

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

In the matter of an Application for Revision in terms of Article 138(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka. Read with Article 154 (p) of the 13th amendment to Constitution and Section 7 of the High Court special Provision Act No. 19 of 1990.

Weerasekera Mudiyanselage Prema
Weerasekera
No. 78/4, Aluthgama,
Bataduwa,
Polgahawela.

Petitioner

C.A. (PHC)APN No. 191/2006
H.C. (W) Kurunegala Case No. 32/05

Vs.

1. RM. Wanninayake
Divisional Secretary,
Divisional Secretariat,
Ahatuwewa.
2. Ranjith Wadiyathilaka
Provincial Land Commissioner,
(Wayamba)
Provincial Land Department,
Kurunegala.
3. R.M. Abeyrathna,
Land/ Janapada Officer,
Divisional Secretariat,
Ahatuwewa.

4. Nuwan Anurudda Kumara
Weerasekera
No. 1/56, Veharagoddayaya,
Attaragalla,
Galgamuwa.

Respondents

AND NOW BETWEEN

Weerasekera Mudiyanseelage Prema
Weerasekera
No. 78/4, Aluthgama,
Bataduwa,
Polgahawela.

Petitioner-Petitioner

Vs.

1. R.M. Wanninayake
Divisional Secretary,
Divisional Secretariat,
Ahatuwewa.
2. Ranjith Wadiyathilaka
Provincial Land Commissioner,
(Wayamba)
Provincial Land Department,
Kurunegala.
3. R.M. Abeyrathna,
Land/ Janapada Officer,
Divisional Secretariat,
Ahatuwewa.
4. Nuwan Anurudda Kumara
Weerasekera
No. 1/56, Veharagoddayaya,
Attaragalla,
Galgamuwa.

Respondents-Respondents

Before : **SISIRA DE ABREW, J** and
K.T.CHITRASIRI, J.

Counsel : Prince Perera for the Petitioner.

N. Wigneswaran S.C. for the 1st – 3rd
Respondents.

D.M.G. Dissanayake with B.S. Balasuriya
for the 4th Responda

Argued &
Decided on : 16.06.2011.

Sisira de Abrew,J.

Heard counsel for all parties in support of their respective cases.

This is an appeal to set aside the judgment of the learned High Court Judge dated 21st August 2006.

At this stage, parties agree to set aside the judgment of the learned High Court Judge; the document marked P5 (document signed by the Divisional Secretary , Ahatuwewa dated 14th October 2002); the document signed by Divisional Secretary, Ahatuwewa dated 14th October 2002 marked as P6 in the High Court proceedings and the document signed by Divisional Secretary, Ahatuwewa on 14th July 2005 marked as P18 in the High Court proceedings.

Parties agree that there must be a fresh inquiry conducted by the Divisional Secretary Ahatuwewa in respect of their claims.

We therefore set aside the judgment of the learned High Court Judge dated 21-08-2006, documents marked P5, P6 and P18 filed in the High Court .

In view of the said agreement by the parties, we direct the Divisional Secretary, Ahatuwewa to hold a fresh inquiry in respect of the claims made by the petitioner and the 4th respondent.

Proceedings are terminated.

JUDGE OF THE COURT OF APPEAL

K.T. Chitrasiri, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

/mds