

and was situated in the village of Pandiyankulama, in Nachchadoova Tulana of Ulagalla Korale in the Hurulu Palata in the Anuradhapura District. Although falling short of the four acres claimed by the Respondents in their petition by approximately 1 acre, 1 rood and 9 perches as well as the land claimed by the 1st Appellant in the answer by 2 roods and 35 perches, the location and boundaries of the land depicted in Plan No. 2025 were somewhat consistent with the description of the land set out in the schedule to the petition of the Respondents as well as the description of the land set out in the schedule to the answer.

It is remarkable that although a comparison of the schedules to the petition and answer filed in this case give the impression that they refer to two distinct and different lands with two different names and dimensions and boundaries having nothing in common except that they were situated in the village of Pandiyankulama in Nachchadoova Tulana of Ulagalla Korale in Hurulu Palata, in the Anuradhapura District, the boundaries of Plan No. 2025 prepared by Surveyor Somapala almost perfectly tally with the boundaries of the land described in the schedule to the answer filed by the Appellant. According to both the aforesaid Plan and the schedule to the answer, on the northern boundary of the land depicted therein are the paddy fields belonging to Y. M. Ismail and M. P. Kairun Nisa, and on the eastern boundary is the LD 2 Ela. The southern boundary of the said Plan and the schedule to the answer, is the paddy field belonging to D. C. M. Wijesinghe and on the western boundary is the paddy field belonging to U. Cader Beebee and T. C. M. Munasinghe. It is relevant to note that in the aforesaid Plan, Surveyor Somapala has also endeavoured to indicate the names of the previous owners of the paddy fields mentioned above, but he does not in his report or testimony in court, disclose how he got these particulars, and it is a reasonable inference that he had got these particulars from Plan No. 1176 and report prepared by Surveyor Dissanayake, which I shall advert to presently.

It is of some significance that Plan No. 1176 prepared by Surveyor Dissanayake, though placing the surveyed land in a different village called Madawalagama in Kandu Tulana of Kandara Korale in the Nuwaragama Division, shows that the northern and eastern boundaries of the land surveyed by Dissanayake substantially tally with the northern and eastern boundaries of the land described in the schedule to the answer of the Appellants. In Plan No. 1176, the northern boundary is shown as the paddy field previously owned by Nawuran Lebbe Mohiyadeen and presently owned by Y. M. Ismail. No reference is made to any paddy field belonging to M. P. Kairun Nisa in Plan No. 1176, although in the schedule to the answer that paddy field too is said to be on the northern boundary. Similarly, the eastern boundary of the land depicted in Plan No. 1176 is the irrigation canal and reservation while in the schedule to the answer it is described as LD 2 Ela.

However, it would appear that the southern and western boundaries of Plan No. 1176 are substantially different from the corresponding boundaries of the land described in the schedule to the answer. In Plan No. 1176, the paddy field on the southern boundary is indicated as previously owned by Ana Ali Thambi Lebbe and presently claimed by D. S. Gunesekera whereas according to the schedule to the answer, the southern boundary consists of the paddy field belonging to D. C. M. Wijesinghe. In Plan No. 1176, the western boundary is shown as the paddy field previously owned by Lebbe Thambi Yusuf and presently claimed by D. S. Gunesekera and P. Jainul Abdeen while in the schedule to the answer, the land described in the schedule to the