

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

*In the matter of an application for an order in the nature of a writ of certiorari to quash the Order made by the 1<sup>st</sup> Respondent under section 38 proviso (a) bearing order No. 399 of 2013 (bearing reference No.04/03/10/2013/UDA/ 506 & bearing the Divisional Secretary's Reference No. 100/5/3/1/ 83)) and published in the Extraordinary Gazette No. 1843/20 dated 31/12/2013*

**C.A. (WRIT) APPLICATION NO. 21/2014**

1. Kaalanchiyalage Lily Nona,  
No. 54, Winston Wickremasinghe Mawatha,  
Kegalle.
2. HalloluRlalalage Edwin Ranasinghe  
No. 43, Dutugamunu Mawatha, Kandy.
3. Senevirathnelage Yamuna  
Kanthi Siriwardena,  
No. 02/186, Kalugalle Mawatha,  
Kegalle.
4. Agampodige Gunawardena,  
No. G13, Bulugahadeniya, Hettimulla.
- 5a. Manjula Priyantha Kumara,  
No. A 35, Beregala Road, Kegalle
- 5b. Wasantha Udaya Kumara,  
No. A 35, Beregala Road, Kegalle
- 5c. Aruna Pradeep Kumara,  
No. A 35, Beregala Road, Kegalle
- 6a. Nilanga Antoninette Claudius  
Kurukulasooriya,  
No. 86/ 287, Bandaranayake Mawatha,  
Kegalle.
- 6b. Priyanga Dilano Angelo Kurukulasooriya,  
No. 86/ 287, Bandaranayake Mawatha,  
Kegalle.

6c. Cornelius Chaminda Kurukulasooriya,  
No. 86/ 287, Bandaranayake Mawatha,  
Kegalle.

7. Wahumpurayalage Manel Chandralatha,  
No. 1/188, Kalugalle Mawatha,  
Kegalle.

**PETITIONERS**

**Vs.**

1c. Hon. S. M. Chandrasena,  
Minister of Lands,  
Mihikatha Medura,  
No, 1200/6, Rajanmalwatte Road,  
Sri Jayawardenapura, Kotte.

2a. J. G. S. Nishantha,  
Divisional Secretary/Land Acquiring officer  
of Divisional Secretariat, Kegalle.

3c. M. C. Weerasuriya,  
The District Secretary of Kegalle,  
Office of the District Secretary, Kegalle.

4. Dr. Jagath Balasooriya,  
No. 183, Bandaranayake Mawatha,  
Kegalle.

5. Ranjith Siyambalapitiya,  
Wendala, Kahatagastenna, Ruwanwella.

6b. Rajamanthri Gedera Shaminda Nirosan,  
Secretary of Kegalle Urban Council,  
Office of the Urban Council,  
Kegalle.

7. Tharaka Balasooriya,  
No. 183, Bandaranayake Mawatha,  
Kegalle.

8. Mahipala hearth,  
Chief Minister of Sabragamuwa Province,  
Ministry of Chief Minister of Sabaragamuwa  
Province, Rathnapuwa New Town,  
Ratnapura.

9. Hon. Patali Champika Ranawaka,  
Minister of Urban Development, Land  
Reclamation & Development, National  
Planning.  
Ministry of Urban Development, National  
Planning Sethsiripaya, Battaramulla.
- 9c. Hon. Dr. Nalaka Godahewa,  
Minister of Urban Development, Coast  
Conservation, Waste Disposal and  
Community Cleanliness,  
Sri Lanka Land Development Corporation,  
P.o. Box 56 No. 03, Sri Jayawardanapura  
Mawatha, Rajagiriya.
10. Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

**RESPONDENTS**

Before: **M. T. MOHAMMED LAFFAR, J. &  
K. K. A. V. SWARNADHIPATHI, J.**

Counsel: Dr Sunil Coorey, instructed by Ms Sudarshini Coorey for the Petitioners.

Sabrina Ahamed SC for the Respondents.

Written Objection filed on: 05.02.2021 (by the Petitioners).

Decided on: 08.11.2021

**K.K.A.V. SWARNADHIPATHI, J.**

**ORDER**

The Petitioner has filed this application praying for a writ of *certiorari* to quash the Order made by the 1<sup>st</sup> Respondent under proviso (a) of section 38 of the Land Acquisition Act, No. 9 of 1950 (as amended). The Respondents filed objections and counter objections, and the case was fixed for argument on 12.11.2020.

Subsequently, on 09.10.2020, an Extraordinary Gazette No.1834/24 dated 30.10.2013 was filed in this Court by the State Counsel appearing for the 1<sup>st</sup>-3<sup>rd</sup> and 10<sup>th</sup> Respondents. The Petitioner objected to this document. This Order is in respect of the said Objection.

A Gazette is a public document of which all must take cognisance. The Court must take judicial notice. of government Gazzerts. Further by producing the document in question carries no harm to any party. On the contrary, this document will enlighten the position more clearly.

Therefore, I overrule the Objection of the Petitioner. Accordingly, the Gazette mentioned above is accepted in proceeding with this writ application.

**Judge of the Court of Appeal**

**M. T. MOHAMMED LAFFAR, J.**

I agree.

**Judge of the Court of Appeal**