

**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, 105 and Chapters III and VI of the Constitution of the Democratic Socialist Republic of Sri Lanka, together with an Application under Article 132, read with Articles 118 and 123 of the Constitution

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

Petitioner

SC FR Application No. 534/2011

Vs

1. Hon. Attorney General, as representing the Minister of Finance, Mahinda Rajapakse,
in terms of Article 35 of the Constitution
Attorney General's Department
Colombo 12.
2. Basil Rajapaksa, M.P.
Minister of Economic Development
Ministry of Economic Development
No. 464 A, T.B. Jayah Mawatha
Colombo 10.
3. P.B. Jayasundera
Secretary, Ministry of Finance &
Secretary to the Treasury and Secretary Ministry of
Economic Development
The Secretariat
Colombo 1.
4. G.L. Peiris, M.P.
Minister of External Affairs
Ministry of External Affairs
Republic Building
Colombo 7.
5. C.R. de Silva, P.C.
Former Hon. Attorney General
C 83, Gregory's Avenue
Colombo 7.
6. Mohan Peiris, P.C.
Former Hon. Attorney General,
and now Advisor to the Cabinet of Ministers
3/14 D, Kynsey Road
Colombo 8.
7. Rauf Hakeem, M.P.
Minister of Justice
Superior Courts Complex
Colombo 12.
8. Suhada Gamalath

Secretary, Minister of Justice
Superior Courts Complex
Colombo 12.

9. Chamal Rajapaksa, M.P.
Hon. Speaker of the Parliament
Sri Jayewardenepura
Kotte.
10. Hon. Attorney General,
in terms of Article 134 of the Constitution
Attorney General's Department
Colombo 12.

Respondents

TO: HER LADYSHIP THE CHIEF JUSTICE AND THEIR LORDSHIPS AND LADYSHIPS THE OTHER HONOURABLE JUSTICES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

WHEREAS when this Application came-up on 25.11.2011, Your Ladyship's Court directed that Notices be issued on the Respondents, through the Registrar of Your Ladyship's Court, granting permission to the Petitioner to tender an Amended Petition.

AND WHEREAS accordingly an Amended Petition, having been tendered on 16.12.2011, the Registrar of Your Ladyship's Court issued Notices on the Respondents returnable on 26.1.2012.

AND WHEREAS the Petitioner respectfully draws the attention of Your Ladyships' Court to the following *dicta* by His Lordship the former Chief Justice J.A.N. de Silva in SC (FR) Application No. 352/2007 cited in the said Amended Petition – *viz*:

“Fundamental Rights applications are qualitatively different from other types of appeals heard before this Court and warrant greater latitude in their consideration and to grant redress in order to encompass the equitable jurisdiction exercised in these applications.”

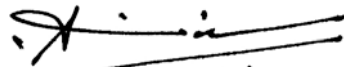
AND WHEREAS this being a complex matter involving questions of general and public importance, the Petitioner most respectfully states that in terms of Article 132 of the Constitution he stands entitled to make this Application to Your Ladyship the Chief Justice.

AND ACCORDINGLY the Petitioner very respectfully MOVES that Your Ladyship the Chief Justice be pleased to direct that this matter be heard by a Bench comprising 5 or more Judges of Your Ladyship's Court, on a date convenient to Your Ladyships' Court, very respectfully citing that previous Applications by other Parties in relation to this matter had been directed to be heard by a 5-Judge Bench of Your Ladyship's Court.

AND WHEREAS should the date so fixed by Your Ladyship's Court be not 26.1.2012, then that Your Ladyship's Court be pleased to direct the Registrar of Your Ladyship's Court to so inform the Respondents of the new date, on which this matter is fixed.

Copies hereof having been sent by Registered Post to the Respondents, Registered Postal Article Receipts are attached.

On this 18th day of January 2012



Petitioner