

**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,  
154<sup>th</sup> 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** : Darshana Weraduwage for the Petitioner.  
Chaya Sri Nammuni, SSC for the Respondents.

**ARGUED &** : 17<sup>th</sup> 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 4<sup>th</sup> 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/-