

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

**C.A. (Writ) Application No.11/20 12**

V .R Soundararajan Chettiar  
Trustee of the Sri Selva Vinayagar  
Kovil No.10/01, Peradeniya Road,  
Kandy.

**PETITIONER**

**Vs.**

Raja Gooneratne  
Commissioner of National Housing,  
Department of National Housing,  
Sethsiripaya, Battaramulla

Gotabaya Jayaratne  
Secretary,  
Ministry of Construction, Engineering  
Services, Housing & Common Amenities,  
2nd Floor, 'Sethsiripaya',  
Sri Jayawardenapura Kotte,  
Battaramulla.

R.W .M.S.B.Rajapaksha  
Member, Board of Valuation,  
Ceiling on Housing Property Branch,  
2nd Floor, 'Sethsiripaya',  
Sri Jayawardenapura Kotte,  
Battaramulla.

J.B.Perera  
Member, Board of Valuation,  
Ceiling on Housing Property Branch,  
2nd Floor, 'Sethsiripaya',  
Sri Jayawardenapura Kotte,  
Battaramulla.

**RESPONDENTS**

C.A. (Writ) Application No.11/2012

BEFORE : S. SRISKANDARAJAH, J. (P/CA) &  
W. M. M. MALINIE GUNARATNE, J.

COUNSEL : A.R.Surendran P.C. with N. Kandeepan  
for the Petitioner.

M. N.B. Fernando DSG with Suranga  
Wimalasena for the respondents.

ARGUED AND

DECIDED ON : 28<sup>th</sup> June, 2013.

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S. SRISKANDARAJAH, J. (P/CA)

This is an application filed by the Petitioner to issue a Writ of Certiorari to quash the document marked P12 made by the 3<sup>rd</sup> and 4<sup>th</sup> Respondents. The Respondents admit that the appropriate notices under Section 20 of Law No. 1 of 1973 was not served and as such the petitioner was not given a fair hearing. The learned State Counsel who is appearing for the respondents admits this position and hence this Court quashes the said order and the learned State Counsel undertakes that the Respondents will hold a fresh inquiry after giving appropriate notices. In view of this, the order marked P12 dated 19.09.2011 is quashed and the application for Writ of Certiorari is allowed without costs. As the respondents are giving an undertaking to hold a fresh inquiry, this

Court has not considered the issuance of a Mandamus as prayed for in paragraph "c" of the prayer to the petition.

This application for writ of certiorari is allowed without costs.

PRESIDENT OF THE COURT OF APPEAL

W. M. M. MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=