

1966 Present : Abeyesundere, J.

F. B. DANISTER DE SILVA, Petitioner, and **PRINS GUNASEKERA**,
Respondent

Election Petition No. 22 of 1965-Electoral District No. 63 (Habaraduwa)

Election petition-Inspection of ballot papers-Power of Election Judge to allow it- Ceylon (Parliamentary Elections) Order in Council, 1946, ss. 47 (1), 48 (10). When a Judge of the Supreme Court is appointed an Election Judge, he is permitted by section 48 (10) of the Ceylon (Parliamentary Elections) Order in Council to make an order, in his capacity as Judge of the Supreme Court, allowing inspection and copying of unused and spoilt ballot papers sealed under section 47 (1) of the said Order in Council.

APPLICATION for inspection of ballot papers concerning Election Petition No. 22 of 1965-Electoral District No. 63 (Habaraduwa).

Izadeen Mohamed, with S. C. Crosette-Thamliah and Sinha Basnayake, for Petitioner.

K. Shanmugalingam, with Sidat Sri Nandalochana, for 1st Respondent.

Shiva Pasupati, Crown Counsel, with N. B. de S. Wijesekera, Crown Counsel for 2nd and 3rd Respondents.

February 15, 1966. **ABEYESUNDERE, J.-**

This is an application under sub-section (10) of section 48 of the Ceylon (Parliamentary Elections) Order-in-Council, 1946, made by the Petitioner in Election Petition No. 22 of 1965, relating to the election in the Habaraduwa Electoral District held on 22nd March, 1965, for an order allowing inspection and copying of the unused and spoilt ballot papers sealed under section 47 (1) of the said Order-in-Council, by the Presiding Officer of the Polling Station for the Polling District E. E. Bata-mulla in the Habaraduwa Electoral District. The aforesaid sub-section (10) permits the order applied for to be made by a Judge of the Supreme Court. I am, therefore, making this order in my capacity as a Judge of the Supreme Court.

I order the 2nd Respondent, Mr. Harris Royston Amit, to permit the Petitioner, Mr. Fransisku Badaturuge Danister de Silva, and his Agent, Mr. Wagisa Perera, to inspect and take copies of the unused and spoilt ballot papers which were sealed by the Presiding Officer of the aforesaid Polling Station after the close of the poll in the Habaraduwa Electoral District on 22nd March, 1965, for the election of a Member of Parliament for that Electoral District, at the Galle Kachcheri on Monday, 28th February, 1966, at 11 a. m. The 1st Respondent, Mr. Prins Gunasekera, and his Counsel, Mr. K. Shanmugalingam, shall be allowed to be present at the inspection and copying of the aforesaid ballot papers.

Application allowed.

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