

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

Case No. CA 177/2012

01. K. Anura Perera
02. K. Sunil Perera
03. K.Aruna Perera
04. K. Wimal Perera
05. K. Niroshani Perera

All of No. 319, Mihintale Road.
Anurdadapure

(Petitioner Applicants)

Vs.

01. K. Ajith Perera
02. K. Lal Perera

of No. 31 O, Mihintale Road
Anduradhapura

03. Divisional Secretary, Divisional
Secretariat
Pandulagama. Anuradhapura.
04. Attorney General
Attorney- General's Department.
Colombo 12

(Respondent Respondents)

C.A. Writ Application No. 177/2012

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

Counsel: Indika Withana for the Petitioner

Argued &

Decided on: 23.07.2012

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

Counsel for the petitioner is seeking a writ of mandamus to direct the 3rd respondent, Divisional Secretary to cancel the documents marked X 2 & X3(b). The petitioner admits that based on these two documents District Court has made an order giving possession of the said land to the respondents and the said order was appealed by the petitioners and the said appeal was dismissed for want of appearance. As the said District Court order on the determination of the rights of the parties on the said land still not vacated, the petitioner's application for a mandamus directing the 3rd respondent to cancel document X 2 & X 3(b) is futile. In these circumstances, this Court refuses to issue notice.

PRESIDENT OF THE COURT OF APPEAL

Deepali Wijesundera,J.

I agree

JUDGE OF THE COURT OF APPEAL

KL/-