

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

In the matter of an application for orders in the nature of Writs of Mandamus under and prohibition in terms of Article 140 of the Constitution of Democratic Socialist Republic Of Sri Lanka.

C.A. (Writ)Application No.

472/2019

1. Sinnathurai Selvarathinam (President)
Sri Meenaadchi Sunthareaswarrar,
Thevasthanam,
154th Mile Post, Indhupuram also know
as (Selvapuram),
Thirumurukandy

And 09 Others

PETITIONERS

-Vs-

1. R. N. C. M. Herath,
The Land Commissioner General,
The Land Commissioner General's
Department,
"Mihikatha Medura",
Rajamalwaththa Road,
Battaramulla.

And 03 others

RESPONDENTS

BEFORE : **HON. JUSTICE SOBHITHA RAJAKARUNA**

HON. JUSTICE DHAMMIKA GANEPOLA

COUNSEL : K. V. S. Ganesharajan with S. Ragul and
K. Nasikethan for the Petitioner.
Niran Anketell for the 4th Respondent.
Chaya Sri Nammuni, SSC for the 1st, 2nd and 3rd
Respondents.

ARGUED & : 17th of February, 2021

DECIDED ON

HON. JUSTICE SOBHITHA RAJAKARUNA

When this matter was taken up for support today, the Court inquired from the parties as to whether there would be any objections for this bench to hear this application as there are certain documents in Tamil language.

All the counsel agree to proceed with the English Translations of the documents marked as P1 to P19 provided by the Petitioner. Those translations are already filed of record.

Accordingly, all the counsel wishes to make submissions and proceed with this matter before this division of the Court.

Heard Counsel in support of this application.

At this stage, on a proposal made by Court, the learned Senior State Counsel undertakes to instruct the Divisional Secretary of Oddusuddan and the Commissioner of Land in Northern Province to consider the possibilities of issuing a permit in terms of relevant law to the Petitioner for the area where the Kovil premises is situated and also to consider the possibilities of issuing a similar permit to the 4th Respondent for the balance area in the surroundings.

In the circumstances, the learned Counsel for the Petitioner moves to withdraw this application reserving his right to file any further application in this Court, upon a subsequent matter.

The Court is of the view that the Divisional Secretary can be used his discretion in view of issuing a permit if any, following the relevant rules and regulations.

None of the above orders should be construed as any directions made by this Court upon the Divisional Secretary or the Commissioner of Land.

Application for withdrawal is allowed.

The application is pro-forma dismissed.

JUDGE OF THE COURT OF APPEAL

HON. JUSTICE DHAMMIKA GANEPOLA

I agree.

JUDGE OF THE COURT OF APPEAL

KN/-