

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

**Case No. CA (Writ) 366/2016**

1. W.M. Wijerathne Banda

2. W.M. Chandra Kumari Wijerathne

Both of Kekirawa

**Petitioners**

**Vs.**

R.K.S.S.C. Wijesinghe  
Provincial Land Commissioner,  
North Central Province,  
Anuradhapura.

And 07 Others

**Respondents**

**CA/366/2016**

**BEFORE:** **Vijith K. Malalgoda, P.C. J. (P/CA) & S. Thuraija, (PC) J.**

**COUNSEL:** Dharmasiri Karunaratne with Sunanda Randeniya for the Petitioner.  
U.P. Senasinghe SC for Respondents.

**DECIDED ON:** 30.11.2016.

**Vijith K. Malalgoda, P.C. J. (P/CA)**

Heard learned Counsel for the Petitioner and learned State Counsel representing the respondent. The petitioner to the present application has come before this Court seeking a writ of certiorari quashing a decision of the 3<sup>rd</sup> respondent granting the license with regard to a State land to the 5<sup>th</sup> to 7<sup>th</sup> respondents. As revealed before this Court the two petitioners submitted that they were in occupation of a State land for a long period of time but made an application to regularize the said land only in the year 2015. In support of his position he submits marked A2 a report from the Grama Niladhari of Hinguruwelpitiya dated 22.12.2015. However, it is evident before this Court that when a quit notice was served on the petitioner in order to evict him from the said land in the year 2015 January the 1<sup>st</sup> petitioner had gone before Court on 28.02.2014 and agreed to vacate the premises. Accordingly, the Magistrate had issued the quit notice. It is further observed by this Court that a valid permit had been issued in the name of 5<sup>th</sup> respondent on 19.07.2013 subsequent to a Land Katchcheri. After the petitioner left the premises the said Winifreeda had taken possession of the said land and the

petitioners complained before this Court that the said Winifreeda had taken steps to cut several teak trees planted by him. However, we observed that the petitioner who has gone before the Magistrate Court in the year 2014 and agreed to vacate the premises forthwith and now after two and half years come before this Court seeking relief prayed for by them. The petitioner failed to explain the delay in coming before this Court. The 1<sup>st</sup> petitioner himself had gone before the Magistrate and agreed to vacate the premises. He has not gone before a Land Katchcheri and asked for the grant for the land said to have developed by him.

Under these circumstances, we see no merit in the application preferred by the petitioner before us and therefore, we are not inclined to issue notices at this juncture. Notices are refused. No cost is ordered.

**PRESIDENT OF THE COURT OF APPEAL.**

**S. Thuraija, (PC) J.**

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Mm/-