

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

CA Writ 275/2012

1. Vithanage Aruna Shantha,
No: 669, Velipillewa,
Dedigamuwa.
2. Pitipanage Leelawathie
No: 669, Velipillewa,
Dedigamuwa.

Petitioners

-Vs-

1. The Minister of Land and Land Development,
The Ministry of Land and Land Development,
No: 80/5, Govijana Mandiraya,
Rajamalwatte Lane, Battaramulla.
2. The Commissioner General of Land,
The Land Commissioner General's Department,
"Mihikatha Medura", Rajamalwatte Lane,
Battaramulla.
3. Deputy Land Commissioner-Colombo,
The Land Commissioner General's Department,
"Mihikatha Medura", Rajamalwatte Lane,
Battaramulla.
4. District Secretary,
District Secretariat,
Wella Veediya,
Colombo-12.

5. Divisional Secretary-Kaduwela,
Divisional Secretariat,
Malabe.
6. Sripathi Dias,
Attorney-at-Law & Notary Public
No: 272/2,
Vidyala Mawatha,
Hanwella.
7. Upathissa Madapathage,
Attorney-at-Law & Notary Public
No: 117/3,
Pitipana-North,
Homagama.
8. Jagath Chaminda Abegunasekara,
No: 247/40,
Deegala Watta,
Jalthara,
Ranala.

Respondents

C.A Writ 275/2012.

Before : S.Sriskandarajah, J. (P, C/A) &
P.W.D.C. Jayathilaka, J

Counsel : K. Asoka Fernando with A.R.R. Siriwardane for
the Petitioners.

Argued &
Decided on : 15.01.2013.

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

Learned counsel for the Petitioner in support of this application, the Petitioner is seeking a writ of certiorari to quash a document marked 10(b) by which he says that the Divisional Secretary granted written consent for the execution of the deed. After giving this consent a deed was executed and the learned counsel submitted that there are serious irregularities in the said deed and the signatures are also forged.

In these circumstances, the quashing of the grant of the said consent will not serve any purpose as the deed is now executed. The Petitioner has to get the said deed declared invalid by an appropriate court. In these circumstances, this court refuses to

issue notice on the Respondents. The Petitioner is seeking to quash the said decision which was made in August 2009, in September 2012 by this application for this reason also this court refuses notice.

PRESIDENT OF THE COURT OF APPEAL

P.W.D.C Jayathilaka.

I agree.

JUDGE OF THE COURT OF APPEAL

Vkg/-