

**IN THE COURT OF APPEAL OF THE**

**DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

In the matter of an Appeal against  
judgment of Provincial High Court  
exercising its revisionary jurisdiction.

C A (PHC) / 113 / 2013

Provincial High Court of

Central province (Nuwara Eliya)

Case No. 22 / 2012 (Revision)

Magistrate's Court Nuwara Eliya

Case No. 11103/2011

Arumugam Ramanathan,

Pedro Estate,

Nuwara Eliya.

**RESPONDENT - PETITIONER -**

**APPELLENT**

-Vs-

1. J M Priyadarshani,

55/75

Vauxaull Street,

Colombo 02.

**APPLICANT COMPETENT**

**AUTHORITY - RESPONDENT**

**- RESPONDENT**

**Before: K K Wickremasinghe J**

**P. Padman Surasena J**

Counsel; Athula Perera with Nayomi N Kularathne for the Respondent –  
Petitioner - Appellant.

Manoli Jinadasa with Shehara Kaluarachchi instructed by  
Chandani Sooriyarachchi for the Applicant Competent Authority  
- Respondent - Respondent.

Decided on : 2017 - 10 - 24

### JUDGMENT

## **P Padman Surasena J**

Learned counsel for all the Parties, when this case came up on 2017-07-26 before us, agreed to have this case disposed, by way of written submissions, dispensing with their necessity of making oral submissions. They agreed that this Court could pronounce the judgment after considering the written submissions they had already filled. Therefore, this judgment would be based on the material that have been adduced by parties in their pleadings and the contents of the written submissions filed by them.

The Applicant Competent Authority - Respondent - Respondent (hereinafter sometimes referred to as the Respondent) had issued a quit notice on one R Arumugam from the premises in dispute in this case.

It appears that there had been a revision application in the Provincial High Court holden in Nuwara Eliya against the said order of eviction made by the learned Magistrate.

After the order of the Provincial High Court was received, the order of eviction was executed by the Magistrate's Court.

Thereafter, the Respondent - Petitioner - Appellant R Arumugam Ramanathan (hereinafter sometimes referred to as the Appellant), had made an application to the Magistrate's Court seeking restoration of his possession in the premises on the basis that the proceedings leading to his eviction was not against him but only against R Arumugam who is his father. Learned Magistrate by the order dated 2012-04-24, had refused the said application.

Being aggrieved by the said order made by the learned Magistrate, the Appellant had filed a revision application in the Provincial High Court holden at Nuwara Eliya.

Although the petition of appeal does not state which order is specifically challenged in this appeal, it appears that it is the above judgment that the Appellant has canvassed in this appeal in this Court. It is to be noted that section 6 A of the State Lands (Recovery of Possession) Act mandates the Court to make all such orders as are necessary to ensure that such persons are ejected from such land. As has been specified by section 5 (1) (b) the term 'such persons' here connotes the person in possession and his dependents if any.

Further, section 18 of the State Lands (Recovery of Possession) Act has defined the word "dependent" as follows;

"..... "dependent" , in relation to a person in possession or occupation of state land, means any person who is dependent on the person in possession or occupation, whether as spouse, child or otherwise, and includes any other person who is permitted by the person in possession or occupation to hold or occupy such land; ....."

It is common ground that the said ejectment has already been effected.

The Appellant has not set out any legal basis upon which he could claim a restoration of possession of this land for himself.

In these circumstances, this Court is unable to see any merit in this appeal.

Hence, this Court decides to dismiss this appeal with costs.

**JUDGE OF THE COURT OF APPEAL**

**K K Wickremasinghe J**

I agree,

**JUDGE OF THE COURT OF APPEAL**