

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

CA (Writ) Application No. 186/15

Kuranage Jayasuriya Henry Perera
Hiriwewa,
Kobeigane.

Petitioner

-Vs-

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

And Others

Respondents

CA 186/2015 WRIT

BEFORE : Vijith K. Malalgoda, PC, J. (P/CA) &
H.C.J. Madawala, J.

COUNSEL : Dr. Sunil Cooray with N. Nayanakanthi for the
petitioner.
S. Balapatabendi DSG for the 8th respondent.

SUPPORTED ON : 16.07.2015

VIJITH K. MALALGODA, PC, J, (P/CA)

Heard Counsel in support of this application and also the learned Deputy Solicitor General in this application. The petitioner has come before this Court seeking a writ of certiorari to quash a grant issued by Her Excellency the President in the year 1998. Petitioner has named Her Excellency the former President as the 6th respondent.

According to the facts of this case the original permit holder to this application was one Banda had died along ago. The said Banda was the permit holder since 1950's. The said permit holder had nominated his daughter Anohamy as the successor for the said land with life interest to his wife Selohamy. As the life interest holder, she was occupying the said land until her death in year 1991. After her death Anohamy was not permitted to come to the occupation of the said land due to her marriage which was not approved by the other members of the family. However, she had applied for a grant and in the year 1998, Her Excellency the then President had issued a grant to her. When the petitioner to the present application had filed action in the Provincial High Court in the year 2005, by way of an affidavit the said Anohamy had averred that since her family members are not

permitting her to come into occupation of the said land, after obtaining a grant she had filed action in the relevant District Court to eject them. The petitioner of the present application has now come before this Court asking a writ of certiorari to quash the same grant issued to Anohamy. We see no reason to interfere with this grant at this stage for several reasons. Firstly, the petitioner has come before this Court almost after 18 years of the said grant making the then President a respondent. Secondly, the rightful person who was issued with a valid grant has now gone before the District Court to get possession of the land since the other members of the family are not permitting her to come into occupation of the land. Under these circumstances, we see no reason for us to issue notices in this matter.

Notices refused.

PRESIDENT OF THE COURT OF APPEAL

H.C.J. MADAWALA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

KRL/-