

**IN THE COURT OF APPEL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA.**

In the matter of an application for orders in the nature of a writ of certiorari and mandamus under an in terms of the provisions of Article 140 of the Constitution.

1. Venerable Nelliwala
Sumedhalankara Thero.
Sri Pulinnathalarama Rajamaha
Viharaya,
Kotaweheramankada.

C.A. (Writ)Application

No. 516/2015

2. Mr.G.H. Karolis,
President,
Consolidated Farmers Society,
Kandiyapitawewagama,
Kotaweheramankada.
3. Mr. D.M. Dissanayake,
Secretary,
Consolidated Farmers Society,
Kandiyapitawewagama,
Kotaweheramankada.

4. Centre for Environmental Justice
(Gurantee) Limited,
20A, Kuruppu Road,
Colombo 08

Petitioners

Vs.

1. Mr. Anura Sathurusinghe,
Conservator General,
Department of Forest Conservation,
No.82, "Sampathpaya",
Rajamalwatta Road,
Battaramulla.
2. Mr. Chandra Prema Gamage,
The Commissioner of Buddhist
Affairs,
Department of Buddhist Affairs,
"Dahampaya", No. 135,
Sir Anagarika Dharmapala
Mawatha,
Colombo 07.
3. Mr. H.D. Ratnayake,
Director General,
Department of Wild Conservation,
No.811, Jayanthipura,
Battaramulla.

4. Mr. Eng. M.Y. Abdul Majeed,
Director General,
Irrigation Department,
P.O.Box 1138,
Buddhaloka Mawatha,
Colombo 07
5. Central Environmental Authority,
No.104, "Parisara Piyasa",
Robert Gunawardene Mawatha,
Battaramulla.
6. Mr. R.P.R. Rjapakshe,
Commissioner General of Lands,
Department of Commissioner
General of Lands.
"Miikatha Medura", No. 1200/6,
Rajamalwatta Road,
Battaramulla.
7. Mr. M.A.S. Weerasinghe,
Commissioner General of Agrarian
Services,
Agrarian Services Department,
No.42, Sir Marcus Fernando
Mawatha,
P.O.Box 537, Colombo 07.
8. Mr. M.K. Sirisena
No.31, Mihindu Mawatha,
Tangalle.

9. Attorney General,
 Attorney General's Department,
 Hulftsdorp,
 Colombo 12.

Respondents

BEFORE : P. PADMAN SURASENA, J. (P/CA) &
 A.L. SHIRAN GOONERATNE, J.

COUNSEL : Ravindranath Dabare with Chathurika
 Wijesinghe instructed by Sugath
 Athapattu for the petitioner.
 Chaya Sri Nammuni SC for the 1st to 7th
 and 9th respondents.
 P.L.Gunawardana with J.D. Douglas for
 the 8th respondent

DECIDED ON : 08th February, 2018

P. PADMAN SURASENA, J. (P/CA)

Learned State Counsel has filed a motion setting
 out the present position of the land which is the

subject matter of this application. This motion is dated 2018.01.19. Learned Counsel for the petitioner confirms the receipt of this motion. It is the position of the respondents that the 8th respondent is in occupation of a land belonging to the Soragune Devalaya. A certified copy of the relevant plan has been produced annexed to the said motion marked **“B”**.

Learned State Counsel undertakes to give instructions to the 2nd respondent to direct the trustees/ Basnayake Nilames of Soragune Devalaya to recover the possession of this land. Learned State Counsel submits that the undertakings given by the respondents which are set out in the motion dated 2018-01-19 filed by her will be enforced.

In view of this situation, learned Counsel for the Petitioner moves to withdraw this application. The application for withdrawal is allowed.

Application is dismissed without costs.

PRESIDENT OF THE COURT FO APPEAL

A.L. SHIRAN GOONERATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=