

1965

Present : Sansoni, C.J., and Sirimane, J.

ABDUL RAHUMAN, Petitioner, and THE MAYOR OF COLOMBO,
Respondent

S. C. 227/65—Application for a Writ of Mandamus

Mandamus—Delay in making the application—Effect—Butchers Ordinance, s. 7 (2).

In an application for a writ of *mandamus* on the ground that the Municipal Council of Colombo did not comply with the statutory requirements of section 7 (2) of the Butchers Ordinance—

Held, that in view of the delay on the part of the petitioner in asking for *mandamus*, and the consequences of such delay, the application should be refused.

APPPLICATION for a writ of *mandamus*.

Colvin R. de Silva, with *P. O. Wimalanaga*, for the Petitioner.

H. V. Perera, Q.C., with *H. Wanigatunga*, for the Respondent.

October 11, 1965. SANSONI, C.J.—

This is an application for a Writ of *Mandamus* on the ground that the Municipal Council of Colombo did not comply with the statutory requirements of section 7 (2) of the Butchers Ordinance. That section requires the Council to publish in the *Gazette* an application for a butcher's licence. It is not disputed that no such notice was gazetted.

The reason given on behalf of the Council is that no stall had been applied for by the petitioner at which he could have carried on his business as a butcher, and unless he had a stall he could not be granted a butcher's licence. Mr. Perera urged that there was no point in publishing this application if it was going to prove worthless in the end.

We do not wish to go into this aspect of the matter, because we think that this application must fail for another reason. The application was in respect of the year 1965, and it was considered and refused on 16.10.64 on the ground that a licence from the Municipal Treasurer had not been issued to the petitioner to enable him to carry on a private beef stall at the premises mentioned by him in his application. No application to this Court was made until June, 1965, and this application has now come up before us today for the first time. By the time the provisions of section 7 (2) are complied with, the whole purpose of this application will be defeated. It is sufficient for us to say that in view of this delay, and the consequences of such delay, this application for a Writ of *Mandamus* must fail. It is, therefore, refused with costs.

SIRIMANE, J.—I agree.

Application refused.