

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

S.C.Application (FR)No:299/07

In the matter of an application under
Article 126 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.

Vasudeva Nanayakkara,
Attorney-at-Law,
Advisor of His Excellency the President
Secretary, The Democratic Left Front,
49 1/1, Vinayalankara Mawatha,
Colombo 10.

Petitioner.

Vs:

1. K.N. Chokey P.C. M.P.
Former Minister of Finance,
23/3, Sir Ernest de Silva Mawatha,
Colombo 7.

and others.

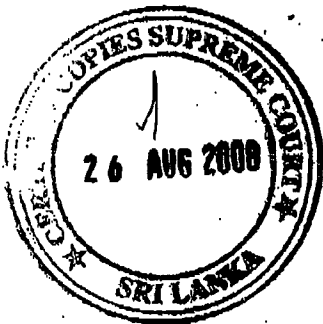
Respondents.

18.8.2008

Before : S.N. Silva, C.J.
Andrew Somawansa, J.
P.A. Ratnayake, J.

Romesh de Silva P.C. for Petitioner.

Y.J.W. Wijeyatilake P.C. A.S.G. for Respondents.



Motion has been filed by the 19th Respondent seeking an extension of time to vacate the premises as directed in the Judgment dated 21.7.2008 of this Court. Since the land in question has reverted to the Sri Lanka Port Authority, Petitioner should give notice of this motion to the S.L.P.A. Notice to state that this matter should be mentioned on 08.09.2008. Notice on the SLPA to be sent through the Registrar and the 19th Respondent would tender notices. Pending a consideration of the motion, the time granted to the 19th Respondent to vacate the premises is extended till 10.9.2008.

Further extension would be considered after hearing the SLPA.

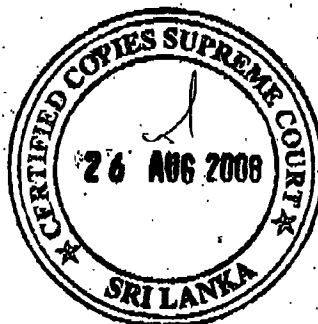
Mention on 8.9.2008.

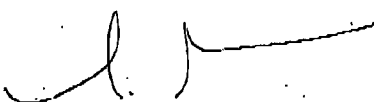
sgd/-

I do hereby certify that the foregoing is a true copy of the Journal entry dated S.C.F.R. No:209/07.

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Compd. with: Kha




W. A. PRIYANI S. PERERA
REGISTRAR 111
CHIEF CLERK COURTS BRANCH
SUPREME COURT
SUPREME COURT.

(F 954874)
21
25/08/2008

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an Application
under Article 126 of the
Constitution of the Democratic
Socialist Republic of Sri Lanka.

Vasudeva Nanayakkara,
Attorney-at-Law,
Advisor of His Excellency the
President Secretary, The
Democratic Left Front 49 1/1,
Vinayalankara Mawatha,
Colombo – 10.

Petitioner

Vs.

1. K.N. Choksy P.C. M.P.
Former Minister of Finance,
23/3, Sir Emst De Silva
Mawatha, Colombo 7.

And 33 others.

Respondents



No.SC/FR 209/2007

No.SC/FR 209/2007

8.10.2008

Before: S.N. SILVA, C.J.
MS. TILAKAWARDANE, J. &
P.A. Ratnayake, J.

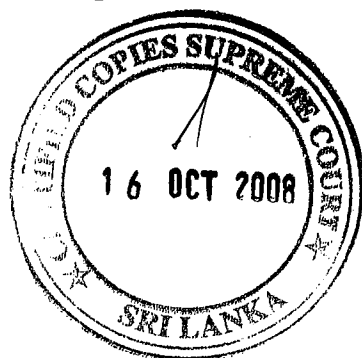
M.A. Sumanthiran for the Petitioner.

Faisz Musthapha, PC with Shantha Jayawardane for the 8th Respondent.

Nihal Fernando, PC for the 1st Respondent.

V.J.W. Wijayatilake, PC, ASG with Viraj Dayaratne, SSC for 15th, 16th, 17th,
25th, 26th, 28th, 29th, 30th and 31st Respondents.

Additional Solicitor General representing the Attorney General submits that pursuant to the order made by Court, 28th Respondent (the I.G.P.) through the C.I.D. has commenced investigations regarding this matter and recorded certain statements. He further submits that the 30th Respondent has also commenced investigations in the matter. As regards the 25th Respondent,



No.SC/FR 209/2007

(SEC), his instructions are that investigations are in progress. Counsel for the Petitioner submits that certain representations have been made by the Petitioner to the 25th Respondent. These representations are also to be taken into account in the conduct of investigations by the 25th Respondent.

Mr. Faisz Musthapha, PC appears for the 8th Respondent submits that within four days of the judgment, the 8th Respondent tendered his resignation from the post of Secretary Ministry of Finance. He however submits that the 8th Respondent continued to function in that post to discharge official duties since the resignation was not accepted until much later. He further submits that the 8th Respondent resigned from the Chairmanship of Sri Lanka Airlines on 19.9.2008. This was accepted on 30.9.2008. He further submits that the 8th Respondent does not hold any office in any Government Establishment nor in any Establishment in which the Government has any interests.

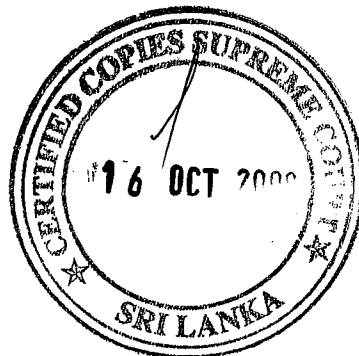
Counsel for the Petitioner submits that according to his instructions, the 8th Respondent has interest in a Company incorporated in which the



No.SC/FR 209/2007

Government has interest. He refers to two such Companies. Mr. Musthapha submits that he only holds a single share in this Companies and that he would sever links with these Companies. He further submits that the 8th Respondent tenders an unreserved apology to Court for having continued functioning after the judgment of this Court. Hence the 8th Respondent is given time to file appropriate affidavit in which he may consider including the said expression of regret and a firm statement that he would not hold any office in any governmental institution either directly or indirectly or purport to exercise in any manner executive or administrative functions. Further Affidavit to be filed as early as possible. Mention for a final order on the matter on 20.10.2008. The 25th, 28th and 30th Respondent to notify Court of the action taken within two months. Mention for this purpose on 15.12.2008. Accordingly Registrar to list this matter to be mentioned firstly on 20.10.2008 and later on 15.12.2008.

CF/-



30 OCT 2008

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

In the matter of an Application under
Article 126 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.

S.C.F.R. Application

No. 209/2007

Vasudeva Nanayakkara

Attorney-at-Law

Advisor to His Excellency the President

Secretary, The Democratic Left Front

49 1/1, Vinayalankara Mawatha

Colombo 10.

Petitioner

Vs.

1. K.N. Choksy P.C., M.P.

Former Minister of Finance

23/3, Sir Ernst De Silva Mawatha

Colombo 7.

And others.

Respondents



20.10.08

Before: S.N. Silva, C.J.

Shiranee Tilakawardane, J.

Balapatabendi, J.

M.A.Sumanthiran for the Petitioner.

Faisz Musthapha, PC. with Shantha Jayawardane for
the 8th respondent.

Nihal Fernando, PC for the 1st Respondent.


V.J.W.Wijayatilake, PC., ASG. with Viraj Dayaratne,
SSC. for 15th, 16th, 17th, 19th, 25th, 26th, 28th,
29th, 30th and 31st Respondents.


These proceedings are terminated.


This matter is to be mentioned on 15.12.08
pursuant to the order that has been made.

Sgd./.....

I do hereby certify that the foregoing is a true copy of the Journal
entry dated 20.10.08 filed of record in Supreme Court Case No.
SCFR.209/2007.


W. A. PRIYANSU PERERA
REGISTRAR III
Chief Clerk, - Supreme Court
SUPREME COURT

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Compd. with: 



(f 956755)
24/10/2008

SC Application No.209/2007

20.10.2008

Before: S.N.Silva, CJ
Shiranee Tilakawardane, J
Ratnayake, J



1 M.A.Sumanthiran with Viran Corea and Suren Fernando for
the Petitioner.

Faiz Musthapha, PC, with Shantha Jayawardane for 8th
Respondent.

Y.J.W.Wijayathilake, ASG, with V.Dayaratne, SSC, for 15, 16,
17, 25th, 26th, 29th, 30th and 31st Respondents.

Counsel for the 8th Respondent submits that the 8th Respondent has
pursuant to the proceedings had in Court on 08.10.2008 filed an affidavit
dated 16.10.2008 together with the annexure A-E. Mr Sumanthiran for
the Petitioner submits that the annexures are only letters sent by the
respective parties and that the 8th Respondent has not included a copy of any
letter said to have been written by him. Subject to that, he submits that the
affidavit is insufficient compliance with the undertaking given by the 8th
Respondent.

Mention on 15.12.2008 as previously directed

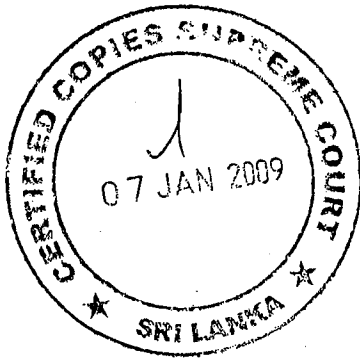
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IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

S.C. (F/R) No. 209/07

In the matter of an application under
Article 126 of the Constitution of the
Democratic Socialist Republic of Sri
Lanka.



Vasudeva Nanayakkara,
Attorney-at-Law,
Advisor to His Excellency the
President,
Secretary, The Democratic Left
Front,
No. 49 1/1, Vinayalankara Mawatha,
Colombo 10.

Petitioner

Vs.

1. K.N. Choksy, P.C., M.P. Former
Minister of Finance, 23/3, Sir Ernest
De Silva Mawatha, Colombo 7
And 30 others.

Respondents

15.12.2008.

S.C.(F/R) No. 209/07

BEFORE : S.N. SILVA.C.J.
SRIPAVAN.J &
RATNAYAKE.J

M.A. Sumanthiran with Viran Corea and Suren
Fernando for the petitioner.

Nihal Fernando, P.C., with Ronald Perera and V.K.
Choksy for the 1st respondent.

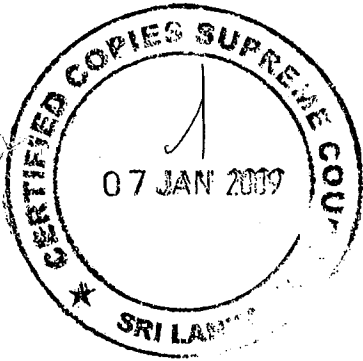
Faiz Musthapha, P.C., with Shantha Jayawardane
for the 8th respondent.

Y.J.W. Wijayatileke, A.S.G., with Viraj Dayaratne,
S.S.C., for the 15th, 16th, 17th, 25th, 26th, 28th, 29th,
30th and 31st respondents.

Nihal Sri Amarasekera, 22nd respondent, appears in
person.

Upul Jayasuriya for the Trade Union.

Romesh de Silva, P.C., with Harsha Amarasekera

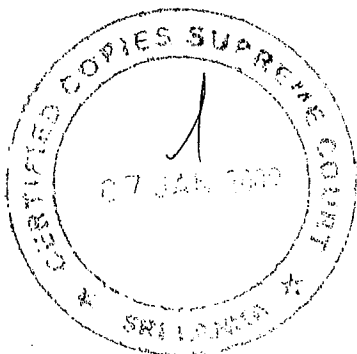


for the 18th - 21st respondents.

This matter comes up today to review the progress made by the various agencies of the executive on the basis of the judgment of this Court.

Additional Solicitor General tenders to Court letters dated 05.12.2008 of the Chairman of the Commission to Investigate Allegations of Bribery or Corruption (30th respondent).

- (1) The report indicates that substantial progress has been made in the investigations that are being carried out. The Officer-in-Charge of the investigations has stated that since certain institutions in which the activities were carried out are now no longer functional, there is a delay in obtaining material. In the circumstances, there is a delay which has not resulted from any failure on the part of the Commission.
- (2) Letter dated 15.12.2008 sent by the Criminal Investigation Department to the Attorney General seeking advice as to the proceedings that may be taken on the basis of the investigations carried out.



(3) Letter dated 15.12.20028 addressed to the Attorney General's Department from the Department of Inland Revenue which reflects that steps are being taken to recover taxes due from the year 2002/2003.

Having considered the respective reports, Court is of the view that no further action is required in the matter.

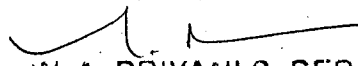
Counsel for the petitioner has also submitted that in view of the action taken, no further orders are required.


Mr. Nihal Sri Amarasekera who is present in Court also agrees with this position. In the circumstances, these proceedings are terminated.

(Approved by
H/L Chief Justice)

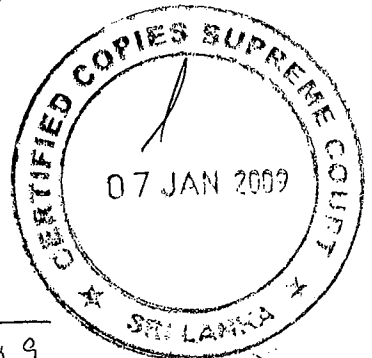
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I do hereby certify that the foregoing is a true copy of the journal entry dated 15.12.2008 filed of record in S.C. (F/R) No. 209/2007.


W. A. PRIYANI S. PERERA
REGISTRAR 111
CHIEF CLERK COURTS BRANCH
SUPREME COURT

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

In the matter of an Application under Article
126 of the Constitution of the Democratic
Socialist Republic of Sri Lanka.

Vasudeva Nanayakkaa,
Attorney-at-Law,
Advisor to His Excellency the President
Secretary, The Democratic Left Front 49/
1/1, Vinayalankara Mawatha, Colombo 10.

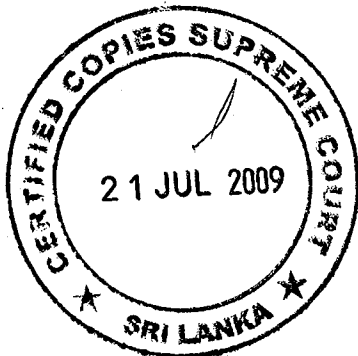
Petitioner.

S.C. F.R. Application
No. 209/2007

1. K. N. Choksy P.C., M.P.
Former Minister of Finance,
23/3, Sir Ernst De Silva Mawatha,
Colombo 7.

And 33 others.

Respondents.



14.07.09

Before: J.A.N.de Silva, C.J.

Mr.Tilakawardane, J.

Imam, J.

M.A.Sumanthiran with Viran Corea for Petitioner.

Faiz Musthapha, PC. With Anura Meddagoda and L.Perera instructed
by Varners for Petitioners.

Mohan Peiris, PC. AG with Sanjaya Rajaratnam, DSG. for 31st
respondent.

Nihal Sri Amarasekera, 22nd respondent appears in person.

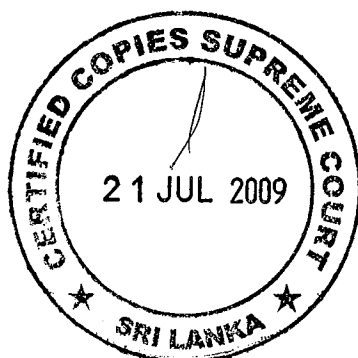
Romesh de Silva, PC with Harsha Amarasekera for 18th - 21st
Respondents.

Mr.Amarasekera informs Court that he has not received notices.

Notices have not been served on the respondents.

Mr.Mujsthapha PC. undertakes to serve notices on the respondents except the
AG.

Support on 03.08.09.



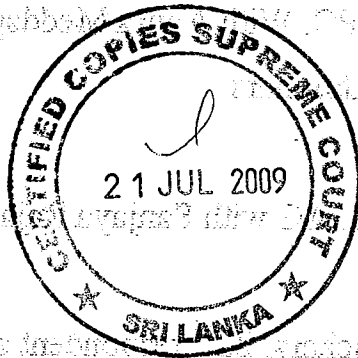
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I do hereby certify that the foregoing is a true copy of the Journal entry dated 14.07.09 filed of record in Supreme Court case No.SCFR.209/07.

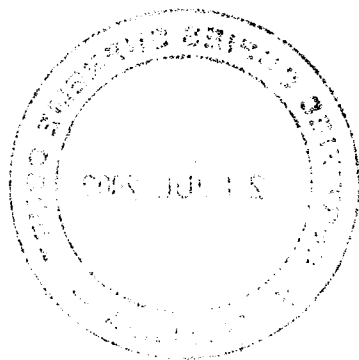
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W. A. PRIYANI S. PERERA
REGISTRAR 111
SUPREME COURT



(CR 193450)
21/07/2009



IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

S.C. (F/R) No. 209/07

In the matter of an application under
Article 126 of the Constitution of the
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Vasudeva Nanayakkara,

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Advisor to His Excellency the
President,

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Front,

No. 49 1/1, Vinayalankara Mawatha,
Colombo 10.

Vasudeva Nanayakkara, Petitioner

Vs.

1. K.N. Choksy, P.C., M.P. Former



Minister of Finance, 23/3, Sir Ernest

De Silva Mawatha, Colombo 7

And 30 others.

Respondents

S.C. (F/R) No. 209/2007

03.08.2009

BEFORE : J.A.N. DE SILVA, C.J.

Ms. S. TILAKAWARDANE.J &

SRIPAVAN.J

M.A. Sumanthiran for the original petitioner.

Faiz Musthapha, P.C., with Anura Meddegoda for
the 8th respondent-petitioner.

Mohan Peiris, P.C. A.G. appears in person.

Nihal Sri Amarasekera - 22nd respondent appears
in person.



Mr. Faiz Musthapha, P.C., states that he tendered amended petition on 29.7.2009 to the Registry and he says his information is that these papers have gone missing from the Registry. When he received that information, he submitted a fresh set of papers on 31.7.2009 which are identical.

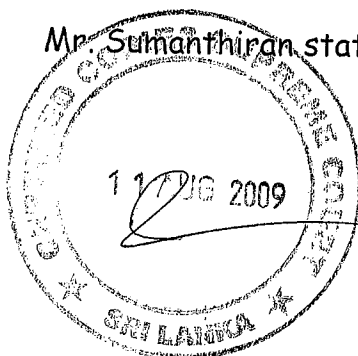
Mr. Sumanthiran states that he has not received any papers filed in the Registry. Mr. Amarasekera states that he intends objecting to the papers which he has not received.

The papers filed on 31.7.2009 have not got into the docket and the Judges' briefs.

Court directs the Registrar to send all these documents to H/L Chief Justice in order to constitute a Bench to hear this case.

Mr. Musthapha, P.C., states that he seeks permission to file an additional affidavit within 10 days from today which is of confidential nature.

Mr. Sumanthiran states that he will be objecting to all the documents.



Mention on 24.8.2009.

sgd.

I do hereby certify that the foregoing is a true copy of the journal entry dated 03.08.2009 filed of record in S.C. (F/R) No. 209/2007.

adren
Chief Clerk,

M. I. JADHEER BEHAM
Supreme Court
JUDICIAL REGISTRAR IN
SUPREME COURT

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07/8/09



03 SEP 2009

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

In the matter of an Application under Article
126 of the Constitution of the Democratic
Socialist Republic of Sri Lanka.

Vasudeva Nanayakka,

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1/1, Vinayalankara Mawatha, Colombo 10.

Petitioner.

S.C. F.R. Application

No. 209/2007

1. K. N. Choksy P.C., M.P.

Former Minister of Finance,

23/3, Sir Ernst De Silva Mawatha,

Colombo 7.

And 33 others.

Respondents.



24.08.2009

Before: J.A.N.de Silva, C.J.

Marsoof, J.

Balapatabendi, J.

M. A. Sumanthiran for the Original Petitioner.

Faiz Musthapha, PC with Anura Maddegoda and Lakdini Perera instructed Varners for the 8th Respondent-Petitioner.

22nd Respondent – Nihal Sri Amarasekera appears in person.

S.Fernando, DSG. for the AG.

Mr. Musthapha, PC. undertakes to hand over copies of the certified documents that were handed over to Court to Counsel for the Petitioner(original) and the 22nd respondent.

Mr. Musthapha, PC. states that he will be objecting to the petitioner and the respondents being given a hearing on this issue except the A.G.

Subject to that, Court directs that papers should be handed over to the petitioner and the 22nd respondent.

Mr. Musthapha, PC. tenders the said documents to the petitioner (original) and the 22nd respondent.

Hearing on 27.8.09 before a Bench of 5 Judges,

Sgd./...

27.8.2009

Before: J.A.N.de Silva, C.J.
Bandaranayake, J.
Marsoof, J.
Balapatabendi, J.
Sripavan, J.

M.A.Sumanthiran with Viran Corea for (Original)Petitioner.

Faiz Musthapha, PC. with Anura Maddegoda and L.Perera
for 8th Respondent-Petitioner.

Mohan Peris AG with S.Rajaratnam, DSG. and N.Pulle, SSC.
appears as amicus.

Nihal Sri Amarasekara, - 22nd respondent in person.

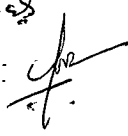
This case be taken up on 24./9.2009 before a Bench of 7 Judges.

(For Argument)

Sgd./.....

I do hereby certify that the foregoing is a true copy of the Journal entries dated
24.8.09 and 27.8.09 filed of record in Supreme Court Case No.SCFR.209/07.

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02/9/09


SECRETARY
SUPREME COURT