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**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, SaranaMawatha,  
Rajagiriya, 10107

2. SusilPremajayanth  
General Secretary -UPFA  
307, T B JayahMawatha  
Colombo 10

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

4. Dr ShiraniBandaranayake  
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 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 informed the Petitioner that the Original Petition filed in Court in this case is 'not available in the Court Records,

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

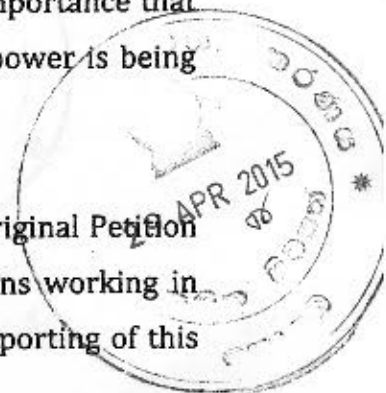
And Whereas in response to a request by the Registry a Petition signed afresh by the Petitioner was duly handed over after having entered same in the Motion Register Yesterday (18<sup>th</sup> December 2014)

And whereas the Court has now directed that 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 he should file a Motion with three more dates given, 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 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 disappearance of the Original Petition is a deliberate 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 Chief Justice of the Supreme Court under 'Oath' knowing fully well that taking of the said Oath of office (undertaking to be faithful) before the Executive President at a time when there was no vacancy in the office of the Chief Justice, would tantamount to a violation of law, which reduces the oath taken by the 3<sup>rd</sup> Respondent to be 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 to the constitution and Law

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

Considering that the urgency and the National interest involved in this case 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> Dec 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 self-explanatory reasons in the Petition.

*Hagan*

N. Kodituwakku

Attorney-at-Law and Petitioner in person

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



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19/12/2014

I do hereby certify that the foregoing is a true Photo Copy of the *motion defect* filed of record in case No. CA. *WRIT/434/2014* ✓

P.S. by: *[Signature]*

*[Signature]*  
F-635104 ✓  
22  
2015/04/28

*[Signature]*  
CHIEF CLERK OF THE COURT OF APPEAL.  
Chief Clerk of the Court of Appeal

