

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

In the matter of an application for writs of Certiorari, Mandamus and Quowarranto , under Article 140 of the constitution of the Democratic Socialist Republic of Sri Lanka.

Udage Hemachandra,

No 71, Midhalana,

Morapitiya.

Petitioner

CA 388/2017 (Writ)

Vs

1. Udage Wimalawathi,
Jinaloka Mawatha,
Midhalana,
Morapitiya.
2. Udage Nandawathi,
Horakadhamulla,
Galamuna,
Mathugama.
3. Udage Swarnalatha,
No 71, Midhalana,
Morapitiya.
4. Patthinige Mapinona,
No 71, Midhalana,
Morapitiya. (Now deceased)

5. S.Thirimanna,
Divisional Secretary,
Palindanuwara.
6. U.D.C.Jayalal,
District Secretary,
Kalutara.
7. Land Commissioner,
Land Commissioner's Department,
Battaramulla.

Respondents.

AND NOW BETWEEN

Udage Hemachandra,
No 71, Midhalana,
Morapitiya.

Petitioner

Vs

1. Udage Wimalawathi,
Jinaloka Mawatha,
Midhalana,
Morapitiya.
- 2 Udage Nandawathi,
Horakadhamulla,
Galamuna,
Mathugama.
- 3 Udage Swarnalatha,
No 71, Midhalana,
Morapitiya.

4 Patthinige Mapinona,
No 71, Midhalana,
Morapitiya. (Now deceased)

5 S.Thirimanna,
Divisional Secretary,
Palindanuwara.

6 U.D.C.Jayalal,
District Secretary,
Kalutara.

6A. Ginige Prasanna Janaka Kumara
District Secretary
Kalutara.

(The party to be substituted in the room of 6th
Respondent)

7 Land Commissioner,
Land Commissioner's Department,
Battaramulla.

Respondent-Respondents.

Before : **M.T. Mohammed Laffar, J.**
K.K.A.V. Swarnadhipathi, J.

Counsel : Arjuna Kulasooriya instructed by Devi Ranga Marasinghe
for the Petitioner
Maithree Amarasinghe , SSC for the A.G.

Decided on : 04/03/2021

Laffar, J.

The 6A Respondent is substituted in place of the 6th Respondent. Amend the caption accordingly.

Court heard the learned Counsel for the Petitioner and the learned Senior State Counsel for the Respondent in their respective cases. At this point, the matter is settled on the terms set out bellow;

- 01.** A fresh inquiry would be conducted by the 5th Respondent, namely the Divisional Secretary of Palindanuwara, summoning all interested parties including the Petitioner to determine the granting of a permit in respect of the state land which is the subject matter of this application.
- 02.** The inquiry to be conducted in accordance with the provisions of the relevant laws and regulations.

03. The aforesaid terms of settlement are subject to the decision of the state in issuing permits in respect of the state land which is the subject matter of the application.

Subject to the aforesaid terms of settlement, the learned counsel for the Petitioner moves to withdraw the application. The learned Senior State Counsel has no objections and not moving for costs. The application for withdrawal is allowed and accordingly, the application is dismissed. No costs.

The Registrar of this Court is directed to dispatch a copy of these proceedings to the Respondents in order to comply with the same.

JUDGE OF THE COURT OF APPEAL

K.K.A.V. Swarnadhipathi, J.

I agree.

JUDGE OF THE COURT OF APPEAL