

**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,  
1<sup>st</sup> 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 1<sup>st</sup>, 1A, and 2<sup>nd</sup> Respondents.

Jagath Wickramanayake, P.C. with Sachira Andrahannadi instructed  
by Tharushika Fernando for the 3<sup>rd</sup> 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 1<sup>st</sup> and/or 2<sup>nd</sup> Respondent from taking steps to grant the land in question to the 3<sup>rd</sup> Respondent along with a *writ of mandamus* to compel the 1<sup>st</sup> and/or 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 1<sup>st</sup> 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 23<sup>rd</sup> July 2010, marked P12. The Petitioner further averred that the 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Later, the 2<sup>nd</sup> Respondent, by letter dated 06/06/2024 marked P24, informed the 1<sup>st</sup> Respondent about the land specified and requested by the Petitioner to be granted to the 3<sup>rd</sup> Respondent. As a result, with the approval of the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> Respondent asked the Survey Superintendent of Nuwara Eliya to survey the land for the purpose of granting the said land to the 3<sup>rd</sup> Respondent marked P27.

The Petitioner's argument, as outlined in paragraph 39 of the Petition, is that the actions of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents breach the Petitioner's legitimate expectation. Furthermore, the decision to allocate the land to the 3<sup>rd</sup> 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 1<sup>st</sup>, 1A, and the 2<sup>nd</sup> Respondents informed the Court that 1A and 2<sup>nd</sup> Respondents have no objections to grant reliefs as prayed for in the Petition of the Petitioner.

Similarly, the learned President's Counsel representing the 3<sup>rd</sup> Respondent, referring to the motion dated 04/09/2025, informed the Court that the 3<sup>rd</sup> 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 1<sup>st</sup> and the 2<sup>nd</sup> 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 3<sup>rd</sup> 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 5<sup>th</sup> 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**

**Dhammika Ganepola, J**

**I agree.**

**JUDGE OF THE COURT OF APPEAL**