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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

**INVESTIGATION CONDUCTED UNDER SECTION 2 OF THE CHAPTER No. 04 OF 1991 RELATING
TO POWERS OF SUPERVISION OF ADMINISTRATION OF THE LOCAL GOVERNMENT
INSTITUTIONS**

BY virtue of the powers vested in me by the Section 2 of the Charter No. 04 of 1991 relating to powers of supervision of administration of the Local Government Institutions I, Isura Devapriya, the Chief Minister of Western Provincial Councils and the Minister of Finance and Planning, Engineering Services, Law and Order, Local Government and Provincial Administration, Economic Promotion, Power and Energy, Environment Affairs, Water Supply and Drainage and Tourism Affairs, do hereby appoint Mr. Kumara Hewage Sumithrapala, Retired Judge of the High Court, as an Investigation Committee of one member, to investigate and submit a report within three months as to whether the offences specified under Section 2(1) of the above Charter have been committed by W. Samanlal Fernando whilst holding office as the Mayor of Moratuwa Municipal Council.

Matters/Charges which are to be investigated.

1. You have committed, whilst holding office as the Mayor of the Municipal Council Moratuwa, the offences mentioned in Section/s 2(i)(a) and/or 2(i)(c) of the Charter No. 04 of 1991 by way of granting approval to fell and remove the teak wood trees in the cemetery of Rawatawatta under the administration of Municipal Council Moratuwa during the period from 14.11.2015 to 07.12.2015 or a close period, without obtaining proper approval from the Municipal Council.
2. You have committed, whilst holding office as the Mayor of the Municipal Council Moratuwa, the offences mentioned in Section/s 2(i)(a) and/or 2(i)(c) of the Charter No. 04 of 1991 by way of taking action to enter into an agreement with W. E. Security Services Pvt. Ltd., at No. 26/1/1, Church Road, Rathnapura to maintain security services within the premises of the Municipal Council Moratuwa without obtaining proper approval from the Municipal Council and/or getting approval of the Council for the agreement.
3. You have committed, whilst holding office as the Mayor of the Municipal Council Moratuwa, the offences mentioned in Section/s 2(i)(a) and/or 2(i)(c) of the Charter No. 04 of 1991 by not implementing the Court Order issued to remove the unauthorized construction at No. 163A, Station Road, Moratuwa and/or making an environment not to implement the said order during the period from 10.07.2009 to 30.08.2010 or a close period.



Further, in terms of the provisions mentioned in Section 2(2) of the Charter No. 04 of 1991 relating to powers of supervision of administration of the Local Government Institutions, the powers vested in the Commissioner appointed by the Investigations Commission Act are vested in this one member investigation committee. It is further informed that the written and oral evidence identified to be made applicable in the investigation on the above matter have been included in the following Schedule.

ISURA DEVAPRIYA,
Chief Minister of Western Province Provincial Council
and the Minister of Finance and Planning, Engineering Services,
Law and Order, Local Government and Provincial Administration,
Economic Promotion, Power and Energy, Environment Affairs,
Water Supply and Drainage and Tourism Affairs.

Office of the Chief Minister of Western Province,
Shrawasthi Mandiraya,
Colombo 07,
16th March 2016.

SCHEDULE

1. Office copy of the letter of No. මො/අ 7/17/2015-16 dated 21.12.2015 addressed to Chief Manager of W. E. Security Services Pvt. Ltd. at No. 26/1/1, Church Road, Rathnapura, by the Commissioner of Municipal Council, Moratuwa.
2. The agreement entered on 21.12.2015 by Municipal Council Moratuwa with W. E. Security Services Pvt. Ltd. in relation to the maintenance of Security Services of the Municipal Council, Moratuwa.
3. Assessment Report dated 17.12.2015 regarding the tender for supply of security services for year 2015 and 2016.
4. The report dated 15.12.2015 on tender for private security services of Municipal Council Moratuwa, for year 2015 and 2016 which has been submitted addressing to the Mayor of Municipal Council, Moratuwa.
5. Copies of the file No. LGV/6/5/M03/2015 Vol. II dated 24.11.2015 addressed to the Commissioner of Municipal Council, Moratuwa by Commissioner of Local Government (WP).
6. The report under No. 74 in the file No. මො/අ 7/17/2015-16, which is commenced with the words “Considering the following facts”, submitted to the Establishment Committee on 03.08.2015 by the Deputy Commissioner of Municipal Council of Moratuwa.
7. The file of No. මො/අ 7/17/2015-16 on supply of security service 2015-2016 of Municipal Council, Moratuwa.
8. Notification published in Dinamina Newspaper on 08.09.2015 in relation to the calling of quotations for security services in Municipal Council, Moratuwa.
9. Report of the Productivity Committee of Municipal Council, Moratuwa 11.10.2013 and the report containing the Minutes of the Technical Officer regarding the teak wood trees which are decayed and which are in good condition in the cemetery of Rawathawatta, which serve as the base for the report of the Productivity Committee.
10. Document containing instructions referred to the engineer of the Municipal Council, Moratuwa, by the Mayor of the Municipal Council on 07.12.2015.

11. Report containing the minutes as 4 of the File No. නාලදෙ/ව්‍යාලි 04/DL/47/2015.
12. The file No. නාලදෙ/ව්‍යාලි 04/DL/47/2015 on fell and remove teak wood trees in Rawatawatta crematorium of Municipal Council of Moratuwa.
13. The letter dated 17.12.2015 addressed to the Commissioner of the Municipal Council, Moratuwa by the Divisional Secretary, Moratuwa.
14. File No. සැල/04/අන/ලි/30පී/2008.
15. The letter No. සැල/04/අන/ලි/30පී/2008 dated 19.11.2009 addressed to Mr. Dhammika Chandranath, member of the Municipal Council by the Commissioner of the Municipal Council, Moratuwa.
16. File of the case No. 90471 at Magistrate Court.
17. Document pertaining to the vesting of powers of Urban Development Authorities for the area of Municipal Council Moratuwa by Urban Development Authority.

Witnesses :

1. Mr. S. B. Thewarapperuma - Acting Commissioner, Municipal Council, Moratuwa.
2. Mr. D. M. Karunarathne - Former Commissioner, Municipal Council, Moratuwa.
3. Engineer of Municipal Council, Municipal Council, Moratuwa.
4. S. K. Jayasundara - Deputy Commissioner, Municipal Council, Moratuwa.
5. Secretary of the Municipal Council, Municipal Council, Moratuwa.
6. Technological Officer, Municipal Council, Moratuwa.
7. Divisional Secretary - Divisional Secretariat, Moratuwa.
8. Mr. V. P. Warnakulasuriya - Foremer Commissioner (Municipal Council, Moratuwa).
9. Mr. U. D. C. Fernando - Formenr Commissioner (Municipal Council, Moratuwa).
10. Director General of his representative - Urban Development Authority.
11. Mrs. Dhamika B. Hettiarachchi - Investigation Officer.
12. Mr. W. Pathmasiri - Investiatiion Officer.
13. Mr. K. W. M. Manjula - Investigation Officer.

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