
**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

1. Centre for Policy Alternatives (Guarantee) Ltd,
No.24/2 28th Lane, Off Flower Road, Colombo 7.
2. Dr. Paikiasothy Saravanamuttu
No. 03, Ascot Avenue, Colombo 5.

Petitioners

SC (FR) Application No.23/2013

vs.

1. D. M. Jayaratne,
Prime Minister,
Prime Minister's Office,
58, Sir Ernest De Silva Mawatha, Colombo 07
2. Chamal Rajapakse,
Speaker of Parliament,
Parliament of Sri Lanka,
Sri Jayewardenepura Kotte
3. Ranil Wickremasinghe,
Leader of the Opposition,
115, 5th Lane, Colombo 3
4. A H M Azwer,
Member of Parliament,
4, Bhatiya Road, Dehiwala
5. D M Swaminathan,
Member of Parliament,
125, Rosmead Place, Colombo 07
6. Mohan Pieris,
President's Counsel,
3/144, Kynsey Road, Colombo 8
7. The Attorney General,
Attorney General's Department,
Hulftsdorp, Colombo 12

Respondents

TO: THE HONOURABLE CHIEF JUSTICE AND THEIR LORDSHIPS THE OTHER HONOURABLE JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

WHEREAS the instant application of seminal importance to the Independence of the Judiciary and the Rule of Law relates *inter alia* to the constitutionality and/or legality of the exercise by the 6th Respondent of the powers and functions of the office of the Chief Justice and includes amongst the reliefs respectfully sought, an interim order restraining the said 6th Respondent from purporting to act and function as such until the hearing and determination of this application;

AND WHEREAS the 6th Respondent now purports to exercise the powers and functions of Chief Justice;

AND WHEREAS in the aforesaid premises, Article 132 of the Constitution is now rendered unworkable and/or non-practicable;

AND WHEREAS in terms of Article 119 of the Constitution the Supreme Court means, stipulates and includes all the Judges of the Supreme Court, whilst it is permitted that in certain instances a divisional bench of Court hears and determines matters in terms of Article 132;

Article 132(2) states that 'the jurisdiction the Supreme Court MAY be exercised in different matters at the same time by the several Judges of that Court sitting apart...' (Emphasis added)

AND WHEREAS it has become necessary to move that the entirety of the Supreme Court (in terms of Article 119) hear and determine this matter;

I respectfully **MOVE** that the entirety of Your Lordships' Court be pleased to hear and determine this Application.

A copy of this motion has been sent by registered post to the Respondents and the registered post article receipts are appended hereto in proof thereof.

On this 28th day of January 2013

Attorney at Law for the Petitioners