

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

In the matter of an application under  
Article 140 of the Constitution for  
Mandates in the nature of Writs of  
***Certiorari***, and ***Mandamus***

1. Nagananda Kodituwakku  
99, Subadrarama  
Nugegoda

**Petitioner**

**Vs**

**CA (Writ) Application No: 434/2014**

1. Commissioner of Elections  
Elections Secretariat,  
P.O. Box 02, Sarana Mawatha,  
Rajagiriya, 10107

2. Susil Premajayanth  
General Secretary –UPFA  
307, T B Jayah Mawatha  
Colombo 10

3. Mohan Peiris  
The Chief Justice  
Supreme Court of Sri Lanka  
Hulftsdorp  
Colombo 11

4. Dr Shirani Bandaranayake  
The former Chief Justice  
Park Drive  
Rajagiriya

5. The Attorney General  
The Attorney General's Department  
Hulftsdorp  
Colombo 12

To: THE HONOURABLE PRESIDENT JUDGE AND THE OTHER HONOURABLE JUDGES OF  
THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

On this 19<sup>th</sup> of December 2014

Whereas the Registry informs the Petitioner that the Original Petition filed in Court in this case is 'not available in the file of Record

And whereas Acknowledgement Notice (No R/22 633436) of the Petition and the Affidavit was issued by the Customer Services Desk of the Registry after duly verifying the documents listed in the Motion filed in Court together with other connected paperwork, a copy of which is enclosed herewith marked **P8**

And whereas in response to a request by the Registry a Petition signed afresh by the Petitioner was duly handed over after having entered in the Motion Register Yesterday (18<sup>th</sup> December 2014)

And whereas the Court has now directed the Petition cannot be supported on the requested dates (17<sup>th</sup>, 18<sup>th</sup> or 19 Dec 2014) listed in the Motion and therefore a Motion with three more dates given be filed requesting to support the Petition, thereby effectively defeating the very objective of this Petition

And whereas the purpose of filing of this Petition would be defeated with the Court Vacation is due to commence today

And whereas the matter discussed in the Petition is of grave national importance that would affect the interests of all citizens of this Country whose judicial power is being exercised by the Judiciary in Trust

And whereas, the Petitioner verily believes that missing of the Original Petition is an act presumably committed by 'interested person/persons working in collusion with some individuals in the Court system to prevent the supporting of this Petition in Court and

thereby exposing the gross abuses of office by the 3<sup>rd</sup> Respondent who occupied the office of the Chief Justice of the Supreme Court under 'Oath' knowing fully well that taking of the said Oath of Office (undertaking to be faithful to the Constitution and Law) before the Executive President at a time when there was no vacancy in the office of the Chief Justice, would tantamount to violation of law, which reduces the Oath taken by the 3<sup>rd</sup> Respondent to being a FALSE OATH amounting to an act of PERJURY which makes any Judicial act performed by the 3<sup>rd</sup> Respondent *ab initio* void

And whereas, the citizens of this Country still entertain a glimpse of hope that the Court of Appeal, would defend and uphold the People Judicial power as required by the Constitution

Considering the urgency and National interest involved in this case that would be defeated unless the Petitioner is permitted to support this application forthwith, the Petitioner respectfully requests that this matter may be listed for support at a special sitting of this Court either today or on Wednesday the next, the 24<sup>th</sup> December 2014 or Friday 26<sup>th</sup> December 2014.

Petitioner further respectfully requests that as requested in the motion filed in Court on 16<sup>th</sup> December 2014 this matter may not be listed for support before a Bench comprising of Judges appointed to the Court of Appeal from the Attorney General Department for the reasons self-explanatory in the Petition.

**N. Kodituwakku**

  
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Attorney-at-Law & Commissioner for Oaths  
99, Subadrarama Rd, Nugegoda.

Attorney-at-Law and Petitioner in person