

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

In the matter of an Application before  
mandates in the Nature of Writ of *Certiorari*  
and *Mandamus* Order and in terms of  
Article 140 of the Constitution of the  
Democratic Socialist Republic of Sri Lanka.

Appukuddi Konsalws,  
No. 07, Near Kachcheri,  
Kilinochchi.

**Petitioner**

**Court of Appeal case**

**No. CA 01/2017 Writ**

**Vs.**

1. Land Commissioner,  
Land Commissioner Department,  
No. 1200/6,  
Land Secretariat's Department,  
"Mihikatha Medura",  
Rajamalwatta Road,  
Battaramulla.
2. Provincial Land Commissioner,  
Department of land Administration,  
Northern Province,  
No. 295, Kandy Road,  
Ariyalai, Jaffna.  
Presently at;  
No. 80, Kandy Road,  
Chundikkuli,  
Jaffna.

3. Sundara Arunainayagam,  
District Secretary,  
District Registriat,  
Kilinochchi.

4. Gopalapillai Nageswaran,  
Divisional Secretary,  
Kilinochchi.

and others.

**Respondents**

**Before** : L.T.B. Dehideniya J, (P/CA)

&

A.L. Shiran Gooneratne J.

**Counsel** : K.V. Sirisena for the Petitioner.

**Supported on** : 13/11/2017

**Decided on** : 16/11/2017

**Order**

**A.L. Shiran Gooneratne J.**

Heard Counsel in support of the Petition.

The Counsel for the Petitioner submits that the Petitioner is not proceeding against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

The Petitioner is seeking a mandate in the nature of Writ of Mandamus directing 1<sup>st</sup> to 4<sup>th</sup> Respondents to issue a permit, to the Petitioner pertaining to Lot 265 in Plan No. STPP 34/L.

The 2<sup>nd</sup> paragraph to the Petition, as disclosed are facts contained in letter dated 11.08.2005, by the Provincial Secretary Kilinochchi, marked P1. However Document P1 attached to the Petition is a letter written by the Divisional Secretary / Assistant District Secretary of Kilinochchi and therefore does not support the averments contained therein. It is also observed that the translation of document marked P2 (“the letter dated 02/12/2010, 33 residents in the area certifying that the Petitioner and three others are residing in that block of land”) is not consistent with the document produced in Tamil and does not support the facts as pleaded in paragraph 4 to the Petition. Further the Petitioner has failed to submit any document/ plan to identify the land described lot 265 in Plan No. STPP 34/L as claimed by the Petitioner, in paragraph 6 to the Petition.

Therefore we are of the view that the Petitioner has failed to disclose vital facts and documents in order to obtain the reliefs prayed for.

Notice refused.

Petition dismissed without costs.

JUDGE OF THE COURT OF APPEAL

L.T.B. Dehideniya J, (P/CA)

I agree.

PRESIDENT OF THE COURT OF APPEAL