

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

Writ Application No.232 /2012

V.Rasalingam
No.9, Main Street,
Wattegama.

Mrs.Manonmany Rasalingam
No.9, Main Street,
Wattegama.

Petitioners

- Vs-

1 . Office of the Resident
Project Manager,
Victoria Mahaweli Authority of Sri Lanka,
Digana, Rajawella.

2. Mahaweli Authority of Sri Lanka,
No.50, T .B. Jaya Mawatha,
Colombo-10.

3. Chairman
Mahaweli Authority of Sri Lanka,
No.50, T.B.Jaya Mawatha,
Colombo-10.

4. P .Namasivayam
Mahaberiyatenna Farm,
Rajawella, Kandy.

5. The Attorney General
Attorney General's Department
Hulftsdorp, Colombo-12.

Respondents

C.A.(Writ Application No. 232/2012

BEFORE : ANIL GOONERATNE, J. &
MALINIE GUNARATNE, J.

COUNSEL : S. Kumarasingham for the petitioners
Nayomi Kahavita SC for the 1st, 2nd, 3rd and 4th
respondents.
Indika Kuruppuarachchi & Champika
Rajapakshe for the 4th respondent.

ARGUED AND

DECIDED ON : 13th February, 2014.

ANIL GOONERATNE, J.

We have heard learned Counsel for the petitioner as well as the learned State Counsel and the learned Counsel for the 4th respondent.

It appears from the material contained in the pleadings as well as the submissions of all Counsel that the original lease was issued for a period of 15 years. Now the lease period has lapsed. It is also submitted to this Court on behalf of the 4th respondent that he is in possession on the strength of power of attorney. However, it appears to this Court that in terms of sub paragraph (b) of the prayer to the petition, the petitioner has sought a writ of mandamus as well as a writ of certiorari. Having considered the position in this case, and the

contents of document marked P11, all parties agree that the 2nd respondent, Mahawali Authority need to hold an inquiry in terms of regulations governing the Authority and decide as to whom the land should be alienated in terms of the law. This Court also notes that inquiry that is to be held by the Mahawali Authority should afford an hearing to the petitioner as well as to the 4th respondent. On that basis, learned Counsel for the petitioner moves to withdraw this application. The application for withdrawal is allowed and the application is dismissed. No costs.

JUDGE OF THE COURT OF APPEAL

MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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