

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

**CA (PHC) 87/2012**

PHC-KURUNEGALA HCR 45/2008

Mohomed Safayar Siththi Fathima alias  
Kamernisa  
Budumutthawa,  
Nikaweratiya.

**Appellant**

**Vs.**

Wanninayake Mudiyanseelage Chandana  
Kumara Wanninayake  
Divisional Secretary,  
Nikaweratiya.

**Respondent**

**CA (PHC) 87/2012**

**PHC-KURUNEGALA HCR 45/2008**

**BEFORE:**

A.W.A. Salam, J. &  
W.M.M. Malinie Gunaratne, J.

**COUNSEL:**

M. Jayasinghe SC for the Respondent.

**ARGUED &**

**DECIDED ON:**

13.03.2014.

**A.W.A. Salam, J.**

This is an appeal preferred against the judgment of the learned High Court Judge who exercised the revisionary jurisdiction in respect of an order made by the learned Magistrate under the State Land (Recovery of Possession) Act. As it has been submitted by the learned State Counsel the land in question is a State Land and therefore in terms of the Judgment of the Supreme Court in SC Appeal 21/2013 this appeal cannot be maintained. Accordingly the appeal stands dismissed.

**JUDGE OF THE COURT OF APPEAL.**

**W.M.M. Malinie Gunaratne, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Mm/-.