

C.A. (PHC) APN No. 137/2016 H.C. Hambantota No. H.C.R.A. 08/2012

BEFORE : H.C.J. MADAWALA, J. &

L.T.B. DEHIDENIYA, J.

COUNSEL : Tenny Fernando for the Applicant-petitioner-appellant.

D.S. Soosaithas SSC for the respondents

ARGUED AND

DE CIED ON : 01st November 2016

H.C.J. MADAWALA, J.

Counsel for the petitioner supporting his application moves to revise the order of the learned High Court Judge dated 09.12.2015. in case No. HCRA 08/2012. He submits that learned High Court Judge by order dated 09.12.2015 has dismissed the application for revision and has affirmed the order dated 13.07.2012 of the learned Magistrate. However, Court of Appeal by its judgment in case of S.S.B.D.G. Jayawardhene Vs. K.N.Deen, C.A. (PHC) 149/2004 C.A. Minutes dated 17.06.2015 had stated that "an application by way of revision against the order of the learned Magistrate invoking revisionary jurisdiction in terms of Article 154P(3)(b) which has not excluded the power to exercise the appellate or revisionary jurisdiction regarding the state lands".

We hold that the High Court has the jurisdiction to hear and determine a revision application from an order of a Magistrate in a case filed under the State Land (Revocary of Possession) Act.

Hence, we quash the order of the learned High Court Judge dated 09.12.2015 and make order to accept the revision application and to proceed with this case. Application is allowed.

We direct the Registrar to communicate this order to the High Court of Hambantota and to the Magistrate's Court of Hambantota forthwith by tele- fax and telephone at the expense of the petitioner .

JUDGE OF THE COURT OF APPEAL

L.T.B. DEHIDENIYA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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