

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF  
SRI LANK

In the matter of an application for the  
Grant and issue of Writ of Certiorari and  
Mandamus under Article 140 of the  
Constitution of the Democratic Socialist  
Republic of Sri Lanka.

Liyanasuriya Arachchige Ranjani,  
No.33, Gamini Pura, Hatton.

Petitioner

Court of Appeal Writ  
Application No.139/2011

Vs.

1. Land Reform Commission,  
P.O. Box No.1526,  
Hector Kobbekaduwa Mawatha,  
Colombo 07.

2. Arumugam Muniyaiyah,  
Gamini Pura, Near Shakthi  
Theater, Hatton.

3. T.A. Gunawathi,  
Gamini Pura, Near Shakthi  
Theater, Hatton.

Respondents

BEFORE : **S.Siskandarajah, J, P/CA**

COUNSEL : P.Peramunugama ,

for the Petitioners.

S.S.Sahabandu P.C with I.R.Rajapakshe,

for the 1<sup>st</sup> Respondent.

M.U.M.Ali Sabry with Shamith Fernando,

for the 2<sup>nd</sup> and 3<sup>rd</sup> Respondent

Argued on : 24.02.2012

Decided on : 18.09.2012

**S.Sriskandarajah, J**

The Petitioner was allotted a plot of land by the Land Reform Commission in the Gamini Pura Housing Scheme. The Petitioner claimed that the said allotment of land was of 18.19 perches and depicted as lot No. 15,1/2 in Plan No. 066 dated 21/2/1999. The Petitioner paid Rs.700/- to the 1<sup>st</sup> Respondent to possess the said land. The Petitioner submitted that the 3<sup>rd</sup> Respondent, too, was allotted land in the same Housing Scheme and was living with her husband, the 2<sup>nd</sup> Respondent. The Petitioner submitted that in or around 2/07/1999 the Petitioner was informed by the 1<sup>st</sup> Respondent that arrangement was being made to grant deed in respect of the land that was occupied by the Petitioner. The Petitioner further submitted that the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents had forcibly entered into a portion of the land allocated to the Petitioner and unlawfully started construction in the said portion, compelling the Petitioner to file an action in the District Court of Hatton bearing No.L/2080.

The Petitioner submitted that the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents had persuaded the Land Reform Authority of Nuwara Eliya, the 1<sup>st</sup> Respondent, and prepared an amended

plan and amended tenement list which is marked as X26 and X27 to rectify the boundaries of the land that was allotted to the Petitioner. The Petitioner submitted that the preparation of the said plan is wrongful and is against the principle of natural justice, as the Petitioner was not given an opportunity to present her case before a decision is arrived at. The Petitioner's Application in this Court is for a Writ of Certiorari to quash the amended plan marked X26 and the tenement list marked X27.

It is an admitted fact that the land in question belongs to the Land Reform Commission and the Land Reform Commission, by plan marked X1 and tenement list marked X1A originally allotted blocks of land for housing purposes. The 1<sup>st</sup> Respondent submitted, in or around the year 2000, it was found that the plan and the tenement list was erroneous and, therefore, the District Land Reform Authority, Nuwara Eliya, caused a fresh survey to be done and a new plan and tenement list was prepared on the 10<sup>th</sup> of July 2001, correcting mistakes that had occurred in relation to lots Nos. 1, 6, 10, 15/1 and 15/2/2. As the land belongs to the Land Reform Commission, it has the power and authority to re-demarcate the boundaries of the land allotted to the recipients of the land. The Petitioner is only in possession of the land that was allotted to the Petitioner and the Petitioner has still not obtained title to the land by a deed of transfer. In these circumstances the Petitioner cannot claim that it had a legitimate expectation that the allotment of land and the tenement list would not be altered. The 1<sup>st</sup> Respondent's position is that an error has taken place when the lots were originally surveyed and the tenement list was prepared and, in these circumstances the 1<sup>st</sup> Respondent is entitled to amending the plan and the tenement list as the owner of the entire land. In view of the above finding the Petitioner has no legal right to seek a Writ of Certiorari to quash the aforesaid decision of the 1<sup>st</sup> Respondent and, therefore, this court dismisses this Application without cost.

President of the Court of Appeal