

1963 Present : Tambiah, J., and Sri Skanda Rajah, J.

A. C. M. HANIFFA, Applicant, and THE CHAIRMAN, URBAN COUNCIL, NAWALAPITIYA, Respondent

S. C. 315/63—*Application for a writ of Mandamus on the Chairman, Urban Council, Nawalapitiya*

Mandamus—Necessary parties—Requirement of stating name of an individual person as respondent.

A *mandamus* can only issue against a natural person, who holds a public office. Accordingly, in an application for a writ of *mandamus* against the Chairman of an Urban Council, the petitioner must name the individual person against whom the writ can be issued.

APPPLICATION for a writ of *mandamus*.

H. Mohideen, for Applicant.

G. T. Samerawickreme, for Respondent.

December 20, 1963. TAMBIAH, J.—

In this application the petitioner has made the Chairman, Urban Council, Nawalapitiya, the respondent. The petitioner should have named the person against whom a Writ of Mandamus can be issued. The Chairman, Urban Council, Nawalapitiya, is not a juristic person. The Privy Council has pointed out that the juristic person must be created specially by statute (62 N. L. R. 169, 174, and at 182-183 ; 65 N. L. R. 253). Even if the Chairman, Urban Council, Nawalapitiya, was a juristic person I fail to see how we can issue a Mandamus on a juristic person. A Mandamus can only issue against a natural person, who holds a public office. If such a person fails to perform a duty after he has been ordered by Court, he can be punished for contempt of Court. Therefore the contention of Counsel for respondent must prevail. The application is dismissed with costs fixed at Rs. 157.50.

SRI SKANDA RAJAH, J.—I agree.

Application dismissed.