

**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 a Writ of Certiorari a Writ  
of Prohibition and a Writ Mandamus under  
and in tens of Artice 140 of the  
constitution of the Democratic Socsialist  
Republic of SriLanka ..

Piyadasa Wijesiri Gunawardena  
Grama No.07, A/37  
Muwangala, Hingurana

**Petitioner**

C.A.(Writ) Application No.210/2010

**-Vs-**

1.Hon.Minister of Lands,,  
The Ministry of Lands, ,  
No.80/5, Govijana Mandiraya,  
Rajamalwatta Road,  
Battaram ulla.  
and 10 others

**Respondents**

**C.A. Writ Application No:210/2010.**

Before : S.Sriskandarajah, J (P, C/A).

Counsel : G.Jayakumar for the Petitioner.  
Nayomi Kahavita SC for the 1<sup>st</sup> to 6<sup>th</sup> and 11<sup>th</sup>  
Respondents  
J.P.Gamage for the 8<sup>th</sup> Respondent.

Argued &  
Decided on : 05.06.2012.

**S.Sriskandarajah, J. (P, C/A)**

The Petitioner in his petition has pleaded that he does not own any land granted for a commercial purposes within the Divisional Secretary Division of Damana and that he has made an application to the Divisional Secretary of Damana to provide a piece of land for commercial purposes on a long -term lease to commence a business on his own. He made this request by letter dated 22.01.2003 to grant a 15 perches land either through an annual permit or a long term lease. The Petitioner's application was not considered favourably and the Petitioner has complained to various authorities. The Petitioner has also made a complaint to the Parliamentary Commissioner for administration (Ombudsman) that Divisional Secretary has not

allocated a land to the Petitioner but instead granted commercial lands on fraudulent documents to third parties. The Ombudsman after inquiry recommended that the Petitioner and the 8<sup>th</sup> Respondent be given 7 ½ perches of land and the said recommendation was forwarded to the 6<sup>th</sup> Respondent by letter dated 19.10.2006. Thereafter the Ombudsman for reconsideration of their decision summoned the Petitioner, 8<sup>th</sup> Respondent and the representative of the Divisional Secretary the 6<sup>th</sup> Respondent and held another inquiry on 26.02.2007. The Ombudsman forwarded their recommendation to the 6<sup>th</sup> Respondent the Land Commissioner recommending that the Petitioner is not entitled to receive a commercial land as he was in possession of a commercial building allocated by the Divisional Secretary to conduct business, this recommendation was forwarded to the 6<sup>th</sup> Respondent by letter dated 06.03.2007.

The Petitioner was given an opportunity by the Ombudsman to present Petitioner's grievance before the Ombudsman. The Ombudsman had heard the Petitioner and the representative of the Divisional Secretary and they recommended that the Petitioner is not entitled to receive a commercial land from the state as the Petitioner was allocated a commercial building belongs to the state. In these circumstances, the said decision of the Ombudsman is reasonable in

the given circumstances. As such this court is not inclined to grant the relief prayed for by the Petitioner in this application and therefore this court dismisses this application without costs.

**PRESIDENT OF COURT OF APPEAL.**

Vkg/-