

1946

*Present : Keuneman S.P.J.*

GOONETILEKE, Petitioner, and GOVERNMENT AGENT,  
GALLE, Respondent.

*Application for a writ of certiorari or mandamus on the Government  
Agent, Galle.*

*Writ of Certiorari or Mandamus—Village Committee election—Application for  
fresh election—Successful party should be made party respondent.*

In an application for a writ of *certiorari* or *mandamus* to set aside an election in connection with a Village Committee and for the holding of a fresh election in respect of the ward, the successful party should be made a party.

**A** PPLICATION for a writ of *certiorari* or *mandamus*.

*C. V. Ranawake* (with him *Dodwell Gunawardene*), for the petitioner.

*Douglas Jansze, C.C.*, for the respondent.

September 27, 1946. KEUNEMAN S.P.J.—

The petitioner applies for a writ of *certiorari* or *mandamus* and prays in his petition that the Court may be pleased to declare the election in connection with the Village Committee void and direct the Government Agent to hold a fresh election in respect of the ward. The objection has been taken in the first instance that no order such as is claimed by the petitioner can be made when the successful candidate has not been made a party. This was held in the case of *Carron v. Government Agent, W.P.*<sup>1</sup> I think the objection on the part of the Government Agent is a good one.

An application is now made to me to add the successful candidate as a party to the case. I think the application comes at too late a stage of these proceedings and that I should not allow an application now.

The application of the petitioner is refused with costs.

*Application refused.*

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