

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

In the matter of an application under Article  
126(2) of the Constitution.

E.K.A.Kusumawathie of Neelapola,  
Dehiwatta, Presently at Ambalantota in the  
Hambantota District.

S.C.Application  
No. 82/86.

Petitioner

-Vs-

1. The Attorney-General of the Democratic Socialist Republic of Sri Lanka.
2. The Inspector General of Police, Police Headquarters, Colombo 1.
3. Officer-in-Charge, Ambalantota Police Station, Ambalantota.
4. Dr. P.M.B.Cyril, District Minister of Hambantota and Member of Parliament.
5. Mr. D.D.Herath, Government Agent of Hambantota.
6. Mr. K.Austin Fernando, Commissioner of Rehabilitation, 2210, Youk Street, Colombo 1.
7. Mr. Danapala, former O.I.C., Police Station, Ambalantota, C/o. I.G.P., Police Headquarters, Colombo 1.



Respondents

Before : Wanasundera, J.,  
Seneviratne, J. &  
H.A.G.de Silva, J.

Counsel : Dr. Colvin R.de Silva, Senaka Weeraratne,  
W.P.Gunatilaka, Sarath Wijesinghe and  
Miss. Chamantha Weerakoon for Petitioner.

Rohan Jayatileke, D.S.G., with Kantilal Kumarasiri, S.C.,  
for the Respondents.

Argued on: 05.02.1986 & 09.02.86

S.C. Application 82/86

Decided on: 09.02.1986

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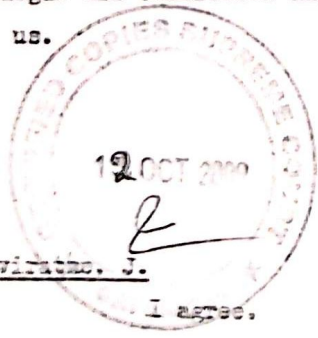
Wanasundera, J.

We have perused the material that has been placed before us and heard the submissions of both Counsel. We are of the view that the petitioner is entitled to come before this Court in terms of Article 126 of the Constitution as there was an imminent infringement of her Fundamental rights enshrined in Article 14(1)(h) of the Constitution by executive or administrative action. Mr. Jayatilake, D.S.G. has very rightly conceded this position. We also declare that the petitioner and every citizen in this country is entitled to the freedom of movement and of choosing his or her residence within Sri Lanka and that this fundamental right is guaranteed by the Constitution.

Having regard to our determination, we award the petitioner compensation in a sum of Rs. 7,500/- payable by the State to the petitioner for the wrongful acts of the respondents who were acting for and on behalf of the Government.

The petitioner is entitled to costs which we fix at Rs. 150/-.

We also express our appreciation of Dr. Silva and his junior Counsel for appearing pro deo for the petitioner at the instance of the Legal Aid Commission and thank all Counsel for the assistance they gave us.



Seneviratne, J.  
I agree.

*Wanasundera*  
Judge of the Supreme Court.

CERTIFIED TRUE COPY

*Seneviratne*  
Judge of the Supreme Court.

*Seneviratne*  
JUDGE OF THE SUPREME COURT