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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Inquiry conducted under Section 184(1a) of the Urban Councils Ordinance read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989

I, Wijayapala Sri Narayana Wasala Bandaranayake Mohottalalage Seetha Kumari Arambepola, the Governor of Western Province do hereby appoint the retired Court of Appeal Judge Mr. Chandradasa Nanayakkara according to the powers vested in me as per provisions of Section 184(1a) of the Urban Councils Ordinance read with Section two of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989 to inquire into the following matters/allegations and reveal whether the offences stipulated under Subsection 184(1) of the above said ordinance have been committed by Wattala-Mabola Urban Council and by Chairman of Wattala-Mabola Urban Council while functioning in his office, and submit me a report within a period of 03 months.

Matters/allegations to be inquired in relation to Wattala-Mabola Urban Council :-

- I. Wattala-Mabola Urban Council in its functioning during the period of 21.05.2018 to 05.03.2019 or a period adjacent to it, committing an offence chargeable under Section 184(1)(b) of Urban Councils Ordinance by causing to sell, contrary to provisions of Section 36 of the Urban Councils Ordinance, the land in possession of Wattala-Mabola Urban Council containing 79 Perches in extent or an extent equal to that marked as Lot No. 1A² in the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody.
- II. Wattala-Mabola Urban Council in its functioning on 05.03.2019 or on a date adjacent to it, committing an offence chargeable under Section 184(1)(d) of Urban Councils Ordinance by causing to sell, under an undervalued consideration and external to the prescribed tender procedure, the land in possession of Wattala-Mabola Urban Council containing 79 Perches in extent or an extent equal to that marked as Lot No. 1A² in the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody, and thereby causing a loss to the Urban Councils Fund.



- III. Wattala-Mabola Urban Council in its functioning on 21.05.2018 or on a date adjacent to it, committing an offence chargeable under Section 184(1)(e) of Urban Councils Ordinance by deciding to sell to Melco Oxygen Company Ltd, the land in possession of Wattala-Mabola Urban Council containing 79 Perches in extent or an extent equal to that marked as Lot No. 1A² in the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody.

Matters/allegations to be inquired in relation to the Chairman of Wattala-Mabola Urban Council-

- I. While functioning as the Chairman of Wattala-Mabola Urban Council, committing an offence chargeable under Section 184(1)(e) of the Urban Councils Ordinance during the period of 21.05.2018 to 13.07.2018 or during a period adjacent to it by taking action to obtain an undervalued consideration to the land in possession of Wattala-Mabola Urban Council containing 79 Perches in extent or an extent equivalent to that marked as Lot No. 1A² of the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody, stating that the said land will be sold on deed of transfer to Melco Oxygen Company Ltd.
- II. While functioning as the Chairman of Wattala-Mabola Urban Council, committing an offence chargeable under Section 184(1)(b) of the Urban Councils Ordinance on 01.03.2019 or on a date adjacent to it by taking action to sell the land in possession of Wattala-Mabola Urban Council containing 79 Perches in extent or an extent equivalent to that marked as Lot No. 1A² of the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody, to Mohamed Subeir Fauzal Haq residing at No. 28, Bagathale Road, Colombo 03 external to proper tender procedure.
- III. While functioning as the Chairman of Wattala-Mabola Urban Council, committing an offence chargeable under Section 184(1)(b) of Urban Councils Ordinance on 01.03.2019 or on a date adjacent to it by taking action to issue the letter of acceptance expressing consent to sell the land in possession of Wattala-Mabola Urban Council containing an extent of 79 Perches or of an extent equivalent to such marked as Lot No. 1A² of the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody, to Mohamed Subeir Fauzal Haq residing at No. 28, Bagathale Road, Colombo 03 without a resolution passed by Wattala-Mabola Urban Council.
- IV. While functioning as the Chairman of Wattala-Mabola Urban Council, committing an offence chargeable under Section 184(1)(c) of the Urban Councils Ordinance during the period of 17.02.2019 to 01.03.2019 or during a period adjacent to it by taking action without considering the instructions and/or directives dated 07.02.2019 of the Minister in Charge of the subject of Local Government of Western Province relating to the sale of land in possession of Wattala-Mabola Urban Council containing 79 Perches in extent or an extent equivalent to that marked as Lot No. 1A² of the Plan No. 1377C dated 17th January 2018 made by Licensed Surveyor D. A. Weerakkody.

Furthermore, according to the provisions of Section 184(1a) of the Urban Councils Ordinance read with Section two of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, powers entrusted to a Commissioner appointed under the Commissions of Inquiry Act shall be delegated to this Single Person Board of Inquiry, and I, hereby inform further that written and oral evidences identified as applicable in the process of inquiring into the above matters, have been included in the Schedule below.

WIJAYAPALA SRI NARAYANA WASALA BANDARANAYAKE,
MOHOTTALALAGE SEETHA KUMARI ARAMBEPOLA,
Governor,
Western Province.

on the date of 02nd of December, 2019,
At the Governor's Office of Western Province,
No. 204, Denzil Kobbekaduwe Mawatha,
Battaramulla.

Schedules

Written evidences to be used to prove above allegations ;

- I. Certified copy of the tax agreement No. 63 dated 08th June 2000 by K. Premanath Kalehewaththa, Attorney-at-law and Notary Public
- II. Certified copy of the Special General Assembly held on 21.05.2018
- III. Certified copy of the Report of the Procurement Committee Meeting held on 01.03.2019
- IV. Certified copy of the Report of the Bid-Opening Meeting held on 01.03.2019
- V. Certified copy of the letter without reference No. and date by the Chairman of Wattala-Mabola Urban Council addressing the Chief Assessor under the title of Obtaining state valuation for the land bearing the Lot No. 1A² of Plan No. 1377C.
- VI. Certified copy of the letter under reference No. GM/LM/5630 dated 13.07.2018 of District Assessor, Gampaha addressing the Chairman of Wattala- Mabola Urban Council.
- VII. Certified copy of the letter under referenec No. GM/LM/5630 dated 21.12.2018 of Regional Assessor- Gampaha addressing the Chairman of Wattala Mabola Urban Council
- VIII. Certified copy of the plan No. 1377C by D. A. Weerakkody, the Licensed Surveyor
- IX. Certified copy of the Plan No. 1131C by A. A. P. Jayantha Perera, the Licensed Surveyor
- X. The letter under reference No. F/172/4 dated 14.01.2019 by the Chairman of Wattala-Mabola Urban Council addressing the Hon. Chief Minister through the Assistant Commissioner of Local Government and the Commissioner of Local Government under the title of 'Obtaining approval to sell the Aswedduma Land of Wattala-Mabola Urban Council' and certified copies of the documents stated therein.
- XI. Certified copy of the letter by the Senior Assistant Secretary of the Ministry of Local Government of Western Province bearing reference No. CM/WP/E16/1/4/2016 Gampaha (Volume II) dated 07.02.2019 addressing the Commissioner of Local Government.
- XII. Certified copy of the receipt No. U. C. 3 bearing reference No. 132443 dated 05.03.2019 of Wattala-Mabola Urban Council and the certified copy of the cheque deposit receipt dated 05.03.2019 deposited to Account No. 134748 of Bank of Ceylon.
- XIII. Certified copy of the letter dated 01.03.2019 by the Chairman of Wattala-Mabola Urban Council addressing Mr. Mohamed Subeir Fauzal Haq.
- XIV. Certified copy of the letter dated 05.03.2019 by the Chairman of Wattala-Mabola Urban Council addressing Mr. Mohamed Subeir Fauzal Haq.
- XV. Certified copies of the Thinakaran and Daily News newspapers of 15th February 2019 in which the tender notification has been published.
- XVI. Certified copy of the tender notification published in the Dinamina newspaper of 14th February 2019.
- XVII. Certified copy of the tender form dated 25.02.2019 submitted by Mohamed Naleem Mohamed Ushan residing in No. 454/21, School Avenue, Ulahitiwala, Malwana.
- XVIII. Certified copy of the tender form dated 22.02.2019 submitted by Mohamed Subeir Fauzal Haq residing in No. 28, Bagathale Road, Colombo 03.
- XIX. Certified copy of the tender form submitted without a date by Molben Rolling Mill Pvt. Company at No. 411, Negombo Road, Wattala.
- XX. Certified copy of the deed for annulment of lease agreement No. 15 by Mrs. J. P. M. S. Madhuwanthika, Attorney-at-law and Notary Public.
- XXI. Certified copy of the deed of transfer No. 917 by Mr. W. D. Thushara Priyankara, Attorney-at-law and Notary Public.
- XXII. Certified copy of the deed of transfer No. 2277 dated 11th December 1973 by Mr. Joseph Arthur Pallegama, Notary Public.

Oral evidences to be utilized to prove the above mentioned allegations ;

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| I. Secretary of Local Government (W. P.) or a person authorized by him | - Ministry of Local Government, Western Province |
| II. Commissioner of Local Government (W. P.) or a person authorized by him | - Department of Local Government, Western Province |
| III. Assistant Commissioner of Local Government - Gampaha District | - Office of the Assistant Commissioner of Local Government, Gampaha District |
| IV. Mr. S. M. Prasanna Ariyathilaka | - Regional Assessor, Department of Valuation, West-Northern Office, Gampaha |
| V. Mrs. Devika Priyanthi Herath Samarawickrama | - Former Secretary, Wattala-Mabola Urban Council |
| VI. Mrs. Geethani Lokuwella | - Secretary, Wattala-Mabola Urban Council |
| VII. Mr. D. A. Weerakkody | - Licensed Surveyor, 17/4, Wijaya Mawatha, Nawala Road, Nugegoda |
| VIII. Mr. A. A. P. Jayantha Perera | - Licensed Surveyor, 218, Makewita Road, Ja-ela |
| IX. Mrs. Deviga Rani Chandra Mohan | - Chief Management Assistant, Wattala-Mabola Urban Council |
| X. Mrs. Kekulawala Jayawardhanalage Jeeva Samanthi Ranasinghe | - Internal Audit Officer, Wattala-Mabola Urban Council |
| XI. Mrs. Muttu Ragini | - Management Assistant, Wattala-Mabola Urban Council |
| XII. Mrs. Balasooriya Lekamlage Bhagya Umayangani | - Technical Officer, Wattala-Mabola Urban Council |
| XIII. Mrs. Nilaabdeen Rishmina | - Sanitary Labourer, Wattala-Mabola Urban Council |
| XIV. Mr. Wedisinghe Arachchige Ravindra Chanaka Indrajith | - Revenue Inspector, Wattala-Mabola Urban Council |
| XV. Mr. Hettiarachchilage Mangala Premakumara | - Management Assistant, Wattala-Mabola Urban Council |
| XVI. Mrs. Sanduni Tharushika Silva | - Management Assistant, Wattala-Mabola Urban Council |
| XVII. Mr. Mohamed Subeir Fauzal Haq. | - No. 28, Bagathale Road, Colombo 03 |
| XVIII. Mr. Mohamed Siddik Mohamed Najabudin | - Director, Melco Oxygen (Pvt.) Limited, No. 411, Negombo Road, Wattala |
| XIX. Mr. M. G. G. J. Pinthu | - Assistant Commissioner of Local Government (Investigation) (Acting), Department of Local Government, Western Province |
| XX. Mr. W. Padmasiri | - Investigation Officer, Department of Local Government, Western Province. |