

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

An application in the  
nature of a Writ of  
Mandamus under and in  
terms of article 140 of  
the Constitution.

1. Edirimanage Bebynona
2. Thanuja Omalpe
3. Deepani Niroshika Omalpe
4. Omalpe Dilhani

All of 2264,

11<sup>th</sup> Mile Post

Embilipitiya Road

Suriyawewa

82010

5. Junikku Hewage Ranaweera  
of 7<sup>th</sup> Mile Post, Jadura

Panamure-70218

6. Junikku Hewage Malini of  
6761, Thapal Pedesa,  
Nagaraya,  
Suriyawewa-82010

**Petitioners**

**Vs**

Sri Lanka Mahaweli  
Authority of 500

T.B. Jayah Mawatha,  
Colombo 00100.

**Respondent**

**CA 392/2017**

**WRIT APPLICATION**

Before : **P. Padman Surasena, J. (P/CA) &  
A.L. Shiran Gooneratne, J.**

Counsel : **Bimal Rajapakshe for the  
Petitioners**

Decided on : **16.01.2018**

**P.Padman Surasena, J. (P/CA)**

Learned counsel was heard in support of this application. The Petitioners have filed this application in respect of the same grievance that was the subject matter in the case bearing No. CA (Writ) 282/09. That case was filed by a group of persons. The said group includes the petitioners as well.

Perusal of the order made by this court in that case shows clearly that this court had decided (as far back as on 2009.10.14) that this is not a fit case in which this court should issue notices on the Respondents. This Court on that basis had refused to issue notices.

Learned counsel for the petitioners conceded in the course of his submissions that it is the same cause of action which the petitioners re-agitate in this application. There is no submission on behalf of the petitioners that the circumstances prevailed in the year 2009 has changed.

The said order has been produced marked 'A' by the petitioners. In view of the above situation this court has no basis to issue notices on the Respondents or even to entertain this application.

This court therefore refuses to issue notices on the Respondents.

This application must stand dismissed.

**PRESIDENT OF THE COURT OF APPEAL**

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

I agree.

**JUDGE OF THE COURT OF APPEAL**

LA/-