1959 *Present :* **Sinnetamby, J.**

D. W. WIJESURIYA *et al.*, Petitioners, *and* S. K. MOONESINGHE (Chairman, Panadura Urban Council), Respondent

S. C. 150–153 of 1959—In the matter of Applications for Writs in the nature of Writs of Mandamus

Mandamus—Public officer performing administrative or ministerial functions—Duty to exercise discretion according to law—Rules for exercising such discretion—Urban Council—Conduct of business at meetings—Notice of motion given by member—Wrongful refusal by Chairman to place it on agenda paper—Remedy of member—Local Authorities (Standard By-laws) Act, No. 6 of 1952, By-laws 2 (b), 10 (b), 10 (c), 12.

A public officer should not act arbitrarily or capriciously even where an administrative or ministerial, as distinct from a judicial or quasi-judicial, power is vested in him. He has to exercise his discretion according to law and a writ of *mandamus* will lie if the applicant establishes either that the public officer "did not exercise any discretion in the particular case or that he did exercise it upon some wrong principle of law or that he had been influenced by extraneous considerations which he ought not to have taken into account".

By-law 10(c) embodied in the Local Authorities (Standard By-laws) Act No. 6 of 1952 and governing the conduct of business by an Urban Council is in the following terms :—

"Before any notice of motion is placed on the agenda paper it shall be submitted to the Chairman who *if he be of opinion* that it is out of order, shall order that such motion shall not be included in the agenda and shall cause the giver of the notice to be so informed."

Held, that a writ of *mandamus* would lie against the Chairman if, by an improper exercise of the discretion vested in him, he rules a motion out of order. To decide whether the Chairman acted properly in ruling that a particular motion was "out of order" it is necessary to examine the reasons given by the Chairman for doing so. The respondent to an application for any of the prerogative Writs would be well advised to give such reasons by affidavit as otherwise he runs the risk of having the Writ allowed against him.

Held further, that By-law 2 (*b*) enabling a motion to be introduced with the permission of the Council does not provide an alternative remedy which can be said to be equally convenient, beneficial and effectual as *mandamus*.

APPLICATIONS for writs of *mandamus* against the Chairman of the Urban Council, Panadura.

Colvin R. de Silva, with *P. K. Liyanage* and *V. Karalasingham*, for Petitioners.

M. M. Kumarakulasingham, for Respondent.

Cur. adv. vult.

June 30, 1959. SINNETAMBY, J.—

Each of the applications 150 to 153 is an application for a mandate in the nature of a writ of mandamus preferred by a member of the Panadura Urban Council to which the Chairman is made Respondent.

In each application the member complains that the Chairman unlawfully and unreasonably failed to place on the agenda certain motions of which he had given due notice. He complains that the Chairman had denied him the right to have his motions discussed at a meeting of the Council and asks for a writ to compel the Chairman to place the motions on the agenda at the monthly meeting of the Council next following the order of this Court.

At the hearing Counsel agreed that all the applications should be taken up together and argument was consequently heard on those questions which were common to all. Thereafter, the motions detailed in each application were dealt with separately. I propose to follow a similar procedure.

The recent history of the Panadura Urban Council, as appearing in the affidavits filed, is that the Chairman in conducting the business of the Council is confronted with a majority of members opposed to him. The opposition had previously brought a motion of No-Confidence on the Chairman and moved a resolution to remove the Chairman from office in terms of Section 34(a) of the Urban Councils Ordinance. Although 4 voted in favour of the resolution and three against it, the requisite 2/3 majority was not obtained and the motion was not given effect to. It appears that, thereafter, there has been constant friction between the Chairman and those supporting him on the one side and the opposition consisting of the petitioners to these applications on the other. The members of the opposition gave notice of the motions which form the subject matter of these applications but the Chairman ruled them " out of order " and refused to let them appear on the agenda. He purported to do so under the rules governing the conduct of business by an Urban Council embodied in the Local Authorities (Standard By-laws) Act No. 6 of 1952. It is admitted that the by-laws enacted in this Act are applicable to the Urban Council of Panadura.

By-law 10 of the Standard By-laws embodied in this Act deals with motions and provides that every notice of a motion shall be given in writing and must be in the hands of the Secretary 7 days before the meeting of the Council if it is to be included in the agenda.

By-law 10(b) provides *inter alia* that all notices of motions shall be entered by the Secretary upon the agenda in the order in which they are received.

By-law 10(c) under which the Chairman in these cases purported to act is in the following terms :—

> " Before any notice of motion is placed on the agenda paper it shall be submitted to the Chairman who, *if he be of opinion* that it is out of order, shall order that such motion shall not be included in the agenda and shall cause the giver of the notice to be so informed. "

The Chairman in pursuance of the powers vested in him by this by-law ruled the motions submitted to the Secretary by the applicants in these cases out of order and informed them accordingly.

The first question that arises for consideration is whether a writ of mandamus lies against the Chairman who purports to act in terms of this by-law. It was contended on behalf of the respondent that an absolute discretion is vested in the Chairman and if he rules a motion out of order he does so in the exercise of that discretion and therefore, is not amenable to a Writ of Mandamus. It is undoubtedly correct to say that the act which the Chairman was called upon to perform by this provision is an administrative act as opposed to an act of a judicial or quasi-judicial nature. It is " ministerial " in character and if the act is honestly performed it must be conceded that the writ will not lie provided also that certain other requirements have been observed.

Similar provisions appear under the Town Councils Ordinance and the Municipal Councils Ordinance and the right of a party to seek the intervention of the Courts on an improper exercise of the discretion vested in the Chairman or Mayor has not been doubted. *Vide A. E. Goonesinghe v. The Mayor of Colombo* [1], *B. N. Cooray v. C. T. Grero* [2] and *Samaraweera v. Balasuriya* [3].

I think it is now clearly established that even where a ministerial power is vested in a public officer he cannot act arbitrarily or capriciously. He has to exercise his discretion according to law and a writ of mandamus will lie if the applicant establishes either that the public officer " did not exercise any discretion in the particular case or that he did exercise it upon some wrong principle of law or that he had been influenced by extraneous considerations which he ought not to have taken into account "—per Avory, J. in *Rex v. Registrar of Companies* [4]. Where, however, none of these defects can be established, the Court will not interfere by Mandamus if the officer honestly exercised his judgment and came to what may be regarded as an erroneous decision either on the facts or on the law. In such an event, his reasons for so deciding cannot be reviewed. *Allcpoft v. Lord Bishop of London* [5], also *Rex v. Monmouthshire Justices Ex. p. Neville* [6]. If the discretion has been exercised fairly and any

[1] *(1944) 46 N. L. R. 85*
[2] *(1954) 56 N. L. R. 87.*
[3] *(1955) 58 N. L. R. 118*
[4] *(1912) 3 K.B. 34.*
[5] *1891 Appeal Cases, House of Lords, 666.*
[6] *109 L. T. 788.*

reason which is not a legal one has not been taken into account, then the writ of mandamus will not lie—per Lord Esher in *Queen v. Vestry of St. Pancras*[1]. In the same case, Lord Esher continued as follows:—

> " If people who have to exercise a public duty by exercising their discretion take into account matters which the Court considers not to be proper for the guidance of their discretion then in the eye of the law they have not exercised their discretion. "

This principle was reiterated by the Privy Council in the recent case of *Ross-Clunis v. Papadopoullos and others*[2]. In that case a public officer was given the power to make certain orders if he satisfied himself that a particular state of affairs existed. It was held that the only duty cast on the public officer was to satisfy himself of the existence of the state of affairs in question and that the test to be applied was a subjective one: nevertheless, the Court would interfere if it could be shown that there were no grounds on which the public officer could so satisfy himself; in which event the Court might infer either that he did not honestly form that view, or that in forming it he could not have applied his mind to the relevant facts.

The questions that arise for decision in this case are whether in ruling the motions " out of order " the Chairman exercised his discretion honestly and fairly, or whether he had exercised it upon a wrong principle of law or had been influenced by extraneous considerations.

In considering the power of the Chairman under Section 10(c) of the Local Authorities (Standard By-laws) Act No. 6 of 1952, it is necessary to ascertain the meaning of the term " out of order ". No attempt has been made, so far as the researches of the learned Counsel in the case and my own efforts go, to judicially interpret this expression. De Kretser, J. was confronted with this same difficulty in *Goonesinghe v. Mayor of Colombo* (*supra*) but he did not attempt to define the expression. While it would be extremely difficult to give a comprehensive definition to the expression it is quite easy in certain cases to say whether a particular motion is " out of order " or not, for instance, notices of motions which do not comply with the requirements laid down in the Local Authorities (Standard By-laws) Act No. 6 of 1952, would obviously be not in order; likewise a motion would be out of order if for instance it is couched in improper language or if it is unintelligible or if it is unlawful or illegal. To decide the question of whether the Chairman acted properly in ruling the motions in question " out of order " it is necessary to examine the reasons given by the Chairman for doing so.

The Respondent to an application for any of the prerogative writs would be well advised to give reasons as otherwise he runs the risk

[1] *Law Reports, Q.B.D. (1890) Vol. 24, 371 at p. 375.*
[2] *1958 2 A.E.R. 23.*

of having the writ allowed against him. Even where discretion is left in a public officer it must be shown that he was not acting arbitrarily in exercising the discretion. Sufficient grounds for its exercise in a particular way must be shown to exist even though upon the material disclosed a Court may consider that an erroneous decision had been reached. That is a condition precedent to the exercise of the power. Vide the observations of Lord Racliffe in *Nakkuda Ali v. Jayaratne*[1], also *Sugathadasa v. Minister of Local Government*[2] and *Ross-Clunis v. Papadopoullos* (*supra*).

In the present case, the Chairman has given his reasons for ruling the motions out of order. Certain motions have been ruled out of order by the Chairman on the ground that they infringe the 6 months rule embodied in Rule 12 of the Standard By-laws Act which is as follows :—

> " A motion which has been withdrawn may be moved again at any subsequent meeting ; but no motion shall be proposed which is the same in substance as any motion which within the period of 6 months referred to in by-law 10(*c*) shall have been resolved in the affirmative or negative. "

In regard to whether 6 months has elapsed no two views are possible and when the Chairman rules a motion out of order on this ground and it is shown that the 6 months has elapsed it must be taken that the Chairman has acted arbitrarily or capriciously. Certain other motions have been ruled out of order on the ground that they are the " same in substance " as a previous motion which has been moved within the period of 6 months. Here a discretion is vested in the Chairman to decide whether it is the " same in substance " and his exercise of the discretion will not be interfered with unless it is shown that he has not exercised his discretion at all within the meaning of Lord Esher's dictum or unless it is shown that he has not acted honestly or has acted on a wrong principle of law or has been influenced by extraneous considerations.

Another defence taken by the Respondent is that there was an alternative remedy available to the petitioners in this case and that they could have moved these very same motions under by-law 2(*b*) of the Standard By-laws. It was urged that, in as much as this alternative remedy was available, a Court would not grant the remedy by way of Mandamus. By-law 2(*b*) of the Standard By-laws is to the following effect :—

> " No business shall be brought before or transacted at any meeting, ordinary or special, other than the business specified in the notice of the meeting, without the permission of the Council. ".

In *Goonesinghe v. The Mayor of Colombo* (*supra*) de Kretser, J. took the view that a resolution which was ruled out of order did not give the applicant a right to ask for mandamus on the ground that Section 85 of the Municipal Councils Ordinance enabled the petitioner to bring up the

[1](*1950*)*51 N. L. R. 457.* [2](*1958*) *59 N. L. R. 475.*

motion in Council despite the fact that it does not appear on the agenda. Section 80 does enable matters that do not appear on the agenda to be considered. In *B. N. Cooray v. C. T. Grero* (*supra*) Swan, J. followed the opinion expressed by de Kretser, J. in regard to the alternative remedy in an application of a similar nature brought against the Chairman of the Municipal Council. In an application for a Writ against the Chairman of the Urban Council, Matara, Sansoni, J. in *Samaraweera v. Balasuriya* (*supra*) took the view that a by-law in the identical terms of 2(*b*) was not an alternative remedy for he said it is no remedy at all unless the petitioner obtains the permission of the Council. For a remedy to be regarded as alternative it should be equally convenient, beneficial and effectual. I agree with the views expressed by Sansoni, J. In respect of a resolution which is not out of order a member has a right, even if the majority of the other members of the council are against it, to have it discussed and decided at a meeting of the Council but under rule 2(*b*) he cannot even move it unless the majority permit him to do so. It is, therefore, not the same remedy that is available to him.

I shall now proceed to deal with each of the applications in turn.

In application No. 150, the applicant is one D. W. Wijesuriya and the motions of which he gave notice on 26th February, 1959, to be placed on the agenda on 9th March, 1959, are as follows :—

(*a*) In view of the fact that this Council is of the opinion that the water-seal latrines of the working class houses under the Wekada Housing Scheme have not been properly built, thereby endangering the health of the occupants of the houses as well as the residents of the neighbourhood, this Council calls upon the Medical Officer of Health to inspect the said water-seal latrines and submit a report to the Council.

(*b*) This Council views with great concern the present unsatisfactory arrangement to collect night soil by the Horana Trunk Road near the Public Bus Stand and authorises the Vice-Chairman to take such steps as are necessary under Section 36 (*a*) of the Land Acquisition Act to acquire the former site where night soil was collected, in consultation with the Member of Parliament of the area, as the Chairman has failed to take necessary action in the matter.

(*c*) In view of the fact that the Chairman has failed to implement an earlier decision of Council to provide scavenging carts to ensure the quick removal of refuse from the streets, this Council resolves to set apart a sum of Rs. 2,000 for the purchase of five scavenging carts.

(*d*) This Council resolves to set apart a sum of Rs. 2,000 towards the preliminary expenses in connection with the widening of the approach road (Debichchiya Road) to the Railway Line through the Main Street.

(*e*) As the existing road from the Beef Market to the Railway Bridge is very narrow at certain points, this Council resolves to obtain a lease of the necessary land from the Railway Authorities to widen the said Road.

(*f*) In view of the fact that a number of land owners have given their consent to allow the running of a road through their lands, connecting the Main Street with the Galle Road from the Station Junction, this Council resolves to acquire such land by private treaty according to Government valuation and the rest of the land required to be acquired under the Land Acquisition Act.

(*g*) In view of the fact that the Chairman has forfeited the confidence of the majority of the members of this council, and as the rate-payers cannot expect him to be of any service to them, this Council is of the opinion that it should not provide the Chairman with a telephone this year and resolves to inform the Telecommunication Department the decision of the Council not to renew the agreement to provide a telephone to the Chairman's bungalow.

In regard to resolution (*a*) the Chairman gives three grounds for ruling the motion out of order. The first ground is that a similar resolution was moved at a meeting held on 8th September, 1958, and lost. The resolution of 8th September, 1958, was merely a request to the Medical Officer of Health to assist in health matters and to investigate and report whether the Housing Scheme buildings complied with the requirements of the Housing and Town Improvements Ordinance. Resolution (*a*) deals with something entirely different, namely, a request to inspect and report on the water-sealed latrines which, it is contended, has not been properly built. Furthermore, it is open to a member to re-introduce a resolution which though in substance is the same does not offend the 6 months rule. The second ground of objection is that in view of another resolution passed in February, 1959, this resolution is superfluous. The third ground is that no complaints have been received by the Chairman. These, it seems to me, are good grounds on which the Chairman may oppose the acceptance of this resolution by the Council and not grounds for ruling it out of order. Resolution (*a*) must therefore be placed upon the agenda at the next meeting of the Council.

Resolution (*b*) calls upon and authorises the Vice-Chairman to take steps under Section 38 (*a*) of the Land Acquisition Act. The Vice-Chairman has no power to act under the Land Acquisition Act and it is the Minister that should do so nor is it within the power of the Vice-Chairman to implement any decision of the Council. The Respondent in his affidavit says that no powers had been delegated to the Vice-Chairman under Section 35 (2) of the Act. In these circumstances, the resolution being against the law the Chairman rightly ruled it out of order.

Resolution (*c*) relates to appropriation of a certain sum of money for the purpose of purchasing scavenging carts. The Chairman ruled it out of order as it offended the six months rule. The resolution of December 1958 is to construct hand carts. The two are therefore not the same in substance and no two views are possible on that question. It must, therefore be taken that the Chairman either did not exercise his discretion or exercised it on a wrong principle. The motion, therefore, should have been placed on the agenda.

In regard to Resolution (*d*) the Chairman has ruled it out on the ground that no decision had been taken by the Council to widen the said road. This, it seems to me, to be the ground upon which the Chairman could have honestly exercised his discretion and he is entitled to rule it out of order.

In regard to Resolution (*e*) the Chairman took the view that in the resolution of the 8th December, 1958, the petitioner moved a resolution similar in substance to it and that the motion contravenes Section 12 of the By-laws Act. I reproduce the resolution of 8th December, 1958, which is as follows :—

> " This Council resolves to obtain a lease from the Ceylon Government Railway of the land necessary to widen the narrow spots on the road leading by the meat stalls up to the bridge according to a plan prepared for such purpose and also to set apart the money necessary for such lease in the budget estimates of 1959. "

It cannot be said that the Chairman did not honestly and properly exercise his discretion in regard to it. His order will accordingly stand.

In regard to Resolution (*f*) the Chairman ruled it out on the ground that on 17th November, 1958, a resolution similar in substance was passed and it, therefore, contravened Section 12 of the Act. The resolution is as follows :—

> " This Council resolves to acquire from the Landowners the road starting opposite Railway Station Road and leading up to the land where the Kovil stands, and improve the same ".

It cannot be said that the two are not similar in substance and it seems to me that the Chairman was entitled to rule it out.

In regard to Resolution (*g*) the Chairman states that this motion was intended to humiliate, harass or annoy him. He also says that provision had been made for the telephone in the budget which had been accepted by resolution No. 1 of the Council on 23rd December, 1958, and that the motion is, therefore, in contravention of by-law 12. The learned Counsel for the applicant stated from the Bar that it was not expressly included in the budget and at one stage I thought it might be relevant to consider

the terms of that budget but in Mandamus proceedings if any averment in an affidavit is to be traversed it should be done by a counter affidavit to which should be attached exhibits. If, therefore, the petitioner wished to question the correctness of what the respondent has stated in his affidavit he should have filed a counter affidavit along with a copy of the budget in support of his allegations. This he has failed to do and in the circumstances this Court will act only upon what is stated in the respondent's affidavit. For the reasons given this resolution does appear to contravene rule 12 of the by-laws. It cannot be said, therefore, that the Chairman did not properly exercise his discretion in ruling it out.

In Application No. 151, the applicant is one Mr. D. A. Wijesiriwardene and the motions of which he gave notice on 25th February, 1959, to be placed on the agenda on 9th March, 1959, are as follows :—

(*a*) In view of the fact that the Chairman has forfeited the confidence of the majority of the members of the Council, this Council appeals to the Chairman to resign from office forthwith in the larger interests of the rate-payers and also to uphold democratic principles and traditions handed down by previous Chairmen of this Council.

(*b*) This Council resolves to metal and tar Ekanayake Road and Anura Mawatta Road.

The learned Counsel for the applicant did not press his application in regard to resolution (*a*) and it is not necessary, therefore, to consider it.

In regard to Resolution (*b*) the Chairman has ruled it out on the ground that two resolutions similar in substance were passed on the 8th September, 1958, one relating to Ekanayake Road and the other to Anura Mawatta Road. It is to be noted that these resolutions do not, in fact, offend the 6 months rule. In regard to Ekanayake Road, the Chairman sought to bring it within the 6 months rule on the ground that this item was considered in the budget of 1959 and no funds were provided. He was not entitled to take that factor into consideration in deciding whether this resolution in respect of Ekanayake Road was out of order. In regard to Anura Mawatta Road the Chairman says that steps are being taken to widen the road and as that has not been completed, " the motion is premature ". The reason given by the Chairman is a good ground for opposing the motion and for the Council to vote against it. It is no ground for ruling the motion out of order. Here again, the Chairman has taken into consideration matters which he should not have considered. The Chairman has thus not acted properly in the exercise of his discretion and it should accordingly be placed on the agenda.

In Application No. 152, the applicant is one Mr. Noel T. Mendis and the motions of which he gave notice on 25th February, 1959, to be placed on the agenda on 9th March, 1959, are as follows :—

(*a*) This Council requests the Minister of Local Government to kindly convey to the Council the findings of the inquiry held on the Minister's orders by Mr. W. A. Wijesinghe, into charges of maladministration and corruption against the Chairman.

(*b*) In view of the fact that the majority of the members of the Council have no confidence in the Chairman, this Council authorises the Vice Chairman of the Council to take such steps as are necessary to implement the decisions of Council.

(*c*) This Council resolves to permit the Uyankele Housing Scheme Society to conduct needle work classes in the Council's building within the Housing Scheme premises, presently used as a Clinic and Milk distribution centre.

In regard to resolution (*a*) the Chairman ruled it out of order on the ground that a similar resolution was moved by the petitioner on 11th August, 1958, and the Minister refused to disclose the findings of the commission. The resolution of 11th August requests the Minister to forward the report to the Investigating Officer appointed to inquire into certain allegations but that motion was lost. No request was therefore made to the Minister. There is nothing to prevent a similar motion now being introduced but the Chairman says that the Minister in Parliament claimed that the representations were confidential and could not be disclosed. A copy of Hansard was produced but from that copy it is obvious that what the Minister refused to disclose was the report of the legal adviser and not the report of the inquiry that was held. The motion, therefore, seems to me to be in order and the Chairman has taken extraneous and irrelevant matters into consideration in ruling it out of order. The Council may make the request but the Minister may still refuse or grant it.

In regard to resolution (*b*) the Vice Chairman has no authority to implement any resolutions of the Council. It is against the law and the Chairman correctly ruled it out.

In regard to resolution (*c*) the Chairman contended that it offended the 6 months rule as an earlier resolution similar in substance was passed by the Council on 13th October, 1958. The resolution of the 13th October, 1958, is in the following terms :—

" This Council resolves to permit a Sewing Class to be conducted at the Uyankele Maternity Centre. "

The Chairman has exercised his discretion in holding that in substance they are the same. There is nothing to suggest that this discretion was not honestly exercised. This Court cannot, therefore, interfere.

In Application No. 153, the applicant is one Mr. Titus Goonetilleka and the motions of which he gave notice on 26th February, 1959, to be placed on the agenda on 9th March, 1959, are as follows :—

(*a*) This Council is of opinion that a telephone be installed in the Vice Chairman's bungalow.

(*b*) This Council resolves to metal and tar Galwala Road.

(*c*) This Council resolves to supply current free of charge to the Tantirimulla Upasikharamaya on the same basis that current is supplied to illuminate the Gunananda Statue.

In regard to resolution (*a*) the Chairman ruled it out of order on the ground that (1) the Vice Chairman holds office only for a year and the installation of a telephone will involve unnecessary expenditure, (2) no powers had been delegated to the Vice Chairman under Section 35 (2) of the Ordinance and a telephone would be a superfluity, and (3) for 25 years no Vice Chairman has been provided with a telephone. The grounds given by the Chairman may be very good reasons for not passing the resolution or for opposing it but they are not grounds for ruling the motion out of order. The Chairman must be taken to have not exercised his discretion within the meaning of Lord Esher's dictum. This motion should, therefore, have been placed upon the agenda.

In regard to resolution (*b*) the Chairman contends that a similar resolution was passed on 8th September, 1958, and money has been provided for the purpose of acquisition, and further contends that the resolution is premature as the acquisition has not taken place. The resolution of 8th September, 1958, is to widen, tar and metal Galwala Road. The present resolution is only to metal and tar and not to widen. The two cannot be said to be the same in substance and it seems to me that the resolution should have been placed on the agenda.

In regard to resolution (*c*) the Chairman states that Gunananda Statue was erected on the land belonging to the new Urban Council and the lighting was charged to Street Lighting while the Upasikharamaya is a private dwelling house and the passage of the resolution would cause loss of revenue and render members liable to a surcharge. I do not think that these are relevant grounds on which the resolution could have been ruled out of order. It was not established that any money expended in pursuance of a resolution of the Council, unless it expressly contravenes the law, made members liable to a surcharge. If the Council decides to spend its revenue in unremunerative ventures, there may be other ways open to a Minister to prevent it but so far as a Council is concerned the Chairman is not entitled to burke discussion. The grounds stated may be very good grounds for opposing the resolution but not for ruling it out of order.

In the result, in Application No. 150, I would allow a mandate in the nature of a Writ of Mandamus in respect of Resolutions (*a*) and (*c*) and refuse it in respect of the others.

In Application No. 151, I allow a Writ in respect of Resolution (*b*) and refuse it in respect of resolution (*a*).

In Application No. 152, I allow a Writ in respect of Resolution (*a*) and refuse it in respect of the others.

In Application No. 153, I allow a Writ in respect of Resolutions (*a*), (*b*) & (*c*).

As the applicants in Applications No. 150, No. 151 & No. 152 have been only partially successful I award no costs but the applicant in Application No. 153 will be entitled to costs of his application.

Applications 150, 151, 152 partly allowed.
Application 153 allowed.