

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

W. P. Fernando
Mananahena, Thalgaspe.
Elpitiya.

PETITIONER

C.A 452/2009 (Writ)

Vs.

1. The Divisional Secretary
Divisional Secretariat,
Elpitiya.
2. Ceylon Electricity Board,
No.50, Sir Chittampalam A.
Gardiner Mawatha,
Colombo 2.
3. Chief Engineer (Constructions),
Southern Provincial Office,
Lanka Electricity Board,
No. 167, Matara Road,
Galle.
4. The Attorney General
Attorney General's Department,
Colombo 12.

RESPONDENTS

BEFORE: Anil Gooneratne J.

COUNSEL: Mahinda Nanayakkara with A. Jayatilleke for Petitioner
Ashan Fernando S.C. for Respondents

ARGUED ON: 19.11.2012

DECIDED ON: 30.01.2013

GOONERATNE J.

This is an application for a writ of certiorari/mandamus which has arisen from laying of electric lines where the Electricity Board has taken steps to install lamps to give electricity to the nearby houses of the Petitioner's land. The issue is not a complex issue which does not seem to attract the writ jurisdiction of this court. Petitioner seeks to quash documents marked P5 and P7. A writ of mandamus is sought to implement the decision in document P4.

Petitioner had objected (paragraph 7 of Petition) to erection of lamp posts across Petitioner land, since there is a shorter way to erect lamp post. Based on the objections of the Petitioner an inquiry was held (P2). Subsequently erection of lamp post had been approved by letter P4, and the Petitioner does not object to

same. P4 very clearly states that electric lamp post would be laid not on the boundary of the Petitioner's land.

This court observes that by the issuance of letters P5 & P7 the decision in document P4 has not been altered. It is very clear that in the implementation of the decision in document P4, it has become necessary to remove and cut certain branches of trees leaning towards the electric lines. In fact letter P7 endorse the decision in letter P4. Petitioner has not disclosed proper acceptable grounds to demonstrate that she is entitled to the writs that have been sought. The official Respondents have always acted in a fair manner according to the material contained in the objections of the Respondents.

I have considered the submissions of learned counsel for the Petitioner and learned State Counsel. There is no merit in this application, and I am not convinced of the argument submitted to court on behalf of the Petitioner. Respondents have never acted in excess of their authority, as per the material available to court. Therefore I dismiss this application without costs.

Application dismissed.

JUDGE OF THE COURT OF APPEAL