

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

In the matter of an application for the grant of Writs of Certiorari and Mandamus under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA (Writ) Application No.102/2023

1. Kandambige Nandawathie,
Pelarupphena, Dewalegama- East,
Randawela.

Petitioner

Vs.

1. A.L.A.S. Janaki,
Grama Niladari,
277, Dewalegama- East,
Mulatiyana.
2. Vindya D. Samarakkodi,
Divisional Secretary,
Divisional Secretariat,
Hakmana Mulatiyana Road,
Mulatiyana.
3. Sujitha Nishantha,
Assistant Divisional Secretary,
Divisional Secretariat,
Hakmana Mulatiyana Road,
Mulatiyana.
4. Kandambige Nimalawathie,
No. 385,
Indikolapelessa,
Sewanagala.

Respondents

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

&

M.C.B.S. Morais J.

Counsel: Upul Kumarapperuma with Duvini Godagama and Leshaini Ranaweera for the Petitioner.

I. Madarasinghe, SC for the 1st to 3rd Respondents.

W.P.U. Weerasinghe with N.H. Wijedasa for the 4th Respondent.

Written Submissions: By the Petitioner – Not Filed.

By the Respondents – Not Filed.

Supported on: 17.10.2023.

Decided On: **01.11.2023.**

M.C.B.S. Morais J

Heard both counsel in support and in oppose of this Application. Having considered the submissions and documents tendered by both parties we are of the view that there is an important matter to be decided in this case.

As this court is satisfied that there is a *prima facie* case to be looked into, by this court, we direct the Registrar of this court to issue notices to all the respondents.

Though the petitioner seeks interim relief as per the prayers 'b' and 'c' of the petition, preventing respondents from dividing the land as well as interfering with the possession of the petitioner, that would not be considered now as it may amount to granting of the final relief.

Instead, an order to maintain the *status quo* is issued until the determination of this application.

Notice returnable on 29.11.2023.

Judge of the Court of Appeal

N. Bandula Karunarathna J. (P/CA)

I agree

President of the Court of Appeal.