

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

**CA (PHC) APN 148/2012**

M.A. Nadar Khan  
No:160,  
Hospital Junction,  
Passara

**Respondent-Petitioners**

**Vs.**

Road Development Authority  
Sethsiripaya,  
Battaramulla.

And Others

**Respondents**

**CA(PHC)APN148/2012**

**HC(Badulla)31/10(Rev)**

**MC(Badulla)12227**

**Before** : **K.T. Chitrasiri, J**  
**W.M.M. Malinie Gunaratne, J**

**Counsel** : Kashyapa Perera for the Petitioner  
Chaya S. Nammuni S.C. instructed by S. Dharmasena  
S.A. for the Appellant-Respondent-Respondent,  
and for the 1<sup>st</sup> added Respondent-Respondent.

**Argued &**

**Decided on** : **23.09.2014**

**K.T. Chitrasiri,J**

This is an application seeking to set aside the judgment dated 19.07.2011, and the judgment dated 22.04.2010 of the Learned High Court Judge and of the Magistrate respectively. This court by the order dated 12.01.2012 has already made an order dismissing the appeal that was filed to challenge the same decisions of the Learned High Court Judge and of the Magistrate that are being challenged in this revision application.

The said circumstances have been referred to even in paragraph: 01 in the petition filed in this application. Since an order had been made by this court in respect the same decisions that are being challenged, we are not in a position to alter the said impugned decisions. At this stage, Counsel for the petitioner

submits that he has failed to take steps to have the aforesaid judgment of this court vacated by filling a relisting application. In the circumstances, it is our opinion that we have no jurisdiction to entertain this revision application. Accordingly, this application is dismissed.

*Application dismissed.*

**Judge of the Court of Appeal**

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

I agree

**Judge of the Court of Appeal**

Na/-