

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

In the matter of an Application for  
mandates in the nature of Writs of  
Certiorari, Prohibition and  
Mandamus under Article 140 of the  
Constitution of Sri Lanka.

Green Movement of Sri Lanka,

No: 110/18A,

16<sup>th</sup> Lane, Wickremasinghepura,

Battaramulla.

C.A. (Writ) Application No: 126/2014

1. B.M.U.D.Basnayake,  
Secretary, Ministry of  
Environment and Renewable  
Energy,  
Sampathpaya,  
Rajamalwatta Road,  
Battaramulla.

2. S.Anura Sathurusingha,  
CONSERVATOR GENERAL OF  
FORESTS,  
Department of Forest  
Conservation,  
Sampathpaya,  
Rajamalwatta Road,  
Battaramulla.

3. Dr.Senarath Dissanayake,  
DIRECTOR GENERAL OF  
ARCHAEOLOGY,  
Department of Archaeology  
Sri Marcus Fernando  
Mawatha,  
Colombo – 07.

4. R.P.R.Rajapaksha,  
LAND COMMISSIONER  
GENERAL,  
Land Commissioner General's  
Department,  
Mihikatha Madura,  
No: 1200/6,  
Rajamalwatta Road,  
Battaramulla.

5. H.D. Rathnayake,  
DIRECTOR GENERAL,  
Department of Wildlife  
Conservation,  
811A, Jayanthipura,  
Battaramulla.

6. Central Environment  
Authority,

104, Denzil Kobbekaduwa  
Mawatha,

Battaramulla, Sri Lanka.

7. S. Kedishwayan,

Divisinal Secretary of Musali

Divisinal Secretary Office,

Musali.

8. M. Srikandakumar,

Divisinal Secretary of Manthai  
west,

Divisinal Secretary Office,

Manthai west.

9. F.C. Ssathiyasothy,

Divisinal Secretary of Madhu

Divisinal Secretary Office,

Madhu.

10. Hon. Rishad Bathiudeen

Ministry of Industry and  
Commerce

No: 73/1, Galle Road,  
Colombo 03, Sri Lanka.

11. S. Amarasinghe,  
Chairman, State Timber  
Corporation,  
No:82, "Sampathpaya",  
Rajamalwatta Road,  
Battaramulla.

**RESPONDENT**

BEFORE : P.W.D.C. JAYATHILAKE, J  
COUNSEL : Shantha Jayawardane with P. Karunaratne  
for the Petitioner

**P.W.D.C. Jayathilake J.**

Green Movement of Sri Lanka, the Petitioner has filed this case *inter alia* seeking a writ of certiorari, quashing the decision contained in the document marked P9. The Petitioner states that the decision contained in P9 allows to releasing unlimited amount of forest land as it has granted permission to release forest land according to the need for the settlement of people without specifying the extent of land.

The Petitioner has stated in the Petition that there are several statutes, rules, regulations and circulars for governing the administration, management and preservation of the state lands, forests, natural resources and archaeological sites/places. The Petitioner specifically pleads the said mechanisms have been placed with the objective of preserving the environment and natural resources such as forest, rivers, seas and nature parks for the general public under the well known doctrine of public trust. It is a universally accepted principle that the administration and management of natural resources are vested with the government for the benefit of the citizens and common good of the people, states the Petitioner.

Counsel for the Petitioner in support of the application submitted that aforesaid decision contained in P9 is illegal, irrational, unreasonable and ultra vires.

Having considered the submission made by the counsel for the Petitioner and having perused the documents marked P2, the extraordinary gazette No: 772/22, and P5, the circular No: SP/RD/02/10 of Presidential Secretariat, Court decides to issue notice on the Respondents of the application of the Petitioner.

**JUDGE OF THE COURT OF APPEAL**