

**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*, *Prohibition* and *Mandamus* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Court of Appeal Case No.

CA/WRT/0775/2024

**Siyambalagaha Gedara Seyed Mohamed
Mohamed Rashad,**
Hathamunagala Estate,
Moragahamada,
Madawala Ulpatha alias,
No.22 Malwatta Road, Matale

Petitioners

Vs.

1. Land Reform Commission,
No.475, Kaduwela Road,
Baththaramulla.
2. Mr. Panduka Keerthinanda,
The Chairman, Land Reform Commission,
No.475, Kaduwela Road,
Baththaramulla.
3. The Executive Director, Land Reform
Commission,
No.475, Kaduwela Road,
Baththaramulla.

4. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
5. Hana Farms (Pvt) Ltd,
Hathamunagala Estate,
Moragahamada,
Madawala,
Ulpatha.

Respondents

Before: **M. T. MOHAMMED LAFFAR, J. (Act. P/CA)**
K. M. S. Dissanayake, J.

Counsel: M. D. N. Dilham for the Petitioners.
Ms. Shemanthi Dunuwille, SC for the 1st-4th Respondents.
Thishya Weragoda with Iresh Senevirathna and Sanjaya Marambe
for the 5th Respondent

Support on: 11.02.2025
Decided on: 07.03.2025

MOHAMMED LAFFAR, J.

On 13/12/2024 having scrutinized the Petition, Affidavit, Documents and the submissions of the learned Counsel for the Petitioner, this Court issued notices on the Respondents and issued stay orders as prayed for in Paragraphs e), f), and g) of the Petition until 23/01/2025. On 23/01/2025 the 5th Respondent was permitted to file limited objections with regard to the said stay orders. Accordingly, the matter was fixed for inquiry on 07/03/2025. Thereafter the stay order is extended until the next date, namely, 07/03/2025.

Subsequently, by motion dated 28/01/2025 the learned Counsel for the 5th Respondent informed Court that on 23/01/2025 the learned Counsel for the Petitioner had not moved to extend the stay order and whereas the said stay order had been extended. When the matter was mentioned on 11/02/2025 the learned Counsel for the Petitioner informed Court that on 23/01/2025 he made an application for the extension of the stay order and accordingly the same was extended.

It is born out from the Journal Entry dated 23/01/2025 the stay order was extended until 07/03/2025 on which the matter will be taken up for inquiry pertaining to the interim order. Under section

114(d) of the Evidence Ordinance where the Court may presume that the judicial and official acts have been regularly performed. If the learned Counsel for the 5th Respondent takes up the position that the proceedings of 23/01/2025 is defective on the basis that there is no application for the extension of the stay order, that has to be objected to with an affidavit. It appears to this court that the Petitioner has not filed an affidavit challenging the Court proceedings.

In the case of **Jayaweera vs Assistant Com of Agrarian Services**¹ it was observed by the Court of Appeal that;

“(1) There is a presumption that official and legal Acts are regularly and correctly performed.

(2) It is not open to the Petitioner to file a convenient and self-serving affidavit for the first time before the Court of Appeal and thereby seek to contradict either a quasi judicial act or judicial act.”

In those circumstances it is the view of this Court that the extension of the stay order by this Court on 23/01/2025 is lawfully correct.

ACTING PRESIDENT OF THE COURT OF APPEAL

K. M. S. DISSANAYAKE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

¹ 1996 2 SLR at Page 70