

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 and Prohibition under Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA/MCR/02/2018

MC Anuradhapura Case No: 93515/MC

P.G. Somarathne,
Deputy Commissioner of Agrarian
Development
Anuradhapura.

Applicant

1. M.P. Cyril Rajapaksha
No. 991/1C
Stage II, Anuradhapura
2. P.D.Sarath Kumara Weerasinghe
No. 116, Periyankulama,
Anuradhapura
3. Sugath Panagoda
Depthigama, Galkandawala
Anuradhapura

Respondents

And Now between

P.G. Somarathne,

Deputy Commissioner of Agrarian
Development

Anuradhapura.

Applicant-Petitioner

1. M.P. Cyril Rajapaksha

No. 991/1C

Stage 11

Anuradhapura

2. P.D.Sarath Kumara Weerasinghe

No. 116, Periyankulama,

Anuradhapura

3. Sugath Panagoda

Depthigama, Galkandawala

Anuradhapura

Respondents -Respondents

Before : B. Sasi Mahendran, J.

Amal Ranaraja, J.

Counsel: Dilantha Sampath, SC for the Appellant-Petitioner

Sanjeewa Jayawadena, PC with Charitha Rupasinghe and Ranmalee

Meepagala for the 1st to 3rd Respondents

Argued On: 08.07.2025

Written

Submissions: 29.07.2025 (by the Respondent -Respondent)

On

Order On: 31.07.2025

B. Sasi Mahendran

ORDER

This order derives from the findings and the direction given by His Lordship Surasena J (as he was then) in the writ application case No. WRT-0335-17 made on 09.07.2018. It is pertinent to give a brief description with regard to the writ application WRT-0335-17.

The petitioner Cyril Rajapaksha has filed a writ application in this court seeking to quash the document which was marked as P5 issued by the Agrarian Development Authority, directing the petitioner to abstain from filling the relevant extent of paddy land. The particular order made by the Commissioner General of Agrarian Development, which the petitioner failed to obtain permission. According to the petitioner, he obtained a permit on 20.02.2017. Therefore, the petitioner prayed that notice sent by the commissioner is ultra vires.

On the other hand, the learned state counsel has drawn the attention of the court that the petitioner has not followed the proper procedure to obtain the said permit. The court observed that the particular permit which the petitioner relied on had not which has been issued without following the proper procedures. Thereafter, the court has made the following decision.

“Learned Counsel for the petitioner relied on the decision of the Magistrate's Court dated 14.09.2017. This Court cannot agree with the finding of the learned

Magistrate that the said permit is a permit issued according to law. Since the full set of a copy of the relevant Magistrate's Court record has not been made available to this Court, this Court decides to call for the relevant record from the Magistrate's Court of Anuradhapura, peruse the same and then decide on a suitable course of action to be taken with regard to the order dated 14.09.2017 pronounced by the learned Magistrate of Anuradhapura, in the exercise of the revisionary jurisdiction of this Court at a subsequent occasion. This Court decides on this course of action because this fact, which is a gross miscarriage of justice, has now been brought to the notice of this Court through this case.

For the reasons set out above, this Court is of the view that the petitioner is not entitled to succeed with this application. Therefore, this Court decides to refuse this application and dismiss it with costs.

This Court directs the registrar of this Court to call for the record from the Magistrate's Court of Anuradhapura in case bearing No. 93515, open a separate docket, assign a CA revision number and then have it mentioned before this Court along with this application on 30.08.2018."

Thereafter, this revisionary application was forwarded by the registrar of this court as directed. Subsequently, this court called for the original record from the Learned Magistrate of Anuradhapura. The portion of the disputed order which was made on 14.09.2017 reproduced bellow.

“මෙම නඩුවට උපලේඛණගත ඉඩම තුල 1, 2, 3 වගඋත්තරකරුවන් විසින් සිදු කරනු ලබන සංවර්ධන ක්‍රියාව 2011 අංක 46 දරණ ගොවිජන සංවර්ධන පනතින් සංශෝධිත 2000 අංක 46 දරණ ගොවිජන සංවර්ධන පනතේ 34(1) වගන්තිය ප්‍රකාරව නීත්‍යානුකූල බලපත්‍රයක් මත කරන ලද්දක් බවට මා තීරණය කරමි.

එබැවින් දැනට උක්ත පනතේ 33 (5) වගන්තිය ප්‍රකාරව කරන ලද අතුර ආඥාව විසුරුවා හරිමි.”

The Learned Magistrate has formed the opinion that the petitioner has obtained a valid permit from the commissioner. But this court in Writ application

WRT/0335/17, formed the opinion that the petitioner did not possess the title when he claimed a permit and held that the 3rd respondent namely Sunil Weerasinghe former Commissioner General of Agrarian Development had issued a false permit without any basis for such an issuance.

For the said reasons, we revise and set aside the decision made by the learned Magistrate on 14.09.2017.

We direct the Registrar to send this order along with the original Case record for compliance.

JUDGE OF THE COURT OF APPEAL

Amal Ranaraja, J.

I AGREE

JUDGE OF THE COURT OF APPEAL