

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

C.A. (Writ) Application No. 317/16

Ravindra Kahanda Kumara Weragama,
Welgala Estate, Weragama,
Kaikawala, Matale.

Petitioner

Vs.

M.A.S. Weerasinghe,
Commissioner General of Agrarian
Development,
Department of Agrarian Development,
No.42, Sir Marcus Fernando Mawatha,
Colombo 07.

Respondent

CA 317/2016 WRIT

BEFORE : Vijith K. Malalgoda, PC. J(P/CA) &
S. Thurairaja, PC. J.

COUNSEL : D. Weerasooriya PC with Kanishka Gunawardena for
the petitioner.

DECIDED ON : 06.10.2016

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

Heard counsel in support of this application.

The petitioner has come before this Court seeking a writ of certiorari to quash the conditions laid down by the 1st respondent when he declared a particular land as a non-paddy land. In this regard this Court is mindful of the fact that the Agrarian Services Act has provided the Commissioner General of Agrarian Services not only to protect the paddy land but also to protect the agricultural land. This is clear from Section 28 & 29 of the Agrarian Services Act and the said conditions imposed by the Agrarian Commissioner, the 1st respondent have been made to protect the agricultural land. The position taken up by the counsel was that once the land is declared as a non-paddy land by the 1st respondent he has no authority over the said land and therefore he cannot impose any conditions but this Court cannot agree with the said submissions of the counsel since the 1st respondent has authority not only on the paddy

land but also on the agricultural land. Considering these issues this Court is not inclined to issue notices on the respondents.

Notices are refused.

PRESIDENT OF THE COURT OF APPEAL

S. THURAIRAJA, PC. J.

I agree.

JUDGE OF THE COURT OF APPEAL

KRL/-