

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

In the matter of an Application under
Article 126, read with Articles 17,3,4,
Chapters III and VI of the Constitution
of the Democratic Socialist Republic
of Sri Lanka.

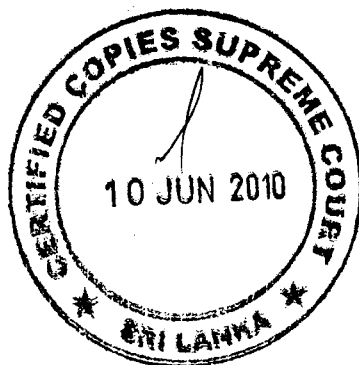
SC/FR No.404/2009

Nihal Sri Ameresekere
167/4,
Vipulasena Mawatha,
Colombo 10.

PETITIONER

Vs.

1. Ceylon Petroleum Corporation
109, Rotunda Tower,
Galle Road,
Colombo 03.

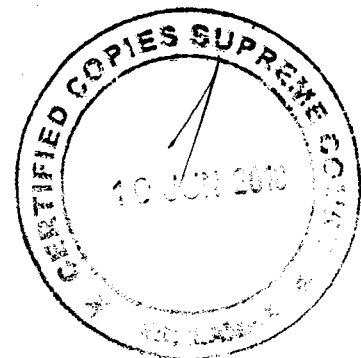


2. P.B. Jayasundera
Secretary to the Treasury
The Secretariat,
Colombo 1.

3. Standard Chartered Bank
Sri Lanka Branch,
37, York Street,
Colombo 1.

Head Office at
1 Basinghall Avenue,
London EC2V 5DD, U.K.

4. Citibank
Sri Lanka Branch,
65C, Dharmapala Mawatha,
Colombo 7.



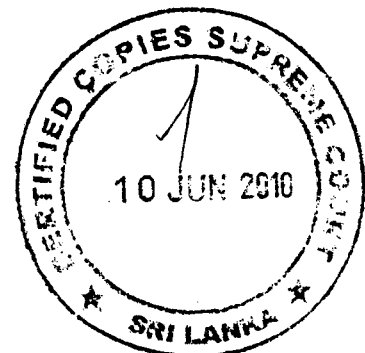
SC/FR No. 404/2009

Head Office at Citigroup Center
153, East 53rd Street, 16/F,
Zone 19,
New York,
NY 10022, U.S.A.

5. Deutsche Bank AG
Sri Lanka Branch,
86, Galle Road,
Colombo 03.

UK Branch at 1 Great
Winchester Street,
EC2N 2DB London, U.K.

Head Office at
Theodor-Heuss-Allee 70
60486, Frankfurt,
Germany.



SC/FR No.404/2009

6. Commercial Bank of Ceylon PLC
Commercial House,
21, Bristol Street, Colombo 1.

7. People's Bank
75, Sir Chittampalam
A. Gardiner Mawatha,
Colombo 02.

8. Ms. T.M.J.Y.P. Fernando
Director, Bank Supervision
Central Bank of Sri Lanka,
Towers 1 & 2, Level 6,
30, Janadhipathi Mawatha,
Colombo 1.

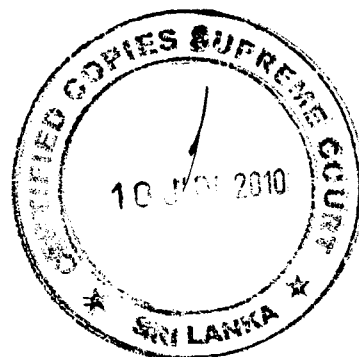
9. Hon. Attorney General
Attorney General's Department,
Colombo 12.

RESPONDENTS



BEFORE : AMARATUNGA, J
MARSOOF, J
SRIPAVAN, J

COUNSEL : Nihal Sri Amarasekera petitioner appears
in person.
S. Rajaratnam, DSG, for 1st, 2nd and 9th
respondents.
Sanjeewa Jayawardane with S. Amarasinghe for
the 3rd Respondent.
Avindra Rodrigo with Zafry Sakkaf for the 4th
Respondent.
Faiz Musthapha, PC with Diluni de Alwis for the
5th Respondent.
Romesh de Silva, PC with S. Gunawardane for the
6th Respondent.
S. A. Parathalingam, PC with Kushan d' Alwis, N.
Parathalingam and H. Jayasuriya for the 7th
Respondent.



Dr. Harsha Cabral with B. Illangatillake and S. Fernando for the 8th Respondent.

ARGUED &

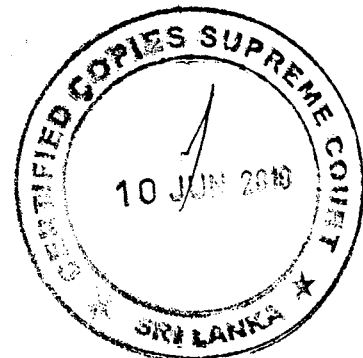
DECIDED ON : 11/05/2010

AMARATUNGA, J

We have heard the submissions of the petitioner Mr. Amarasekera who appears in person.

We have also heard the Hon. Attorney General, the learned President's Counsel and the other learned Counsel for the respondents.

Violations of fundamental rights alleged by the petitioner in the present applications are the very same violations adverted to in FR Applications 535/08 and 536/08 which were also applications filed in the Public Interest.

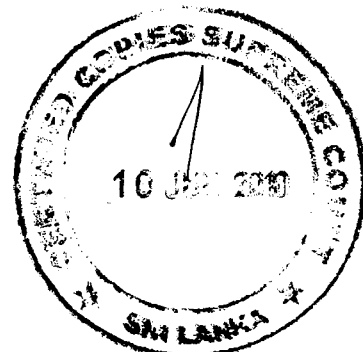


After considering those applications this Court has granted leave to proceed and also certain interim reliefs sought by the petitioners in those cases.

The present petitioner has sought to intervene in those applications, but before his intervention, this Court has permitted the withdrawal of those applications by the petitioners and on 27/01/09 had dismissed those petitions.

The present application is in effect is an application to resurrect the said applications by a party who was also a party who sought to intervene and who appeared in Court Person in respect of SC/FR 535/2008 and 536/2008.

However we find that the present petitioner has not sought to invoke the jurisdiction of this Court within one month form 27/01/09 which was the date on which this Court dismissed the application Nos. 535/08 and 536/08.



He has also not sought to invoke the jurisdiction of this Court at least within one month from 27/01/09 and has filed this application only on 25/05/09. Some of the learned Counsel for the respondents submitted that the petitioner was conscious of the violation of his right as far back as 10/12/08, the date on which he filed his intervention applications in SC/FR 535/08 and 536/08.

On those submissions, the Court is of the view that the failure of the petitioner to file this application at least within one month from 27/01/09 is fatal and as such and we uphold the objections raised by some of the respondents on the basis of time bar and we refuse leave and dismiss the application.

MARSOOF, J

I agree.

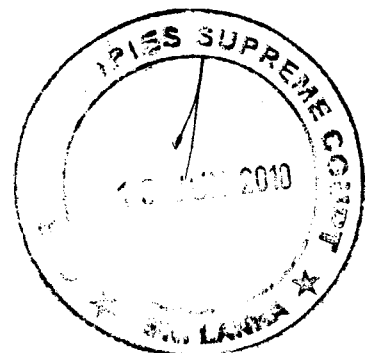
Sgd/-JUDGE OF THE SUPREME COURT

SRIPAVAN, J

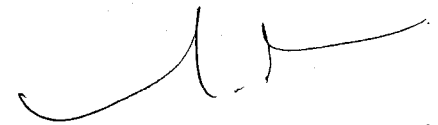
I agree.

Sgd/-JUDGE OF THE SUPREME COURT

Sgd/-JUDGE OF THE SUPREME COURT



I do hereby certify that the foregoing is a true copy of the judgement dated 11.05.2010 in SC.FR No.404/09 filed of record in the Supreme Court.



W. A. PRIYANI S. PERERA
Supreme Court REGISTRAR 111
SUPREME COURT

($\frac{\sqrt{505609}}{21}$)
09/06/2010

Typed by *A.S.A.*

Compared with 

