

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI
LANKA**

In the matter of an Application for Mandates in the nature of Writs of Certiorari, Mandamus and Prohibition under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

S. H. Abdul Raheem

No.156, Ibrahim Manzil Road,
Kattankudy 01.

CA Contempt Application No:

PETITIONER

DC Batticaloa Case No.

L 5385/10

Vs.

CA/COC/0014/2022

V. Vasuthevan

Divisional Secretary,
Manmunai North,
Batticaloa.

RESPONDENT

Before: **M. T. MOHAMMED LAFFAR, J (President C/A)- Acting.**
K. M. S. Dissanayake, J.

Counsel: M. Nizam Kariapper, P. C. with Ilham Kariapper and Chathurika Perera, instructed by M. I. M. Iynullah for the Petitioner.

Nirmalan Wigneshwaran, D. S. G. for the Respondents.

Supported on: 04. 03. 2025

Decided on: 30. 04. 2025

MOHAMMED LAFFAR, J. (President of The Court of Appeal- Acting)

The Petitioner, in terms of the provisions of the Contempt of Court, Tribunal, or Institution Act No. 08 of 2024, having filed a motion along with an affidavit, moves that the Respondent be held for contempt of court.

We heard the learned Counsel for the Petitioner in support of this application, as well as the learned Counsel for the Respondent.

The Petitioner, having filed the Petition and the affidavit, moves that a Rule be issued against the Respondent for contempt of Court. On 04.03.2025, this Court heard the learned President's Counsel for the Petitioner in support of this application. We also heard the learned Deputy Solicitor General appearing for the Respondents.

In summary, an interpleader action was filed in the District Court of Batticaloa by the Divisional Secretary of Batticaloa concerning certain land acquired by the State. There were 14 claimants named in the Petition, all asserting title to the subject property and claiming compensation.

When the matter was taken up for argument before the learned District Judge, the Petitioner and the Divisional Secretary reached a settlement. Under the terms of the settlement, the 2nd to 14th Defendants were to receive specified sums from the Petitioner in exchange for withdrawing their claims. The Petitioner duly paid the agreed amounts, and the said Defendants withdrew their claims. Consequently, the Petitioner became the sole owner of the acquired land and the sole claimant to compensation.

Thereafter, the Petitioner requested the Divisional Secretary to issue an award in his favour under Section 17 of the Land Acquisition Act No. 9 of 1950 (as amended).

However, the Divisional Secretary failed to comply with this request. In these circumstances, it appears to this Court that the Divisional Secretary, having induced the Petitioner to settle the dispute by paying compensation to the 2nd to 14th Defendants, subsequently failed to fulfil his obligation to issue the award, thereby amounting to contempt of court.

Having considered the Petition, affidavit, annexed documents, and the submissions of the learned President's Counsel for the Petitioner and the learned Deputy Solicitor General for the Respondent, it is the view of this Court that the Petitioner has established a *prima facie* case of contempt of court against the Respondent.

Accordingly, this Court has decided to issue a Rule against the Respondent for contempt of court. The Registrar is directed to take necessary steps to issue the Rule, returnable on the next date.

President of the Court of Appeal (Actg)

K. M. S. Dissanayake, J.

I agree.

Judge of the Court of Appeal