

**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 Writ of Mandamus under and in terms of Article  
140 of the Constitution of the Democratic Socialist  
Republic of Sri Lanka.*

**CA/Writ/43/2021**

1. Centre for Environmental Justice,  
(Guarantee Limited)  
No. 20/A, Kuruppu Road, Colombo 08.
  
2. Withanage Don Hemantha Ranjith Sisira  
Kumara,  
Executive Director,  
Centre for Environmental Justice,  
No. 20 A, Kuruppu Road, Colombo 08.

**Petitioners**

Vs

1. Central Environmental Authority,  
No. 104, Denzil Kobbekaduwa Mawatha,  
Battaramulla.
  
2. Hon. Mahinda Amaraweera  
Minister of Environment,  
Ministry of Environment,  
“Sobadam Piyasa”, 416/C/1,  
Robert Gunawardana Mawatha,  
Battaramulla.

3. Hon. R.M.C.B. Rathnayake  
Minister of Wildlife and Forest Conservation,  
Ministry of Wildlife and Forest Conservation,  
No. 1090, Sri Jayawardenapura Mawatha,  
Rajagiriya.
  
4. Chandana Sooriyabandara  
Director General of Wildlife Conservation,  
Department of Wildlife Conservation,  
No. 811A, Jayathipura,  
Battaramulla.
  
5. W.A.C. Weragoda  
Conservator General of Forest,  
Forest Department,  
Samapath Paya, 82 Rajamalwate Rd,  
Sri Jayawardanapura Kotte.
  
6. U.B. Rohana Rajapaksha  
Commissioner General,  
Department of Agrarian Services,  
No. 42, Marcus Fernando Mawatha,  
Colombo 07.
  
7. K.D. Nihal Siriwardana  
Director General,  
Irrigation Department,  
No. 238, Baudhalokha Mawatha,  
Colombo 07.

8. C.D. Wickramaratne  
Inspector General of Police,  
Police Headquarters,  
331 Olcott Mawatha,  
Colombo 11.
9. Divisional Secretary  
Divisional Secretariat,  
Galudupita Rd, Wattala.
10. Divisional Secretary  
Divisional Secretariat, Negombo.
11. Divisional Secretary  
Divisional Secretariat, Ja-Ela.
12. Hon. Attorney General  
Attorney General's Department,  
Colombo 12.

**Respondents**

**Before** : Sobhitha Rajakaruna J.  
Dhammika Ganepola J.

**Counsel** : Ravindranath Dabare with Savanthi Ponnampereuma for the Petitioners.  
Sumathi Dharmawardena PC, ASG with Yuresha Fernando, DSG  
and Shemanthi Dunuwille, SC for the Respondents.

**Decided on** : 04.04.2022

**Sobhitha Rajakaruna J.**

The Petitioner claims that the instant application has been filed in the public interest in order to protect the Muthurajawela Sanctuary which is adjacent to the Negombo lagoon and both the sanctuary and the lagoon are an interdependent ecological system covering about 600 hectares and forming one contiguous wetland. The Petitioners in this application, inter alia, seek for an order in the nature of a writ of Mandamus directing and/or compelling the Respondents to clarify the legal status and demarcate the boundaries of the Muthurajawela Sanctuary and the related Environmental Protection Area within the said sanctuary through a joint survey conducted by the Respondents and local administrators. The learned Counsel for the Petitioner submits that the illegal reclamation, dumping of garbage, unauthorized constructions and destroying of mangrove vegetation etc. are severely affecting the ecology of the Muthurajawela Sanctuary.

The learned Additional Solicitor General who appears for the Respondents brings to the notice of this Court the contents of the motion dated 05.08.2021 and 06.08.2021 filed on behalf of the Respondents.

On perusal of both above motions, it emanates that the Respondents together with the Sri Lanka Land Development Corporation ('SLLDC') intend to take several steps in furtherance to the steps they have already taken, as mentioned below, in regard to physically demarcating boundaries of the Muthurajawela Sanctuary which is the subject matter of the instant application.

- i. the work relating to the physical demarcation of the boundaries of the Muthurajawela Sanctuary has been commenced.
- ii. the 4<sup>th</sup> Respondent has undertaken to complete such demarcation of the boundaries of the Muthurajawela Sanctuary.
- iii. the 1<sup>st</sup> Respondent, at present, has erected informatory hoardings informing the citizens that all construction and development activities within the Environmental Protection Area ('EPA') as referred to in Extraordinary Gazette Notification No.

1358/16 dated 15.09.2004 and Extraordinary Gazette Notification No. 1466/26 dated 13.10.2006 within the Muthurajawela Sanctuary shall be subjected to prior approval and authorization of the 1<sup>st</sup> Respondent in terms of the provisions set out in the National Environmental Act No. 47 of 1980 (as amended). The directions set out in the said informatory hoardings are trilingual for the understanding and benefit of all citizens.

- iv. the 1<sup>st</sup> Respondent has further undertaken to erect informatory hoardings as and when required, to safeguard the above-mentioned EPA Muthurajawela Sanctuary.
- v. the 1<sup>st</sup> Respondent intimates that the EPA is separated by the Northern and Southern boundary canals and the Western border has been demarcated by a canal way by virtue of 110 acres which have been released from the Western border of the EPA for an electricity generation project.
- vi. the SLLDC will have to be directed to take steps to physically demarcate the said bordering canal. In addition, the EPA is naturally demarcated by canal ways and therefore, it is physically difficult to erect posts since those borders are marshy wetland.
- vii. the 8<sup>th</sup> Respondent and his officials together with 9<sup>th</sup>, 10<sup>th</sup> & 11<sup>th</sup> Respondents or their representatives will render their assistance and corporation to the 1<sup>st</sup>, 4<sup>th</sup> & 5<sup>th</sup> Respondents and the Surveyor General and his representatives in taking steps to physically demarcate the boundaries of the Muthurajawela Sanctuary, the EPA and the lands under the control of the 1<sup>st</sup> & 4<sup>th</sup> Respondents.

This Court is of the view that the reliefs prayed for by the Petitioner in the prayer of the Petition of the Petitioner has been addressed to adequately with the above arrangements by the relevant authorities

Considering the application made by the learned Additional Solicitor General, this Court directs the Surveyor General and the Inspector General of Police to make necessary arrangements in view of physically demarcating the boundaries of the Muthurajawela Sanctuary and the EPA and also to assist the 1<sup>st</sup> and 4<sup>th</sup> Respondents to erect the hoardings.

The 8<sup>th</sup> Respondent is also directed to provide necessary assistance and protection to ensure the erection of informatory hoardings on the boundaries and thereafter to take necessary

steps to prevent any unlawful construction or development work within the Muthurajawela Sanctuary or inside the EPA.

In the circumstances, learned Counsel for the Petitioner moves that these proceedings be terminated reserving his right to agitate any consequential issues at an appropriate forum.

Accordingly, proceedings are terminated.

We wish to express our appreciation to the learned Additional Solicitor General and the learned Counsel for the Petitioner for their assistance rendered to Court in this matter.

**Judge of the Court of Appeal**

**Dhammika Ganepola J.**

I agree.

**Judge of the Court of Appeal**