

01N THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an application for a ruling of Contempt of Court under Article 105 (3) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**Contempt of Court
COC/05/2018**

Kahapola Arachchige Prabath Anurada
Nilupul Fernando (Nilupul Kahapola
Arachchi),
No. 56, Delthara,
Piliyandala

PETITIONER

Vs.

1. Urban Council Kesbewa, Piliyandala.
2. Chairman,
Urban Council Kesbewa,
Kesbewa, Piliyandala.
3. Sri Lanka Land Reclamation Development
and Corporation,
No. 03, Sri jayawardhanapura Mawatha,
Welikada, Rajagiriya.
4. Central Environmental Authority,
"Parisara Piyasa" No. 104,
Denzil Kobbekaduwa Mawatha,
Battaramulla.
5. Divisional Secretary,
Kesbewa Divisional Secretariat,
Piliyandala.
6. Urban Development Authority,
6th and 7th floor, "Sethsiripaya"
Battaramulla.
7. Hon. Attorney-General,
Attorney General's Department,
Colombo 12.
8. Hemantha Perera,
No. 476/10, Galle Road,
Colombo 03.

9. Roshinee Devika Perera,
No. 474, Galle Road,
Colombo 03.
10. Sampath Perera,
No. 36/5, Gangaboda Road,
Delthara, Piliyandala.
11. A. G. Reddi,
No. 39/3, Delthara, Piliyandala.
12. S. M. D. Perera,
No 92/01/C, Deltera East,
Piliyandala.
13. Mr. Lakshman Perera,
Chairman, Urban Council Kesbewa,
Kesbewa, Piliyandala.
14. Major General(Rtd) M.R.W. De Zoysa
Chairman,
Sri Lanka Land Reclamation Development
and Corporation,
No. 3, Sri Jayawardhanapura Mawatha,
Welikada, Rajagiriya.
15. Mr. Siripala Amarasinghe
Chairman,
Central Environmental Authority, "Parisara
Piyasa",
No 104, Denzil Kobbekaduwa Mawatha,
Battaramulla.
16. Mr. K.P Pemadasa
Divisional Secretary,
Kesbewa Divisional Secretariat,
Piliyandala.
17. Major General. (Retd) Udaya Nanayakkara
Chairman,
Urban Development Authority, 6th and 7th
Floor, "Sethsiripaya",
Battaramulla.
18. Mr. A. Dissanayake,
Surveyor General No 150, Kirula Road,
Narahenpita,
Colombo 05.

Respondents

Before: **N. Bandula Karunaratna J. P/CA**

&

M. Ahsan R. Marikar J.

Counsel: Chathura Weththasinghe AAL, for the Petitioner.

Chaya Sri Nammuni DSG, for Respondents

Written Submissions: By the Petitioner – 13.03.2023

By the Respondent – 21.04.2023

Supported on : 15.03.2023

Decided on : **28.06.2023.**

N. Bandula Karunaratna J. P/CA

Heard the petitioner who appeared in person and heard the learned counsel who appeared on behalf of the accused-respondent institution. After considering the written submissions and documents tendered by all parties, we are of the view that there is a case to be answered by the accused-respondent institution.

The petitioner pleads that the accused-respondent institution has committed the offence of contempt of Court punishable under Article 105(3) of the Constitution.

In the circumstances, this court is satisfied that there is a *prima facie* case to be looked into, by this court.

Accordingly, we direct the registrar of this court to issue summons on the Accused-Respondent institution as to why they should not be punished for Contempt of Court.

The registrar is directed to issue summons/rule to the Accused-Respondent institution to show cause why they should not be punished for contempt of court, punishable under Article 105(3) of the Constitution.

Summons returnable on 02.08.2023.

President of the Court of Appeal

M. Ahsan R. Marikar J.

I agree.

Judge of the Court of Appeal