

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

CA (PHC) 160/2009

PHC Rathnapura WA 91/08

D.A. Karunawathie

Petitioner- Appellant

-Vs-

Hon. Attorney General

And Others

Respondent-Respondent

BEFORE : K.T. Chitrasiri, J. &
W.M.M. Malinie Gunaratne, J.

COUNSEL : Appellant is absent & unrepresented.
Nayomi Kahawita SC for the 1st & 3rd respondents.
Samantha Vithana for the 2nd respondent.

**ARGUED &
DECIDED ON** : 27.08.2014

K.T. CHITRASIRI, J.

This is an appeal seeking to set aside the judgment dated 04.11.2009 of the learned High Court Judge of Rathnapura wherein he has held that the High Court has no jurisdiction on the basis that the grants issued under Section 19(4) of the Land Development Ordinance do not fall within the devolved subjects as per the Constitution.

The grant subjected to in this case had been given by His Excellency the President of the Republic of Sri Lanka. Accordingly, it is clear that the matter in issue does not come within the Provincial Council list referred to in the 13th amendment to the Constitution. Therefore, we do not see any error when the learned High Court Judge dismissed this writ application filed by the appellant due to lack of jurisdiction.

Accordingly, this appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

W.M.M. MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

KRL/-