

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

CA Writ 416/2009

K. A. R. P. Dharmaratne,
Post Office Road,
Hingurakgoda.

Petitioner

Vs.

Dr. C. Gunasekara,
C/O H.B. Harasgama,
19, 'Gallwadu Kumbura',
Kawdupallala,
Mathale.

And 04 others

Respondents

C.A.(Writ) Application No. 416/2009

BEFORE : K.T.CHITRASIRI, J. &
L.T.B.DEHIDENIYA, J.

COUNSEL : Pulasthi Hewamanne for the petitioner
Uditha Egalahewa P.C. with Ranga Dayananda
for the 2nd respondent.
Yuresha Fernando SSC for the 3rd respondent.
1st respondent is absent and unrepresented.

DECIDED ON : 28th September, 2015.

K.T. CHITRASIRI, J.

1st respondent is absent and unrepresented. Mr. Egalahewa P.C. informs Court that the 1st respondent has alienated his rights that he had in the subject matter to the 2nd respondent.

Learned President's Counsel for the 2nd respondent submits that the District Court of Polonnaruwa, in the case bearing No.10485/L/05 has pronounced its judgment which exactly relates to the land subjected to in this application. In that judgment, learned District Judge has decided the case in favour of the plaintiff namely, P.L.Jayantha Senadheera who is the 2nd respondent in this case. The defendant in that District Court action is the petitioner in this application. The said judgment in the case 10485/L/05 is filed marked 2R6 with the objections of the 2nd respondent. Accordingly, he submits that no writ could be issued as prayed for in this application in view of

the aforesaid decision of the District Court of Polonnaruwa. In paragraph 30 of the petition dated 27.06.2009, the petitioner also has stated that he has appealed against the aforesaid judgment delivered by the District Court of Polonnaruwa. Therefore, it is admitted that a Competent Court has finally decided the issue brought before this Court.

This application is to vindicate the right and title of the petitioner to the land referred to in the permits marked P1 & P7 and the documents marked P10 & P11. Admittedly, the rights referred to in those documents have already been decided by a Competent Court. When a judicial pronouncement by a Competent Court is in existence on a particular issue, then no writ would lie to interfere with such a decision. Under those circumstances this Court is not inclined to exercise its writ jurisdiction. For the aforesaid reasons, this Court is not inclined to grant the reliefs sought in the prayer to the petition. Accordingly, this application is dismissed without costs.

Application dismissed.

JUDGE OF THE COURT OF APPEAL

L.T.B.DEHIDENIYA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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