fort;
- b. a mandate in the nature of a **Writ of Mandamus** to compel the 2nd and 3rd Respondents to arrest, detain and record a further statement from the 4th Respondent for the purpose of case bearing No. B 22046/2022 filed at the Magistrates' Court of Fort;

- c. a mandate in the nature of a **Writ of Mandamus** to compel the 2nd Respondent to send recommendations to the National Police Commission to suspend and/or interdict and/or send compulsory leave the 4th Respondent in view of the criminal charges levelled against the 4th Respondent;

44. The Petitioner respectfully seeks the indulgence of Your Lordships' Court to reserve his right to:

- a. amend pleadings, add any person/persons as parties to this application in the event of further material revealing their complicity of the actions complained in the preceding paragraphs and
- b. tender any further evidence or affidavits and documents as necessary substantiating the averments contained above.

45. The Petitioner states that the Petitioner has not invoked the jurisdiction of Your Lordships' Court in respect of matters pleaded above.

46. An Affidavit of the Petitioner is annexed herewith in support of the averments contained herein.

Wherefore, the Petitioner pleads that Your Lordship's Court be pleased to.,

- a. issue **Notice** on the Respondents;

- b. grant a mandate in the nature of a **Writ of Mandamus** to compel the 1st and 2nd and 3rd Respondents to make the 4th Respondent a suspect in the case bearing No. B 22046/2022 filed at the Magistrates' Court of Fort;
- c. grant a mandate in the nature of a **Writ of Mandamus** to compel the 2nd and 3rd Respondents to arrest, detain and record a further statement from the 4th Respondent for the purpose of case bearing No. B 22046/2022 filed at the Magistrates' Court of Fort;
- d. a mandate in the nature of a **Writ of Mandamus** to compel the 2nd Respondent to send recommendations to the National Police Commission to suspend and/or interdict and/or send compulsory leave the 4th Respondent in view of the criminal charges levelled against the 4th Respondent;
- e. grant an interim order preventing the 4th Respondent being hold his office and/or suspend from his duties and/or interdict from his office until the final determination of this action is delivered;
- f. grant **costs**
- g. and grant **such other and further relief** Your Lordship's Court shall seem meet.

Attorney at Law for the Petitioner

Settled by:
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