

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

In the matter of an application under Article 126 of the Constitution of the
Democratic Socialist Republic of Sri Lanka

FR Application No. 563 and FR Application No. 564

David Mathews, 18/35, Bowala Road,
Mulgampola.

Petitioner

and

Ajith Kumara Welgedera, 47, Heerassagala
Watta, Nanuoya, Pilimatalawa

Petitioner

Vs

1. Inspector General of Police, Police
Headquarters, Colombo
 2. Saliya C. de Silva, Headquarters Inspector
of Police, Police Station, Kandy
 3. H.M.T.B. Herath, Sub Inspector of Police,
Police Station, Kandy
 4. W.M.K.A. Gunasekera, Inspector of Police,
Counter Subversive Unit, Police Station,
Kandy
 5. The Attorney General, Attorney General's
Department, Colombo
- Respondents

BEFORE: Fernando J, Amerasinghe J and Wijetunga J.

COUNSEL: J. Joseph with Thusitha Gamage for petitioners

Nihal Jayasinghe DSG for respondents

ARGUED ON: 09.07.96

DECIDED ON: 27.09.96

Wijetunga J.

In these two applications, leave to proceed has been granted in respect of the alleged infringement of Article 13(1) and 13(2).

When the applications were taken up for hearing (together with the connected applications 550/95 and 567/95) Learned Deputy Solicitor General for the respondents were properly connected that the arrest and detention of the petitioners in each of these applications cannot be justified on the material furnished to this Court.

Counsel for the petitioners as well as the respondents agreed that the payment of a sum of Rs. 10,000/- as costs to the petitioner in each application would meet the ends of justice. We consider this to be reasonable.

Accordingly, we hold that the petitioners' fundamental rights under Articles 13(1) and 13 (2) in each of the applications have been infringed and direct the State to pay each petitioner a sum of Rs. 10,000/- as costs.

JUDGE OF THE SUPREME COURT

Fernando J.

I agree

JUDGE OF THE SUPREME COURT

Amerasinghe J.

I agree

JUDGE OF THE SUPREME COURT