

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

**C.A Writ Application No. 418/16**

H.M. Janaka Ravindra Kalupahanga  
Basnayake Nilame,  
Soraguna Kuda Kataragama Devalaya,  
Welegama, Uvatenna, Haldumulla.

**Petitioner**

**Vs.**

1. Naween Dissanayaka, Minister of Plantation Industries,  
Ministry of Plantation Industries,  
No.55/75, Vauxhall Street, Colombo 02.

2. Land Reform Commission

3. Sumanathissa Tambugala,  
Chairman, Land Reform Commission,

4. I.M. Aberathna  
Executive Director, Land Reform Commission,  
All of No. C 82, Hekter Kobbekaduwa Mawatha,  
Colombo 07.

5. Nimal Kotawelagedara,  
Commissioner General of Buddhist Affairs

6. Janatha Estate Development Board,

7. Tarique Omar  
Chairman, Janatha Estate Development Board,

8. Agarapatana Plantation Limited

9. S.B.R. Arulprakash  
Chairman, Agarapatana Plantation Limited,

10. Attorney-General  
Attorney Generals' Department,  
Colombo 12.

**Respondents**

C.A.Writ Application No. 418/2016

BEFORE : VIJITH K MALALGODA, PCJ (P/CA) &  
S. THURAIRAJA, PCJ,

COUNSEL : Nimal Jayasinghe with Samantha Vithana for  
the petitioner.

Supported on : 11<sup>th</sup> January, 2017

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VIJITH K MALALGODA, PCJ (P/CA)

The petitioners' complaint before this Court is that the Land Reform Commission who is the 2<sup>nd</sup> respondent to this application is not taking steps to implement their decision to release the land to the petitioners since the said lands coming under the Buddhist Temporalities Act. However, when going through the documents before us, we observe that the Land Reform Commission by its letter dated 28<sup>th</sup> February 2014 had given instructions to the Chariman, JEDB and Chariman, Agarapathana Plantations to take steps to release that land to the petitioners. Thereafter the petitioners have decided to initiate legal action against the Agarapathana Plantation and by their letter of

demand dated 11<sup>th</sup> August 2016 had written to the Agarapathana Plantation Ltd. to release the land to the petitioners and if no steps had been taken they would initiate legal action against them. From the above Act it is very much clear that the dispute is between the petitioners and the Agarapathana Plantation and not with the Land Reform Commission. In the said circumstances we see no merit in the application before us and therefore we refuse to issue notices.

Notice refused.

PRESIDENT OF THE COURT OF APPEAL

S. THURAIRAJA, PCJ

I agree.

JUDGE OF THE COURT OF APPEAL

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