

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

An application under Section 5 of the State
Lands (Recovery of possession) Act No. 7 of
1979 as amended

Court of Appeal Case No:
CA (PHC) 142/2015
H.C.T.R.A. Trincomalee
Application No: **325/2014**
MC Trincomalee (Kuchchaveli)
Case No: **915/2013**

Bhashwara Senanka Gunarathne,
Chairman,
Sri Lanka Tourism Development Authority,
No. 80, Galle Road,
Colombo 03.

Competent Authority-Applicant-
Petitioner-Appellant

-Vs-

Ganeshapillei Sameswaran,
3rd Division,
Near Barbick Hotel,
Nilaweli,
Trincomalee.

Respondent-Respondent-
Respondent

Before : A.L. Shiran Gooneratne J.

&

Dr. Ruwan Fernando J.

Counsel : K.V.S. Ganesharajan with S. Ragul, Hashintha
Vidanapathirana, D. Nishanthini and K. Nasikethan for
the Competent Authority-Applicant-Petitioner.
M. Sathiyenthiran for the Respondent-Respondent-
Respondent.

Written Submissions: By the Competent Authority-Applicant-Petitioner-
Appellant on 10/09/2019

By the Respondent-Respondent-Respondent on
17/10/2019

Argued on : 27/01/2020

Judgment on : 26/02/2020

A.L. Shiran Gooneratne J.

The Appellant, Chairman of Sri Lanka Tourism Development Authority (SLTDA) filed this application in the Magistrates Court of Kuchchaveli under Section 5 (1) of the State Lands (Recovery of Possession) Act No. 7 of 1979 (as amended), (hereinafter referred to as the Act) to eject Ganeshapillei Sameswaran (the Respondent in the instant Case) and Ganeshapillei Kalipillai (the Respondent in Case No. PHC-0141-15) from lots 1A, 1B and 1C in Plan No. 2946, dated 31/05/2005, made by A.M.S. Attanayake, licensed surveyor described more fully in the schedule to the application. The schedules to both applications filed in the

Magistrates Court by the Appellant to eject the respective Respondents are identical. Therefore, of consent written and oral submissions of counsel were made to cover both applications.

The Court having considered the submissions and arguments placed by both parties, made order to allow the application in Case No. PHC-0141-15 and accordingly, for reasons stated in PHC-0141-15, this application too is allowed and accordingly, the judgment of the High Court and the order of the learned Magistrate in Case No. 0142-15 are set aside.

Application allowed.

JUDGE OF THE COURT OF APPEAL

Dr. Ruwan Fernando, J.

I agree.

JUDGE OF THE COURT OF APPEAL

