

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

C.A. PHC 48/2005

Liyanapathirange Punchihewa Babynona ,
Kiriebanwewa,
Sevanagala.

Respondent - Petitioner - Appellant

Vs.

Hethuhamige Ranasinghe,
Resident Project Manager,
Sri Lanka Mahaweli Authority
Walawa Special Area,
Embilipitiya.

Applicant-Respondent-Respondent

C.A. (PHC)48/2005 : P.H.C. Ratnapura Case No. H.C.R.R.A. 101/2002
M.C. Embilipitiya Case No. 9492.

Before : K.T. Chitrasiri,J. &
Malinie Gunaratne,J.

Counsel : Respondent-Petitioner-Appellant is absent and
unrepresented
Nayomi Kahawita, S.C. for the Applicant-Respondent-
Respondent

Decided on : 28.11.2014

K.T. Chitrasiri,J.

Counsel, Ms. Samithri Kumarawadu submits that even though Mr. Rohan Sahabandu, P.C. has appeared for the Respondent-Petitioner-Appellant on previous occasions, he has not received instructions to appear for her thereafter. She, also submits that the President's Counsel has already returned the brief to the Respondent-Petitioner-Appellant. In view of the above circumstances, we decided to consider the merits of this appeal in the absence of the Appellant.

This is an application made under the State Land (Recovery of Possession) Act No. 07 of 1979 as amended, seeking to have the Respondent-Petitioner-Appellant evicted from the land subjected to in this case. Learned Magistrate by his decision dated 12.08.2002, made order to evict the Appellant from the land subjected to in this case having allowed the application of the Respondent.

Being aggrieved by the said decision, the Respondent-Petitioner-Appellant filed a revision application dated 02.09.2002, seeking to set aside the order of the learned Magistrate. Learned High Court Judge by the order dated 18.01.2005, referring to the decision in **Mohandiram Vs. Chairman, J.E.D.B.**, decided that the Respondent-Petitioner-Appellant is not entitled to be in possession of the land since she has failed to establish that she does not have valid permit or written authority to occupy the land subjected to in this case, it being a State land. We do not see any error on the part of the two Judges in deciding so, as the law is now settled in this connection.

In the cases of **Muhandiram Vs. Chairman, J.E.D.B. 1992 1 S.L.R. 110** and **Nirmal Paper Converters (Pvt.) Ltd. Vs. Sri Lanka Ports Authority 1993 1 S.L.R. 219**, it had been repeatedly held that a person who claims to be in possession of a State land, he should furnish a valid permit or written

authority to do so and if such a permit is not produced by that person, he/she has no right to occupy the same.

For the aforesaid reasons, this appeal is dismissed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Malinie Gunaratne, J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-