

14/03/2016

SC/Writs/05/2015

Before K Sripavan CJ &
Wanasundara PC I

N Kodituwakku, the Petitioner appear in Person
Geoffrey Alagaratnam PC, with Saliya Peiris for the Bar Association of Sri Lanka
Chandimal Mendis with Jasas de Silva for the 3rd and 13th Respondent
Indika Demuni De Silva Senior DSG with Mrs Avanthi Perera SSC for the AG

The Petitioner appears in person and moves to withdraw the averments in paragraph 42 of the affidavit filed in the Court on 26/11/2015. He has also filed affidavit dated 23/02/2016 confirming the withdrawal of the averments in paragraph 42 referred to above and the corresponding paragraphs contained in the Motion filed on 26/11/2015. Learned DSG submits that there are several other paragraphs including paragraph 44, which ridicule the Court and lowers it in estimation of the general public. It must be remembered that the Court derives its authority from the Constitution, which our people have adopted and given unto themselves.

The authority exercise by this Court is a sacred one and held in trust for the welfare and security of the people. The power the Judges are call upon to exercise is nothing less than the part of the Sovereignty of the people which had been delegated to the Court as their chosen instrument for this purpose. There can be no doubt that any attack on the integrity and the honesty on the Judges by the Petitioner on the basis of the claim made by the people will destroy the confidence of the people in Courts impair the Judicial Administration and bring the Administration of Justice into disrepute.

The attack against the Judiciary is therefore an insult offered to the authority of the people and their Constitution. It is therefore the duty of the Court to come to the defense of the Constitution and uphold the dignity of the Judiciary whenever an affront has been offered to it.

The vehemence of the language used both in the Motion and the Affidavit dated 26/11/2016 tends to bring the Judges and the Court into hatred and obstruct of the functioning of the Court to a great extent.

The Registrar is directed to forward the copies of the Motion and the Affidavit dated 26/11/2015 and the subsequent papers filed by the Petitioner together with these proceedings to the honorable Judges of the Supreme Court to consider whether the Petitioner as an Attorney at Law exceeded his privilege and had made unbecoming and deliberate aspersions on the Judges of this Court that calls for suspension of practice.

Counsel for the Petitioner moves to support the substantive application. Affidavit dated 26/11/2015
Substantive application is fixed for support on 21/03/2016. 21/03/2016

Support on consent on **21/03/2016**

(Approved by the Hon' Chief Justice)