

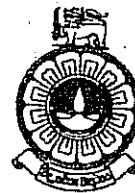
THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME – LEVEL 5

2nd ASSIGNMENT TEST – 2006

ADMINISTRATIVE LAW – LWU 3311/4311

DURATION - FOURTY MINUTES



Date: 9th November 2006

TIME: 10.15 a.m. – 10.55 a.m.

ANSWER ONE QUESTION ONLY

Illegible handwriting will be penalised

1. "Where a power is deposited with a public officer for the purpose of being used for the benefit of persons who are specifically pointed out and with regard to whom a definition is supplied by the legislature of the conditions upon which they are entitled to call for its exercise, that power ought to be exercised and the court will require it to be exercised" - Judicial Review of Administrative Action - S.A.de Smith 2nd edition p.270

Critically discuss this statement in the light of the judicial control of discretionary power.

2. A local government authority of Proland is empowered by statute to acquire by roads and lanes and widen them and also to maintain public utilities of that area. In 2005 the local government authority had acquired a by road leading to some seven houses. The residents of these houses were taxpayers of the local government authority. Mr. Perera and the other residents made a request in writing to the Chairman of the local government authority to widen the by road recently acquired. However the Local government authority had not taken any action in this respect.

Discuss the legal remedy if any available to Mr. Perera clarifying the requirements that Mr. Perera needs to satisfy in order to claim the legal remedy.

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