

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

Case No: CA (Writ) 420/2016

Don Benadict Wellington Denawake
No D29 ,
Torrington Flats Housing Scheme,
Colombo 05.

Petitioner

Vs.

National Housing Development Authority,
Sir Chiththampalam A Gardiner Mawatha,
Colombo 02

And 02 others

Respondents

C.A. 420/2016An application for Writs of Mandamus and
Prohibition

Before : Vijith K. Malalgoda, PC J. (P/CA) &
S. Thurairaja, (PC)J.

Counsel : Viran Fernando with Chandrika Silva for the Petitioner

Decided on : 27.01.2017

Vijith K. Malalgoda, PC J. (P/CA)

Heard counsel in support of this application.

The Petitioner who has entered a Government Flat in the Torrington Housing Scheme which was originally allocated to one Yasawardena who is the 3rd Respondent in this case. As reveal during the submissions made by the learned counsel, the agreement entered with said Yasawardea was terminated in 1991 by the authorities since it was revealed that the said premises has been sublet by the said Yasawardene in violation of the agreement. The petitioner was in occupation of this house but he admits that he was not an allottee of this house by the NHDA or any other State institution. He has not paid a rent to the NHDA all this time. He only ~~pay~~
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and water bills. However, we observe on the above facts that the Petitioner cannot claim legitimate expectation, that he would be permitted to purchase this house under circular issued by the said NHDA which was produced before this Court marked P5.

In these circumstances, we see no merit in this application. Therefore we are not inclined to issue notices on the Respondents. Notices are therefore refused. No cost is ordered.

PRSIDENT OF THE COURT OF APPEAL

S. Thuraija,(PC)J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-