

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

Hewa Witharanage Punyasena
of No:146, Main Street,
Kantale.

C.A PHC APN 181/2017

Respondent-Petitioner-Petitioner.

HCT/REV/MC/360/2015

Vs.

MC Kantale No: 46147

Urban Development Authority,
Sethsiripaya Battaramulla.

Petitioner-Respondent-Respondent.

CA (PHC) APN 181/2017.

**HC TRINCOMALEE
REV/MC 360/15.
MC Kantale 46147**

**BEFORE : P. PADMAN SURASENA, J. (P/CA) &
A. L. SHIRAN GOONERATNE, J.**

COUNSEL : Nimal Punchihewa for the Petitioner.

**SUPPORTED AND
DECIDED ON: 22.03.2108**

P.PADMAN SURASENA, J. (P/CA)

Court heard the submissions of the learned counsel for the Petitioner. Petitioner concedes that he has not lodged an appeal against the judgment of the Provincial High Court. This court observes that this is an application for revision. Petitioner has had a right of appeal to lodge an appeal to this court against the Provincial High Court judgment. He has not exercised that right. Therefore, this court has to look for exceptional circumstances in this case. It is the observation of this court that the petitioner has not pleaded any exceptional circumstances in the petition. Even from the submissions made by the learned counsel for the petitioner this court is unable to gather any legal basis, leave alone any exceptional circumstances, to form some legal basis for the issuance of notice on the respondent.

Admittedly, the petitioner (according to the learned counsel) has not made an application to the relevant authority for obtaining a permit for the relevant development activities. In these circumstances, this court sees no illegality, irregularity or inappropriacy in this case. Therefore this court does not have any basis for issuance of notices on the respondents. Thus, this court refuses to issue notices on the respondents. Application must stand dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL

A.L. SHIRAN GOONERATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Vkg/-