

1958 Present: Basnayake, C.J., and Sansoni, J.

MUNICIPAL COUNCIL, JAFFNA, Appellant, and VALIGAMAM WEST OMNIBUS CO., LTD., Respondent

S. C. 568—D. C. Jaffna, 10931

Motor Traffic (Use of Public Stands) Regulations, 1951—Application for a permit thereunder—Duration of permits.

The plaintiff, when he applied to a local authority for a monthly permit under the Motor Traffic (Use of Public Stands) Regulations of 1951, was issued permits from day to day.

Held, that there is no provision in the Motor Traffic Act or in the Regulations made thereunder which makes it obligatory on a local authority to issue a permit for any particular period.

APPPEAL from a judgment of the District Court, Jaffna.

E. F. N. Gratiaen, Q.C., with *Walter Jayawardene* and *P. Somatilakam*, for Defendant-Appellant.

C. Rengamathan, for Plaintiff-Respondent.

July 24, 1958. BASNAYAKE, C.J.—

The only question that arises for decision on this appeal is whether the plaintiff was in law entitled to demand that a monthly permit should be issued to him under the Motor Traffic (Use of Public Stands) Regulations, 1951, and whether the Municipal Council of Jaffna, the defendant, was in law bound to issue such a permit. There is no provision in the Motor Traffic Act or in the Regulations made thereunder which makes it obligatory on a local authority to issue a permit for any particular period. In the instant case the plaintiff was issued a permit from day to day. The charge leviable for a permit for a day is fifty cents. The Regulations provide that where a permit for a month is issued the charge should be Rs. 4 for the month. The plaintiff's complaint is that instead of issuing a permit for a month, the defendant issued permits from day to day. We do not think that the plaintiff's claim that the defendant was in law bound to issue a monthly permit can be sustained. The plaintiff has no cause of action and this action must be dismissed.

We therefore set aside the judgment of the learned District Judge and make order dismissing the plaintiff's action with costs both here and in the court below.

SANSONI, J.—I agree.

Appeal allowed.