

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

**CA Writ No. 334/2012**

Singappullige Mallika Kusumalatha  
No. 63/2, Galanigama,  
Bandaragama.

**PETITIONER**

**Vs.**

The General Manager, Electrical  
The Head Office, Ceylon Electricity Board,  
Sri Chiththampalam A. Gardiner Avenue, Colombo 02.

02. The Regional Engineer, Electrical  
The Regional Office, Ceylon Electricity Board  
No. 34, Kaluthara Road, Bandaragama.

03. Superintendent, Electrical  
The Regional Office, Ceylon Electricity Board  
No. 34, Kaluthara Road, Bandaragama.

04. Ceylon Electricity Board  
The Head Office  
Sri Chiththampalam A. Gardiner Avenue, Colombo 02.

05. The Divisional Secretary  
The Divisional Secretariat, Bandaragama.

06. The Director General  
The Public Utilities Commissions, 6th Floor,  
BOC Merchant Tower, No. 28, St. Michael's Road, Colombo 03.

07. P. Techala Pathmini Perera  
"Sandaruwan", Galanigama,  
(temporarily residing at Puwakgaslanda Road,  
Gammanpila, Bandaragama).

08. Hon. Attorney General  
Attorney General Department,  
Colombo 12.

**RESPONDENTS**

**CA 334/2012 WRIT**

**BEFORE** : A.H.M.D. Nawaz, J. &  
P. Padman Surasena, J.

**COUNSEL** : Nagitha Wijesekara with G. Rubasinghe for the  
petitioner.  
Sanjaya Kannangara for the 1<sup>st</sup> – 4<sup>th</sup> respondents.  
J.C. Boange with Sunil Liyanage for the 7<sup>th</sup> respondent.  
Suranga Wimalasena SSC for AG.

**DECIDED ON:** 29.11.2016

**A.H.M.D. NAWAZ, J.**

The petitioner prayed for a writ of mandamus compelling the 1<sup>st</sup> and/or 2<sup>nd</sup> and/or 3<sup>rd</sup> and/or 4<sup>th</sup> respondents to implement the directions given by the 5<sup>th</sup> respondent shown in documents marked P 8 and P 8A. This application arises out of an issue where the petitioner sought the assistance of the 1<sup>st</sup> – 4<sup>th</sup> respondents to have a particular post standing on his land relocated. There had been a site inspection and thereafter the Divisional Secretary by P 6 wrote to the Public Utilities Commission referring to an agreement reached among all the parties as to the relocation of this particular post. Thereafter the Public Utilities

Commission has approved by P7 the proposed relocation and notified that decision to the Ceylon Electricity Board. Counsel who appears for the 1<sup>st</sup> – 4<sup>th</sup> respondents submits to Court that despite the best endeavours to enforce the approval of the Public Utilities Commission which came about as a result of the direction of the Divisional Secretariat, they have failed to implement and enforce the relocation as a result of the obstruction to the efforts made by the 7<sup>th</sup> respondent. Senior state counsel who appears for the Public Utilities Commission, 5<sup>th</sup>, 6<sup>th</sup>, & 8<sup>th</sup> respondents states that the order has been made under Section 39(1) of the Electricity Act. This establishes the fact that there is a remedy available to the 1<sup>st</sup> to 4<sup>th</sup> respondents to move the relevant Magistrate's Court to carry into effect the order which they wish to enforce namely the relocation of the post. It becomes apparent from the argument that the 1<sup>st</sup> to 4<sup>th</sup> respondents are yet to take steps. Mr. Sanjaya Kannangara undertakes to take steps to move the Magistrate's Court in order to carry out the decision of relocation which has already been made. The Legal officer of the Ceylon Electricity Board takes cognizance of the order that we make today in regard to this matter.

The 1<sup>st</sup> – 4<sup>th</sup> respondents will pay due regard to Section 09 of schedule 2 of the Sri Lanka Electricity Act No. 20 of 2009.

The counsel for the 1<sup>st</sup> – 4<sup>th</sup> respondents undertakes to proceed to take steps in the Magistrate's Court. In the circumstances, Mr. Wijesekara for

the petitioner makes an application to withdraw this application for a writ of mandamus. Subject to the aforesaid order we proceed to dismiss this application and terminate all proceedings.

**JUDGE OF THE COURT OF APPEAL**

**P. PADMAN SURASENA, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

KRL/-