

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

C.A. Writ Application No: 230/2012

Wanasinghe Mudiyanseelage Kapuru Banda
No:96, Kodali Patana,
Megodawewa.

Petitioner

Vs.

E.M.D.D. Ekanayake,
Commissioner General of Lands,
No:7, Gregory's Avenue,
Colombo 07.

I.T.A.S. Kumarihamy,
Chief Management Services
Assistant, For By. Commissioner of
Lands Anuradhapura.

E.M.M. Ekanayake,
Assistant Commissioner of Lands,
Anuradhapura.

P.D.L. Gunaratne,
Divisional Secretary,
Galen bindunuwewa.

Wanasinghe Mudiyanseelae Nimal Herath,
No: 119, Hurulu Meegahapattiya,
Megodawewa.

L.G.T.D.K. Somaratne,
Additional Registrar of Lands,
Anuradhapura.

Hon. Attorney General,
Attorney General Department,
Colombo 12.

Respondents

C.A.No.230/2012 (Writ)

Before : K.T.Chitrasiri,J. &
L.T.B.Dehiddeniya,J.
Counsel : Daya Guruge with Rohitha Wimalaweera for
the Petitioner.
Nayomi Kahawita S.C. for the Respondents.

Argued and

Decided on : 17.06.2015.

K.T.Chitrasiri,J.

When this matter was taken up for argument on the last date namely 13/2/2015, Learned Counsel for the petitioner submitted that there was no nomination being made in the permit in issue, nominating the 5th respondent as the successor of Mudalihamy who is the grantee of the permit. Learned Counsel for the petitioner who has the original permit in his hand submits that the permit does not indicate any nomination being made by the grantee.

In the circumstances, learned State Counsel agrees to have a fresh inquiry to determine as to the successor to the land described in the grant marked as P1 and P2 issued in the name of Mudalihamy. One of the reliefs prayed for, in the prayer to the petition also is **to have a fresh**

inquiry to determine the successor to the land referred to in the permit issued to Mudalihamy.

In the circumstance, both counsel agree to have a fresh inquiry before the Divisional Secretary of Galenbedunuwawa to determine the successor to the grantee namely Mudalihamy in respect of the land referred to in the documents marked P1 and P2 and to terminate these proceedings accordingly.

Therefore, we make order to hold an inquiry by the Divisional Secretary, Galenbedunuwawa to determine the successor to the grantee in respect of the permit issued to Mudalihamy. Accordingly, we terminate these proceedings.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

L.T.B.Dehideniya, J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-