

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

Case No. CA/Writ /270/2013

Rupahinge Gunaratne  
Ganga Addara Hena  
Udakarawita  
Ratnapura.

**Petitioner-Petitioner**

**Vs.**

Land Reform Commission,  
C 82, Gregory's Road,  
(Now Hector Kobbekaduwa Mawatha)  
Colombo 07.

The Chairman  
C 82, Gregory's Road,  
(Now Hector Kobbekaduwa Mawatha)  
Colombo 07.

Hon. John Amarathunga  
The Minister of Lands and Land  
Development Ministry  
No. 1200/6, Mihikatha Medura,  
Rajamalwatta Road,  
Battaramulla.

**Respondent-Respondent**

C.A.(Writ) Application No. 270/2013

**BEFORE** : VIJITH K. MALALAGODA, PCJ (P/CA) &  
S. THURAIRAJA, J.

**COUNSEL** : D.D.P.Dasanayake with Chandana  
Gunaratne Kanchana Ranatunga  
for the petitioner.  
R.M.D.Bandara instructed by Lilanthi de  
Silva for the Intervenient-petitioner.  
S.S.Sahabandu PC with Mr. Rajapakshe  
for the 1<sup>st</sup> and 2<sup>nd</sup> respondents.  
Manohara Jayasinghe for the 3<sup>rd</sup>  
respondent.

**ORDER ON** : 21<sup>st</sup> October, 2016

VIJITH K. MALALAGODA, PCJ (P/CA)

This matter is coming up today to inquire into the application made by one Dudley Jayasundera to intervene in this application. As observed by this Court the papers for intervention by the said intervenient petitioner had filed before this Court on 11.07.2016. It is further observed by this Court that another application for intervention had been filed in the year 2014 by one Migara Jayasundera and the said matter was taken up inquiry before this Court on 11<sup>th</sup> December 2014, this Court had refused the intervention to the said intervenient petitioner. We observe that the present application had been filed to intervene by the intervenient petitioner to the present

application Dudley Jayasundera after the refusal of the previous application by this Court. However, in a recent decision by this Court in case No. 187/2016 Dilmi Kasundara Malshani Sooriyaarachchi vs. Sri Lanka Medical Council and others Court Appeal minute dated 10.05.2016 this Court had concluded, based on the Divisional Bench decision in C.A. Writ Application No.586/2007 reported in 2012 BLR page 310 that the Court of Appeal Rules of 1990 had not provided for intervention by the intervenient parties. Therefore, an application for intervention cannot be granted by the Court of Appeal. In following the said decision this Court decides to refuse the application for intervention made by the intervenient petitioner in this case. Application for intervention is refused.

As the three writ applications can now be fixed for argument, we decide to send these applications before Court No.206 to fix a date for argument since all these three applications are filed in the year 2013.

Mention in Court No. 206 on 31.10.2016 for fix a date for argument.

  
PRESIDENT OF THE COURT OF APPEAL

S. THURAIRAJA, J.

I agree.

  
JUDGE OF THE COURT OF APPEAL

Kwk/=