

1971 Present : H. N. G. Fernando, C.J., and Thamotheram, J.

A. R. M. JUNAID, Petitioner, and D. G. M. GOONEWARDENE  
(Chairman, Godapitiya Village Council), Respondent

*S.C. 28/71—Application for a Mandate in the nature of a Writ of Mandamus*

*Butchers Ordinance—Application made to a Village Council for licences thereunder—  
Whether it can be affected by the Council's decision to establish its own butchers'  
stalls—Mandamus.*

A decision of a Village Council to establish its own slaughter house and butchers' stalls and to let them by calling for tenders cannot, by itself, modify the right which persons have under the Butchers Ordinance to apply for licences and to be issued such licences unless they are refused on proper and reasonable grounds referred to in the Butchers Ordinance.

## APPLICATION for a Writ of *Mandamus*.

*M. S. M. Naseem*, with *M. Sivananthan*, for the petitioner.

*P. A. D. Samarasekera*, for the respondent.

July 4, 1971. H. N. G. FERNANDO, C.J.—

The facts of this case appear to be on all fours with those in the case of *Noordeen v. Chairman, Village Committee, Godapitiya*<sup>1</sup> decided by Wijeyewardene, J. (44 N.L.R. page 294). Here also the Village Council has decided to establish its own slaughter house and butchers' stalls and to let them by calling for tenders. Such a decision cannot modify the right which persons have under the Butchers Ordinance to apply for licences and to be issued such licences unless they are refused on proper and reasonable grounds referred to in the Butchers Ordinance.

If it is the case for the Village Council that they have power to make rules which can restrict the right conferred by the Butchers Ordinance, then the Committee should if so advised make the necessary rules. Until then, the mere decision of the Committee cannot be a proper ground for the refusal of licences under the Butchers Ordinance.

Let a Mandamus issue as prayed for by the petitioner. The petitioner is entitled to costs fixed at Rs. 105.

THAMOTHERAM, J.—I agree.

*Application allowed.*

<sup>1</sup> (1943) 44 N. L. R. 294.