

**IN THE SUPREME COURT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

H.M. Thilakarathna (Deceased),
R.A. Somawathi Ratnayake (Deceased),
Herath Mudiyanseilage Chandana
Krishantha Thilakarathna,
5 Ela, Shravasthipura.
Presently of North Kaluvila, 6 Ela,
Hidogama, Anuradhapura.
Substituted Plaintiff-Respondent-Appellant

SC/APPEAL/66/2024

NCP/HCCA/ANP/47/2022 (F)

DC ANURADHAPURA 20765/L

Vs.

1. Sirima Ratnayake,
2. D.M. Suriyabandara,
Both of Iskola Hena Watta,
3 Ela, Hidogama.

Defendant-Appellant-Respondents

Before: Hon. Justice Mahinda Samayawardhena
Hon. Justice K. Priyantha Fernando
Hon. Justice Menaka Wijesundera

Counsel: Kamran Aziz with Samadhi Mahagodage for the Plaintiff-
Respondent-Appellant.

Sapumal Bandara with Vishmi Yapa Abeywardena for the 1st
and 2nd Defendant-Appellant-Respondents.

Argued on: 09.09.2025

Written submissions:

By the Plaintiff-Respondent-Appellant on 18.10.2025.

By the Defendant-Appellant-Respondents on 17.10.2025.

Decided on: 13.01.2026

Samayawardhena, J.

The plaintiff instituted this action in the District Court of Anuradhapura against two defendants, seeking a declaration of title to the land described in the schedule to the plaint, ejectment of the defendants therefrom and damages. The defendants filed answer praying for the dismissal of the plaintiff's action and for damages. After trial, the District Court entered judgment in favour of the plaintiff, granting only the reliefs prayed for in paragraphs (a) and (b) of the prayer to the plaint.

On appeal, the High Court of Civil Appeal of Anuradhapura set aside the judgment of the District Court on the ground that the District Court lacked jurisdiction to hear and determine the action. Hence, this appeal by the plaintiff. This court granted leave to appeal on the question whether the High Court erred in dismissing the plaintiff's action on that ground.

The wife of the plaintiff and the 1st defendant are sisters. Their father was Punchi Banda. The land in suit is paddy land. K.S. Rajapaksha was the owner of this land. By deed executed on 01.06.1998, K.S. Rajapaksha gifted the land to his son, Dharmasoma Rajapaksha. The plaintiff purchased the land from Dharmasoma Rajapaksha by deed executed on 12.11.2004 marked P1. The 1st defendant claims that she is the tenant cultivator of the land under K.S. Rajapaksha. However, according to Dharmasoma Rajapaksha and the plaintiff, Punchi Banda was the tenant cultivator under K.S. Rajapaksha. In support of her claim, the 1st defendant places strong

reliance on the decision marked V3 dated 21.02.2000 made by the Investigating Officer of Agrarian Services of Anuradhapura, under the Agrarian Services Act. According to that decision, the landlord/owner of the land was K.S. Rajapaksha and Punchi Banda. It is difficult to comprehend how Punchi Banda came to be described as a landlord/owner. Even K.S. Rajapaksha was not the owner of the land at the time that decision was made. Be that as it may, there was no determination therein that Dharmasoma Rajapaksha or the plaintiff was the landlord of the 1st defendant tenant cultivator.

As learned counsel for the 1st defendant has admitted in the post-argument written submissions, at the trial before the District Court, the plaintiff did not accept that the 1st defendant was his tenant cultivator, and conversely, the 1st defendant did not accept that the plaintiff was her landlord. Learned counsel does not dispute that the plaintiff is the lawful owner of the paddy land but contends that “*the issue is with regard to whether the 1st defendant could be considered as the tenant cultivator of the paddy land concerned*” and that “*the moment evidence is adduced during the trial that the matter is in fact between a landlord and a tenant cultivator*”, the District Court ceases to have jurisdiction. I cannot agree. Let me explain.

In the District Court, the 1st defendant did not raise any objection to jurisdiction. On the contrary, the 2nd admission recorded was that the District Court had jurisdiction to hear and determine the action. I accept that, where there is a total want of jurisdiction, parties cannot, by consent or acquiescence, confer jurisdiction upon a court. However, on the facts and circumstances of this case, there is no patent lack of jurisdiction.

The High Court, relying on *Mansoor v. OIC, Avissawella* [1991] 2 Sri LR 75, set aside the judgment of the District Court on the ground that “the possessory rights of a tenant cultivator” shall be resolved under the statutory scheme provided for in the Agrarian Development Act, No. 46 of

2000, and that the District Court lacks jurisdiction to inquire into such issues. This is not the correct position of the law.

The judgment in *Mansoor's* case is based on the well-established general principle laid down in *Wilkinson v. Barking Corporation* (1948) 1 KB 721 at 724 that “*where a statute creates a right and, in plain language, gives a specific remedy or appoints a specific tribunal for its enforcement, a party seeking to enforce the right must resort to that tribunal and not to others.*”

The Agrarian Development Act is an undoubtedly a special Act passed, as the long title of the Act suggests, to “*provide for matters relating to landlords and tenant cultivators of paddy lands*”, and therefore, according to the aforementioned general principle, the jurisdiction of the ordinary courts to entertain and determine such disputes to the extent provided for under that statutory scheme stands excluded. Section 98 of the Agrarian Development Act enacts that “*The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law, and accordingly, in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.*”

However, the Agrarian Development Act does not oust the jurisdiction of the Magistrate’s Court or the District Court merely because the dispute relates to paddy land or it relates to the rights of a tenant cultivator of such land or one of the parties before court is a tenant cultivator. For the provisions of the Agrarian Development Act to apply and for the jurisdiction of the ordinary courts to be excluded, there must exist a landlord and tenant cultivator relationship between the contending parties before court. If one party denies the existence of such a relationship, the court necessarily retains jurisdiction to determine that issue. In the instant case, both parties deny the existence of a landlord and tenant cultivator relationship between them. This law was settled by Ranasinghe J. (as he then was), with the concurrence of Sharvananda C.J. and Wanasundera J., in *Suneetha Rohini*

Dolawatte v. Buddhadasa Gamage (SC Appeal No. 45/83, SC Minutes of 27.09.1985), which was cited with approval in *Herath v. Peter* [1989] 2 Sri LR 323 and followed in subsequent decisions.

For the aforesaid reasons, the judgment of the High Court cannot be allowed to stand, as it proceeded solely on the basis that the land in question is paddy land and that the dispute relates to tenant cultivation of such land. The question of law on which leave to appeal was granted is answered in the affirmative. I set aside the judgment of the High Court and restore the judgment of the District Court. Let the parties bear their own costs.

Judge of the Supreme Court

K. Priyantha Fernando, J.

I agree.

Judge of the Supreme Court

Menaka Wijesundera, J.

I agree.

Judge of the Supreme Court