

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

In the matter of an application in terms of Articles 17 and 126 of the Constitution for relief and redress in respect of the violations of the Fundamental Rights of the Petitioners guaranteed to them under Article 12 (1) and Article 14 (1) (g) of the Constitution.

1. Anil Prasanna Balalle, Attorney-at-Law, No. 162/7, Negombo Road, Kurunegala.
2. Ms. Kalpana Sujeewani Rajapakse, Attorney-at-Law, of No. 362, Pasala Para, Mahananneriya.
3. Ms. S.R.M. Kanchana M. Samradivakara, Attorney-at-Law, No. 47, Anamaduwa Road, Galgamuwa.
4. Uraj Dilshan Herath, Attorney-at-Law, No. 288/45A, Mahasen Mawatha, Negombo Road, Kurunegala.

Petitioners

SC FR Application No: 275/2015

Vs.

1. Galgamuwa Pradeshiya Sabha, Office of the Pradeshiya Sabha, Galgamuwa.
2. Hewa Katuwalage Wimalaratne, Former Chairman, Galgamuwa Pradeshiya Sabha, "Jayabima", Galgamuwa
3. Aloka Bandaralage Nimal Ratnayake, Secretary of the Galgamuwa Pradeshiya

Sabha, Office of the Pradeshiya Sabha,
Galgamuwa.

4. Mrs. Sandya L. Edirimuni, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Galgamuwa.
5. Mrs. Shashika Akuranage, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Galgamuwa.
6. Mrs. Tyroni Lakmali Premasiri, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Galgamuwa.
7. Mrs. Kanchana Hathurusinghe, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Galgamuwa.
8. Nihal Gamini Saman Kumara, Attorney-at-Law, Welilanda, Warawewa.
9. Himal Chandana Kahandawela, Attorney-at-Law, Sellamwatte, Galgamuwa.
10. Ms. Devika Subhasini, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Galgamuwa.
11. Jayatilake Tennekoon, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Polgahawela.
12. Udaya Rajapakse, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Maho.
13. Ms. Ridma Jayawickrema, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Ambanpola.

14. Ms. H.M. Sagarika Herath, Attorney-at-Law, Opposite Magistrate's Court, Anuradhapura Road, Galgamuwa.
15. Minister of Local Government of the Northern Western Province, Provincial Council Office Complex, Kurunegala.
16. Chief Secretary of the North-western Province, Provincial Council Office Complex, Kurunegala.
17. Chief Minister of the North-western Province, Provincial Council Office Complex, Kurunegala.
18. Commissioner of Local Government of the North-western Province, Provincial Council Office Complex, Kurunegala.
19. Hon. Attorney General,
Attorney General's Department,
Hulftsdorp,
Colombo 12

Respondents

<u>Before</u>	:	A.H.M.D. Nawaz, J. K. Priyantha Fernando, J. Sampath Abayakoon, J.
<u>Counsel</u>	:	Dr. S.F.A. Coorey with Sudarshani Coorey for the Petitioners. Pulasthi Hewamanna with Harini Jayawardhana and Fadhila Fairoze instructed by Sanjeewa Kaluarachchi for the 1 st – 3 rd and 3A Respondents.

Thishya Weragoda with Sanjaya Marambe, Chamodi Wijeweera and Nimesha Kodikara Arachchi instructed by Thamila Dinushi for the 4th – 7th and 14th Respondents.

Geeshan Rodrigo with Neminda Kariyawasam for the 8th – 13th Respondents

Sabrina Ahmed SSC for the 15th – 19th Respondents.

Argued on : 17.06.2025

Decided on : 26.08.2025

K. PRIYANTHA FERNANDO, J.

1. The Petitioners of this case are Attorneys-at-Law practicing the legal profession in the Magistrate's Court of *Galgamuwa* and other Courts. They allege that the Fundamental Rights guaranteed to them through Articles 12 (1), and 14 (1) (g) of the Constitution were violated by the Respondents. The 1st Respondent is a duly established *Pradeshiya Sabha* as per section 2 of the Pradeshiya Sabhas Act No.15 of 1987. The 2nd Respondent is the chairman of the 1st Respondent body corporate (who ceased to hold office in May 2015). The 3rd Respondent is the secretary of the 1st Respondent. The 4th – 14th Respondents are Attorneys-at-Law. This Court granted leave to proceed for the alleged violations of Articles 12 (1), and 14 (1) (g) of the Constitution.

The Petitioner's Version

2. The Petitioners submit that in 2008, owing to the shortage of accommodation for lawyers in *Galgamuwa*, the 1st Respondent *Sabha* proposed to construct a lawyers' office complex building in the land opposite the Magistrate's Court of *Galgamuwa*. It is their position that they reasonably expected to be able to obtain office accommodation in the said building.
3. The 1st Respondent has called for the lawyers practicing in *Galgamuwa* to apply in writing for reservation of office spaces in 2008. Some lawyers

had forwarded their applications at this stage yet, there has been no building plan or building allocation for the project. The 1st Respondent has then abandoned the project without notice to the applicants.

4. Afterwards, in or about 2013 the 1st Respondent *Sabha* has made arrangements to construct a multipurpose commercial building opposite the Magistrate's Court of *Galgamuwa*. Towards the conclusion of 2014, a portion (12 rooms) of the aforementioned building was being completed and the Petitioners had been expecting public notice by the 1st, 2nd and 3rd Respondents calling for applications to obtain office spaces in this building.
5. However, no such notice was published. Yet it is submitted that three rooms in the said building were allocated to the 4th Respondent, and one room each to the 5th, 6th and 7th Respondents.
6. On the 10th of March 2015, the 4th Respondent has brought a letter allegedly relating to a decision taken on 03.03.2015 by the 1st Respondent about the allocation of the aforementioned 12 rooms to lawyers. At the Magistrate's Court premises, she has shown this letter to certain lawyers and made them signatory to the fact that the letter was seen by them.
7. Having seen the aforementioned letter, some lawyers had informed the 1st Petitioner (President of the *Galgamuwa* Bar Association), who was unaware of such document, or any applications being called for such purposes. The fact that the aforementioned allocations were made on behalf of the 4th – 7th Respondents was also not known to him.
8. Following this, a meeting of the *Galgamuwa* Bar Association was called on 13.03.2015 to discuss this situation. Upon being inquired about the said letter, the 4th Respondent (Secretary of the *Galgamuwa* Bar Association) had stated that the said letter was given to her for her personal information and was regarding a decision taken at a meeting of a Committee of the 1st Respondent to allocate rooms in the building for a payment of Rs. 150,000 and a monthly rent of Rs. 2750. She has also mentioned that the first three rooms had already been allocated to her and that payments in that regard have been made. The 5th, 6th, and 7th Respondents have also mentioned the allocation of office spaces for them, for which they have made part payments.

9. Nearing the conclusion of the above meeting, the Registrar of the *Galgamuwa Magistrate's Court* had received a notice signed by the 2nd Respondent relating to this matter. The Petitioners submit that this was the first notice regarding this matter and that it stated that applications with regards to reservation of office spaces in the said building would be received until 31.03.2015. It, however, did not mention that 6 of the 12 rooms had already been allocated.
10. The Petitioners have then endeavoured to obtain applications from the 1st Respondent upon which they were advised that no application forms had been devised by the 1st Respondent and they were requested to devise an application form to apply.
11. The 1st, 3rd and 4th Petitioners have then devised applications for the allocation of rooms on the 26th of March 2015 and the 2nd Petitioner on the 27th of March 2015. The 1st, 3rd and 4th Petitioners were sent acknowledgment of their applications on the 26th itself and were told to make the payments as rooms would be allocated on the basis of priority of making the non-refundable payments. The 2nd Petitioner was informed that her application could only proceed if the lawyers who had applied did not make the payment in time. It is further submitted that the 5th, 6th, 7th and 14th Respondents had reserved spaces having only paid Rs. 50,000 of the Rs. 150,000 required.
12. The Petitioners also submit that the three rooms allocated to the 4th Respondent have been made without a wall separating them whereby alleging that the allocation of rooms to the 4th Respondent happened even before the construction of the building.
13. It is their position that the 4th – 7th Respondents have been arbitrarily, capriciously, and unreasonably allocated the best rooms in the multipurpose commercial building by the 1st, 2nd, and/or 3rd Respondents abovenamed without a public advertisement calling for applications for the said rooms, and without any notice to the public including the Petitioners and other lawyers, thereby violating their fundamental rights guaranteed under Articles 12 (1), and 14 (1) (g).

The Respondent's Version

14. The 3rd Respondent, denying the averments of the Petitioners state that in 2008, following the identification of a land and drawing up the

plans, an advertisement was published in the newspapers calling for interested lawyers to apply. The last day to submit a bid in this regard was the 20th November 2008. At this stage, only two lawyers have made bids, and they are identified as the 4th and 7th Respondents. It is submitted that informal requests were made to the members of the *Galgamuwa Bar Association* by the 1st and 2nd Respondents to reserve slots, yet no other member made such reservations.

15. It is stated that in 2010 owing to the lack of lawyer's interest, the 1st Respondent thought of constructing a shopping complex. There was no interest from the traders as well, whereby such plans too were abandoned.
16. Thereafter, on or about the 31st of January 2012, the 4th Respondent had requested the 2nd Respondent to grant her temporary office space in the building, which was granted upon the payment of six months' rent of Rs. 6840 as an advance payment.
17. In 2012, the Ministry of Provincial Councils and Local Government allocated the funds for a shopping complex to be constructed in this area. However, owing to the low demand for a shopping complex, the 1st Respondent decided to build a multipurpose complex in this land. On or about the 15th of October 2013, the 4th, 5th, 6th, and 7th Respondents requested the 2nd Respondent to grant them office space within the said building, for which the 4th Respondent made the necessary payments on her behalf. They maintain the same regarding the applications made by the Petitioners following the publication of proper notice.
18. The 4th, 5th, 6th, 7th, and 14th Respondents while denying the position of the Petitioner submitted that in 2008, the proposed office complex to be constructed by the 1st Respondent was advertised by the 1st Respondent by way of a public tender, which has been forwarded to this Court marked "4R1". They are of the position that upon calling for the aforementioned tenders, only the 4th and 7th Respondents forwarded their tenders and that as stated by the 1st, 2nd and 3rd Respondents, there was not much enthusiasm among the lawyers to apply for office spaces there.
19. They maintain the same about the change of plans concerning the purpose of the building as the 1st, 2nd and 3rd Respondents. They further submit that a hoarding was published by the 1st Respondent concerning

this building, stating that shop/office spaces could be obtained on a first come, first served basis. Evidence of the above hoarding has been forwarded to this Court marked "4R2".

20. The 4th Respondent, upon seeing the aforementioned hoarding inquired the 1st Respondent about obtaining office spaces and upon being informed that each space would be leased for Rs. 1,000,000 she has made a payment of Rs. 3,000,000 on 28.03.2014. The 5th, 6th, 7th, and 14th Respondents have not made payments owing to the high cost at this stage.

21. The 4th Respondent was informed by the 1st Respondent that the government has approved funds for the construction of a multipurpose building and that the key money she had paid would be refunded to her. The 5th, 6th, 7th, and 14th Respondents having inquired priorly about the possibility of obtaining spaces were then informed that they could reserve a space for Rs. 150,000, for which they have made requests for allocation.

22. Concerning the notice that was published on the 13th March 2013, it is the position of the 4th, 5th, 6th, 7th, and 14th Respondents that such is only a furthering of the advertisement already published in the form of a hoarding and marked as "4R2".

23. Therefore, they deny that they were given any preferential treatment by the 1st – 3rd Respondents and that it was due to their continuous inquiries about the allocation that they were able to make the reservations. They have then entered into lawful possession of the said units.

Alleged Violation of Fundamental Rights

24. The question of law to be addressed is whether the fundamental rights guaranteed to the Petitioners under Articles 12 (1), and 14 (1) (g) of the Constitution have been violated by the 1st – 3rd Respondents by not following proper procurement procedures in allocating the office spaces.

25. As per ***Velmurugu v. The Attorney General and Another [1981] 1 SLR 406***, the standard of proof that is required in cases filed under Article 126 of the Constitution for infringement of Fundamental Rights is proof by a preponderance of probabilities as in a civil case and not proof beyond reasonable doubt.

Further, in ***Gunawardene v. Perera and Others [1983] 1 SLR 305 at 313***, Soza J. held that:

“...It is generally accepted that within this standard there could be varying degrees of probability. The degree of probability required should be commensurate with the gravity of the allegation sought to be proved. This court when called upon to determine questions of infringement of fundamental rights will insist on a high degree of probability as for instance a court having to decide a question of fraud in a civil suit would. The conscience of the court must be satisfied that there has been an infringement.”

Alleged Violation of Article 12(1) of the Constitution

26. Article 12(1) of the Constitution provides:

“All persons are equal before the law and are entitled to the equal protection of the law.”

27. In the case of ***Ariyawansa and others v. The People's Bank and others [2006] 2 SLR 145 at 152*** Bandaranayake J. stated that,

“The concepts of negation of arbitrariness and unreasonableness are embodied in the right to equality as it has been decided that any action or law which is arbitrary or unreasonable violates equality.”

28. Dr. Jayampathy Wickremaratne in ***“Fundamental Rights of Sri Lanka 3rd Edn [2021]”*** at page 445 elaborates on the nature of equality in the context of fundamental rights as follows:

“Equal protection does not mean that all persons are to be treated alike in all circumstances. It means that persons who are similarly circumstanced must be similarly treated.”

29. When examining the jurisprudence in relation to the operation of Article 12 (1) of the Constitution, it is notable that its scope has significantly widened over the years. The case of **Wijerathna v. Sri Lanka Ports Authority [SC/FR/ 256/2017 S.C. Minutes of 11 December 2020]** captures this change as follows:

“...The concept of ‘equality’ was originally aimed at preventing discrimination based on or due to such immutable and acquired characteristics, which do not on their own make human being unequal. It is now well accepted that, the ‘right to equality’ covers a much wider area, aimed at preventing other ‘injustices’ too, that are recognized by law. Equality is now a right as opposed to a mere privilege or an entitlement, and in the context of Sri Lanka a ‘Fundamental Right’, conferred on the people by the Constitution, for the purpose of curing not only injustices taking the manifestation of discrimination, but a host of other maladies recognized by law. While all Fundamental Rights are of equal importance and value, the ‘right to equality’ reigns supreme, as it can be said that, all the other Fundamental Rights stem from the ‘right to equality’. The ability of human beings to live in contemporary society (as opposed to merely existing), and develop and reap the fruits of social, scientific, economic and political developments, is based on their ability to exercise fully the ‘right to equality’. Similarly, for human civilizations may they be national or international, to reap the full benefits of knowledge, skills, experience, talents and wisdom that people possess, people of such societies must enjoy the ‘right to equality’.”

30. It must also be noted that it is not necessary that discrimination in this regard be purposeful to hold the administrative or executive body liable for its violations. In the case of **Rienzie Perera and Another v. University Grants Commission [1980] 1 SLR 128** at 140 the following is noted.

“...Where a person is discriminated against as a result of executive action and denied equal privileges with others occupying the same position, it is not necessary for him to prove that in taking such action, the executive was actuated by a hostile or inimical intention against a particular person or class. Where the effect of such action is discriminatory, the fact that the dominant, purpose of the authority was not to discriminate is immaterial. The Court is not concerned with

the motive for such action; it is only concerned with its effect or impact on the citizen.”

31. Examining Article 12 (1) in the context of dealing with government property, the jurisprudence highlights the due process that ought to be followed in relation to procurement processes, and how every citizen has a reasonable expectation to be informed of matters of this sort. Transparency in process is of utmost importance in this endeavour. In the case of ***Environmental Foundation Limited v. Urban Development Authority of Sri Lanka and Others [2009] 1 SLR at 123*** citing Article 4 (d) of the Constitution, Sarath Silva, CJ emphasized the role and importance of government organs in upholding fundamental rights of the citizens. While the case related to somewhat different case facts and contentions, the following was stated of the arbitrary acts of the Urban Development Authority when dealing with state property.

“Since the transaction entered into and the publication constitute a purported exercise of power, the arbitrary refusal of information required by the Petitioner is an infringement of the petitioner’s fundamental rights guaranteed by Article 12(1) of the Constitution. In this instance I have to note that the conduct of the UDA is worse than being arbitrary in the light of the publications that alleged a “secret deal” in respect of the Galle Face Green and UDA’s bold notification that the agreement entered into was a very transparent transaction.”

32. Having examined how Article 12 (1) has been interpreted over time, I will now consider the facts of the instant case in relation to a possible violation of the same.
33. It is the position of the Respondents that the newspaper notice marked “4R1” and the hoarding marked “4R2” alongside the notice by the Registrar amounts to sufficient public notice in this regard. While it is possible to conclude that the newspaper notice marked “4R1” maybe sufficient notice, that was published in October of 2008 and at the time, there has been no building plan or building allocation for the project whereby that may be disregarded in this instance.
34. The pressing concern in this situation is whether the hoarding marked “4R2” amounts to sufficient notice and I am of the opinion that

such is not the case for it seems to be more of a poster for propaganda than a poster for notice as it doesn't mention applications or a deadline for applying.

35. The notice published at the Magistrates Court on 13.03.2015 which the Respondents contend to be a furthering of the original notice published by way of the hoarding is evidently contrary to due procurement process as it was published well after the space allocations were made for the 4th, 5th, 6th, and 7th Respondents. I observe that in the evidence forwarded in the form of receipt of payment marked "4R4" where the refundable payment of Rs. 150,000 was made by the 4th Respondent, the date is noted as 04.03.2015 affirming my conclusion above of notice being published well after certain allocations were already made.
36. I have also observed that the six rooms that were already allocated to the 4th – 7th Respondents are more strategically located, proximate to the *Kurunegala – Anuradhapura* main road. The Petitioners have contended that these first six rooms which they described as the "best" rooms being allocated without prior notice is a grave violation of due process. This position is further exacerbated by the fact that the allocation of these spaces for the 5th – 7th Respondents was done for the part payment of Rs. 50,000 instead of the required Rs. 150,000.
37. A part payment of Rs. 50,000 instead of the required Rs. 150,000 was made by the 14th Respondent on the 13th of March 2015 upon which space was allocated for her. Whereby although it may have been allocated after the publication of notice, it was still done for a partial payment of Rs. 50,000 instead of the required Rs. 150,000. As the 1st – 4th Petitioners were barred from occupying these spaces even if the full payment was to be made by them due to these allocations owing to part payments, I am of the opinion that due procurement process has not been followed.
38. I must also note that the 4th Respondent was not only allocated three rooms, but also was able to have no walls constructed between her three rooms, which raises the possibility that the agreements were arrived at prior to the construction of the premises itself. In the written submissions of the Petitioners, the following statement uttered by the 4th Respondent as noted in the minutes of the meeting held on 13.03.2015 is noted.

"ඒමෙන්ම ඉතිරි කාමර වලින් නීතිය වැන් මුදල ගෙවන පිළිවෙළට ඒවා බෙදාහැරීම සිදු කරන බවන් අයට දැනගන්නට ලැබුණු බවන් එය තමන්තේ පුද්ගලික දැනුමක් බවන් අනෙක් අයට දැනුවත් කිරීමට තම්බ යුතුකමක් නොමැත් බවන් තවදුරට කියා සිටියාය"

This seems almost similar to the "secret deal" discussed in the Judgment of **Environmental Foundation Limited v. Urban Development Authority of Sri Lanka and Others [2009] 1 SLR at 123.**

39. Having considered the above circumstances, I am of the view that the Petitioners of the case who were similarly circumstanced as the 4th – 7th and 14th Respondents have been treated unequally owing to the arbitrary acts of the 1st – 3rd Respondents, not giving due regard to the due procurement processes. Thereby, I am of the opinion that the fundamental rights guaranteed under Article 12 (1) to the Petitioners were violated by the 1st – 3rd Respondents in acting arbitrarily, lacking due process or transparency in dealing with public property.

Alleged violation of Article 14 (1) (g) of the Constitution

40. Article 14 (1) (g) of the Constitution provides for the following:

"The freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business, or enterprise."

41. The Petitioners, in this regard, cited the following from the Judgment of **Elmore Perera v. Major Montague Jayawickrama, [1985] 1 SLR 285** in their written submissions.

"The right of the petitioner to carry on the occupation of surveyor is not, in any manner affected by his compulsory retirement from government service. The right to pursue a profession or to carry on an occupation is not the same thing as the right to work in a particular post under a contract of employment. If the services of a worker are terminated wrongfully it will be open to him to pursue his rights and remedies in proper proceedings in a competent court or tribunal. But the discontinuance of his job or employment in which he is for the time being engaged does not by itself infringe his fundamental right to carry on an occupation or profession which is guaranteed by Art 14(1)(g) of the Constitution. It is not possible to say that the right of the petitioner to carry on an occupation has, in this case been violated. It would be open to him, though undoubtedly it will not be easy, to find other

avenues of employment as a surveyor. Art 14(1)(g) recognizes a general right in every citizen to do work of a particular kind and of his choice. It does not confer the right to hold a particular job or to occupy a particular post of one's choice. The compulsory retirement complained of may, at the highest, affect his particular employment, but it does not affect his right to work as a surveyor. The case would have been different if he had been struck off the roll of his profession or occupation and thus disabled from practicing his profession."

42. Dr. Jayampathy Wickremaratne in "**Fundamental Rights of Sri Lanka 3rd Edn [2021]**" at page 943 expands on the nature of the Article 14 (1) (g) as follows:

"This freedom is subject to wide restrictions. Like any other freedom guaranteed by Article 14, it can be restricted, as provided for by Article 15 (7), by statute or emergency regulations."

43. Thereby, it is their contention that the Petitioners were deprived of their freedom to engage in their profession as lawyers in the Magistrate's Court of Galgamuwa as their offices at the time were only temporary arrangements held on leases. It is their position that they would be able to better engage in their occupation if they were able to move into better and more permanent offices.

44. In these circumstances, I observe the following. The initial reasoning for the construction of the complex was to accommodate lawyers' offices which makes it evident that there was a shortage of such spaces. The building is also located opposite the Magistrate's Court of Galgamuwa whereby it becomes a very strategic location for lawyers. Further, the offices that were already reserved by the 4th – 7th Respondents are the most strategically located of the 12 spaces, for which, the Petitioners were not awarded a fair opportunity to apply for.

45. However, none of these predicaments take away from the Petitioners, the freedom to engage in their occupation, it merely inconveniences them. It would be quite irrational to hold that the freedom to engage in their occupation is taken away merely because they were not allocated rooms in a government building to host their office spaces in.

46. Therefore, I am of the opinion that the Article 14 (1) (g) right for freedom to engage by themselves or in association with others in any lawful occupation, profession, trade, business, or enterprise has not

been violated by the 1st – 3rd Respondents in the instant case against the Petitioners.

Executive or Administrative Action

47. As stated in ***Gunawardene v. Perera and Others [1983] 1 SLR 305***, to establish a violation of fundamental rights, alongside the violation, it is mandated that the alleged violation take place at the instigation of, or with the consent or acquiescence of, public officer or other person acting in an official capacity, and the jurisprudence is straight forward on this matter.

48. *Dr. Jayampathy Wickremaratne* in "**Fundamental Rights of Sri Lanka 3rd Edn [2021]**" at page 345 summarises the opinion of Sharvananda J. in ***Velmurugu v. the Attorney-General and another [1981] 1 SLR 406*** as follows:

"Where the state has endowed an officer with coercive power, his exercise of its power, whether in conformity with or in disregard of fundamental rights, constitute 'executive action'."

49. In the instant case, the Pradeshiya Sabha of Galgamuwa, by virtue of being an organ of the states, evidently falls within the scope of this requirement, whereby the actions of the 1st – 3rd Respondents as a body incorporated and as officers acting on behalf of the government fall within executive and administrative actions for the purposes of this application.

Declarations and Compensation

50. In the above premise, I declare that the fundamental rights that have been guaranteed to the petitioners under Articles 12 (1) of the Constitution was violated by 1st – 3rd Respondents.

51. As per Article 126(4) of the Constitution, the Supreme Court is empowered to grant such relief as it may deem just and equitable in the circumstances in respect of any petition referred to it under Article 126(2). Therefore, in the circumstances of this case, considering the injustice, the discomfort and the losses that were suffered by the Petitioners due to the arbitrary acts of the Respondents, I order that the contracts entered into between the 1st Respondent and the 4th – 7th and

14th Respondents in respect of the multipurpose commercial building in question be quashed and set aside and any non-refundable deposits of money made under such contracts be returned. I further order that compensation of Rs. 10,000 (ten thousand Rupees) be paid to each Petitioner by the 1st Respondent, within three months from the date of this Judgment.

52. Further, I direct the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) to investigate into the failure of the 1st – 3rd Respondents to follow the due procurement process when they were leasing out the allocated rooms to the 4th - 7th and 14th Respondents.

Application is Allowed

JUDGE OF THE SUPREME COURT

JUSTICE A.H.M.D. NAWAZ

I AGREE

JUDGE OF THE SUPREME COURT

JUSTICE SAMPATH B. ABAYAKOON

I AGREE

JUDGE OF THE SUPREME COURT