

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.

Arrued on: 05.02.1986 & 09.02.86

S.C.Application 82/86

Decided on: 09.02.1986

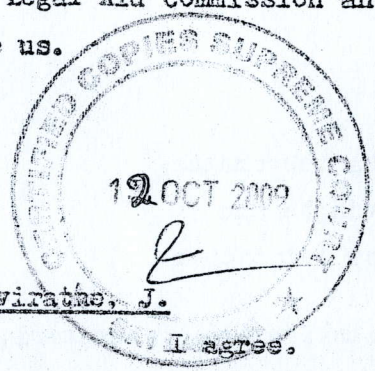
Wanasundera, J.

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.

R. Wanasundera
 Judge of the Supreme Court.

Seneviratne
 Judge of the Supreme Court.

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Allen
 JUDICIAL REGISTRAR II
 SUPREME COURT