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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 2313/41 - WEDNESDAY, JANUARY 04, 2023

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

The Inquiry Conducted under Section 184(1a) of Urban Councils Ordinance read with Section 02 of Provincial Councils (Consequential Provisions) Act No. 12 of 1989 and under Section 2 of the Powers of Supervision of the Administration of Local Authorities Statute No. 04 of 1991 of the Western Province read with clause 154 c of the Thirteenth Amendment to the Constitution

I, Roshan Goonetilleke, the Governor of Western Province, by virtue of powers vested in me as per provisions stated in Section 184 (1a) of Urban Councils Ordinance read with Section 02 of Provincial Councils (Consequential Provisions) Act No. 12 of 1989 and under Section 2 of the Powers of Supervision of the Administration of Local Authorities Statute No. 04 of 1991 of the Western Province read with clause 154 c of the Thirteenth Amendment to the Constitution, do hereby appoint retired Judge of Court of Appeal Hon. Chandradasa Nanayakkara as a Single - person Tribunal to investigate whether the Urban Council of Maharagama, in its functioning, and Chairman of Maharagama Urban Council, while functioning in his office has committed the offences stipulated under Section 2 of the powers of Supervision of the Administration of Local Authorities Statute No. 04 of 1991 of the Western Province and offences stated under Section 184 of the Urban Councils Ordinance (Chapter 255) on account of the following mentioned matters, and present a report within 03 months.

Allegations/matters under investigation against the Chairman of Maharagama Urban Council:-

01. While functioning as the Chairman of Maharagama Urban Council, whether he has improperly exercised the powers conferred on him under Section 184 of Urban Councils Ordinance (Chapter 225) as the Chairman of Maharagama



Urban Council, due to action taken by him to bear or cause to bear an amount of Rupees Five Hundred Fifty Thousand Eight Hundred Twenty-seven Rupees and One Cents (Rs. 550,827.01) or an amount equivalent to that from the Maharagama Urban Council Fund without the approval of the Maharagama Urban Council for the construction of the pre-mix yard in Siyambalagaha Land belonging to Maharagama Urban Council.

02. While functioning as the Chairman of Maharagama Urban Council, whether he has deliberately neglected the accomplishment of duties specified under Sub-section 19 (3) of the Urban Councils Ordinance (Chapter 255) due to not taking action to enter into agreements or due to continually delaying entering into agreements relating to implementation of one or several of the following mentioned development projects decided to be implemented by the Maharagama Urban Council from 01.01.2022 up to date.

The above mentioned projects,

- I. Development of the end-section of Talapathpitiya Delgahawatta by laying carpet - Rs. 1,900,000.00
 - II. Restoration of the Public Well at Nadukaarawaththa, Diyakadahena Road in Udahamulla - Rs. 630,000.00
 - III. Construction of the side wall extending forward from the house bearing rates No. 89/2, located near the paddy filed in Saranapala Naahimi Mawatha in Udahamulla (First Phase) - Rs. 1,700,000.00
 - IV. Drain arrangement in Salgaha Lane, Bodhiya Road, Mirihana - Rs. 125,000.00
 - V. Construction of the side wall extending forward from the house bearing rates No. 89/2, located near the paddy filed in Saranapala Naahimi Mawatha in Udahamulla (Second Phase) - Rs. 1,000,000.00
03. While functioning as the Chairman of Maharagama Urban Council, whether he has improperly exercised the powers conferred on him as the Chairman of Maharagama Urban Council under the written law due to action taken by him to issue a statement to media on 23.11.2021 or date adjacent to it, regarding illegally accessing the main power supply line external to the electricity meter to obtain electricity to the private property located at No. 365, Shanthi Mawatha, Makumbura, Pannipitiya, and in which statement, making a false remark implying, as the Chairman of Maharagama Urban Council, powers have been granted to him under Urban Councils Ordinance to acquire electricity without permission, and thereby misleading the general public and/or bringing the Maharagama Urban Council into disrepute.
04. While functioning as the Chairman of Maharagama Urban Council whether he has improperly exercised the powers conferred on him as the Chairman of Maharagama Urban Council under Section 184 of the Urban Councils Ordinance (Chapter 255) due to the action taken by him to consider the expenses under item No. 5.1.12 of future Council Agenda as expenses adopted by the Council, when the said expenses have been included in the Agenda to be adopted by the Urban Council at its general meeting held on 24.09.2021.
05. While functioning as the Chairman of Maharagama Urban Council, whether he has improperly exercised the powers conferred on him as the Chairman of Maharagama Urban Council by acting contrary to the provisions of Section 40 of Urban Councils Ordinance (Chapter 255), due to the action taken by him to award to contract relating to construction of the Crematorium at Makumbura, estimated at Rupees Thirty-five Million Seven Hundred Thousand (Rs. 35,700,000/-) or an amount equivalent to that, on advertising without calling for tenders.
06. While functioning as the Chairman of Maharagama Urban Council, whether he has improperly exercised the powers conferred on him as the Chairman of Maharagama Urban Council by acting contrary to the provisions of Section 39 of Urban Councils Ordinance (Chapter 255), due to the action taken by him to enter, external to the Council approval, into a contract with Methsith Citizens' Society and Sumedha Senior Citizens' Society with regard to the contract to construct the Crematorium at Makumbura located within Maharagama Urban Council Authority area.

Further, according to the provisions stated in Section 184 (1a) of Urban Councils Ordinance (Chapter 255) read with Section 2 of Provincial Councils (Consequential Provisions) Act No. 12 of 1989, I hereby announce that this Single-person Tribunal is entitled to the powers entrusted to a Commissioner appointed under Commissions of inquiry Act and the following schedule includes written and oral evidences identified as applicable when examining the above mentioned matters.

ROSHAN GOONETILLEKE,
RWP and BAR VSV USP PHD
FIM (Sri Lanka)NDC PSC
Marshal of the Sri Lanka Air Force,
Governor,
Western Province.

At the office of the Governor of Western Province,
Located in Western Provincial Council Building,
Battaramulla,
On 29th December 2022.

EOG 01-0019