

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

CA Writ No. 39/2012

1. Mrs. Padma Warnalatha Tennakoon
2. Don Joseph Michael Munaweera

Both of No. 400,
Ballapana,
Galigamuwa Town.

Petitioners

Vs.

1. Commissioner General of Agrarian Development
No. 56, Marcus Fernando Mw,
Colombo 7.
2. Assistant Commissioner of Agrarian Development,
Kegalle.
3. Divisional Officer of Agrarian Development
Yattogoda.
4. The Agrarian Development Council
Yattogoda.
5. Kuruppu Arachchige Abeyratne
Siyambalapitiya, Yattogoda.
6. Kuruppu Arachchige Wijeguneratne
Siyambalapitiya, Yattogoda.
7. Hon. Attorney General
Attorney General's Department,
Colombo 12.

Respondents

C.A.No. 39/2012 (Writ)

Before : Anil Gooneratne, J. and
W.M.M.Malinie Gunaratne,J.

Counsel : Lasitha Chaminda for the Petitioner.
Nayomi Kahawita S.C. for the 1st , 2nd ,3rd and
7th respondents.
Subashini Cooray for the 5th and 6th
Respondents.

Decided on : 05.11. 2013

Anil Goonerathe, J.

In terms of the prayer to the petition, the Petitioner has sought a writ of mandamus as per sub para 2 of the prayer to the petition. Learned State Counsel informs Court, that the inquiry, has been held under Section 83 of Act No.46 of 2000, and has already commenced the inquiry prior to filing of this application. (vide proceedings marked 2R2). Learned Counsel for the Petitioner indicates that if the inquiry has been commenced he would be satisfied and only request is to re-commence the inquiry in terms of the Section 83 of the said Act. State Counsel undertakes to inform the 1st and 2nd respondents to re-commence the inquiry. In view of the above, learned

Counsel for the Petitioner moves to withdraw this application. Application for withdrawal is allowed and the application dismissed. No costs.

JUDGE OF THE COURT OF APPEAL

W.M.M Malinie Gunaratne,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-