

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

C.A. (Writ) Application 427/2014

1. S. A. F. Russain
No. 10, Janapriya Mawatha
(D. S. Senanayake Mawatha),
Panadura.

2. S. A. M. Hafil
No. 10, Janapriya Mawatha
(D. S. Senanayake Mawatha),
Panadura.

Petitioners

Vs .

1. G. Lekah Geethanjali Perera
The Commissioner of Housing (Western Province),
Department of Housing Commissioner (Western Province),
No. 89, Kaduwela Road, Battaramulla.

2. The Chief Valuer,
Valuation Department,
No. 748, 'Valuation House',
Maradana Road, Colombo 10.

3. M. M. M. N. Gunaratne
District Valuer,
Valuation Department,
Western South Regional Office,
No. 340 3/1, Galle Road,
Kalutara South,
Kalutara.

Respondents

CA. Writ Application No. 427/2014

BEFORE : Vijith K. Malalgoda, PC. J. (P/CA) &
A.H.M.D. Nawaz, J.

COUNSEL : M.Z.M. Hilmy with H. Withanachchi for the
Petitioner.
P.Chandramal for the 4th & 5th Respondents.

Anusha Fernando SSC. for the 1st & 3rd
Respondents.

DECIDED ON : 12.01.2015

Vijith K. Malalgoda, PC. J. (P/CA)

Heard all parties in support of this application. At this stage the parties agreed to have a fresh inquiry by the 1st Respondent limited to two issues.

1. The Commissioner should give reasons as to why she did not make an order under Section 18(A) 2 (b) (i) of the Rent Act at the end of the fresh inquiry.
2. In the event the Commissioner decides to make order under 18 A 2 (b) (ii). She is required to consider the question of the compensation afresh in the light of material that is submitted by the parties based on the market value.

Commissioner should made available the valuation by the Chief valuer to both parties, for them to lead evidence to come to a fair decision

Learned SSC undertakes to instruct the 1st Respondent accordingly.

Proceedings are terminated.

PRESIDENT OF THE COURT OF APPEAL

A.H.M.D. Nawaz, J.

I agree

JUDGE OF THE COURT OF APPEAL

CN/-