

**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.

C.A. (Writ) Application

No: 0711 / 2024

Sen Flora Lanka (Pvt) Limited

No.163, Hawa Eliya,

Nuwara Eliya.

PETITIONER

Vs

01. K.D Bandula Jayasinghe,
Land Commissioner General,
Land Commissioner General's Department
Ministry of Land and Land Development,
Mihikatha Medura,
Rajamalwatta Road,
Battaramulla.

01.A. Chandana Saman Ranaweera Arachchi
Land Commissioner General,
Land Commissioner General's Department
Ministry of Land and Land Development,
Mihikatha Medura,
Rajamalwatta Road,
Battaramulla

02. D.A.P Danansuriya,
Divisional Secretary,
Divisional Secretariat,
Nuwara Eliya.

03. S.M.I International
No.106,1.21,
Leader Complex,
1st Cross Street,
Colombo 11.

RESPONDENTS

Before : Dhammika Ganepola, J.
Adithya Patabendige, J.

Counsel : Samhan Munzir with Uthpala Karunasinghe instructed by N & S
Associates for the Petitioner.

Panchali Witharana, S.C. for the 1st, 1A, and 2nd Respondents.

Jagath Wickramanayake, P.C. with Sachira Andrahannadi instructed
by Tharushika Fernando for the 3rd Respondent.

Argued on : 27.10.2025.

Decided on : 18.12.2025.

Adithya Patabendige, J.

The Petitioner filed the above styled application, seeking a *writ of certiorari* to quash the decision contained in document marked P24, a *writ of prohibition* to restrain the 1st and/or 2nd Respondent from taking steps to grant the land in question to the 3rd Respondent along with a *writ of mandamus* to compel the 1st and/or 2nd Respondents to take steps to grant the land to the Petitioner company.

The Petitioner is a BOI-registered limited liability company that cultivates cut flowers, vegetables, and fruits, especially strawberries and blackberries. The Petitioner is based in Nuwara Eliya district and, due to the success of the business, applied for a 2-hectare plot under a lease marked P4 to further enhance the aforesaid cultivation. Upon considering the Petitioner's request, the 2nd Respondent requested that a survey be carried out by the Survey Superintendent, Nuwara Eliya, by letter dated 29.04.2009, marked P5. After the survey, the predecessor of the 2nd Respondent made observations from the Kotagala Pradeshiya Sabhawa regarding whether there were any objections to lease the land depicted in the said survey to the Petitioner marked P7 (I) and (II).

Meanwhile, the predecessor of the 2nd Respondent informed the Commissioner of Land, Central Province, that a portion of the land was granted to the Petitioner only by letter dated 11/06/2009, marked P8. Even though the Provincial Land Commissioner, Central Province, by her letter dated 18/09/2009, marked P10, recommended that the 1st Respondent lease out 2.034 hectares to the Petitioner, only a land extent of 1.2140 hectares was granted, with a 30-year lease bearing No. 4/10/26518 from 23rd July 2010, marked P12. The Petitioner further averred that the 2nd Respondent had promised to lease the adjoining land to the Petitioner.

After that, it is clear from the letters marked P13 to P23 that several communications took place between the Petitioner and the 1st and 2nd Respondents. Later, the 2nd Respondent, by letter dated 06/06/2024 marked P24, informed the 1st Respondent about the land specified and requested by the Petitioner to be granted to the 3rd Respondent. As a result, with the approval of the 1st Respondent, the 2nd Respondent asked the Survey Superintendent of Nuwara Eliya to survey the land for the purpose of granting the said land to the 3rd Respondent marked P27.

The Petitioner's argument, as outlined in paragraph 39 of the Petition, is that the actions of the 1st and 2nd Respondents breach the Petitioner's legitimate expectation. Furthermore, the decision to allocate the land to the 3rd Respondent without adhering to proper procedures is illegal, unlawful, and made in bad faith. Consequently, the Petitioner invoked the writ jurisdiction of this Court.

When this case was taken up for argument on 27/10/2025, the learned State Counsel appearing for the 1st, 1A, and the 2nd Respondents informed the Court that 1A and 2nd Respondents have no objections to grant reliefs as prayed for in the Petition of the Petitioner.

Similarly, the learned President's Counsel representing the 3rd Respondent, referring to the motion dated 04/09/2025, informed the Court that the 3rd Respondent did not intend to contest the application filed by the Petitioner.

Considering all the circumstances of the pleadings and submissions of the Petitioner, it appears that the 1st and the 2nd Respondents acted contrary to the legitimate expectations of the Petitioner and also violated the proper procedure, when considering the land to be granted to the 3rd Respondent. For the foregoing reasons, I hold that this is a fit case to invoke the writ jurisdiction of this Court. Hence, I issue a writ of *Certiorari* as prayed for in paragraph (b) of the Petition of the Petitioner dated 5th November 2024, together with a writ of *Mandamus* as prayed for in paragraph (f) of the aforesaid Petition of the Petitioner.

I make no order as to costs.

JUDGE OF THE COURT OF APPEAL

Dhammadika Ganepola, J

I agree.

JUDGE OF THE COURT OF APPEAL