

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

In the matter of an application for mandates in the nature of writ of Certiorari and writ of Mandamus under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Kemapala Nagodawithana  
Kankanmgoda Waththa,  
Nagoda, Galle.

**Petitioner**

C.A. (writ) No. 173/2012

-Vs-

1. Mr. Lalinda Gamage, Divisional Secretary, Divisional Secretariat Office, Nagoda.
2. Mr. M. Karunanayaka, Provincial Land Commissioner, Land Commissioner's Office, Urban Council Building, Galle.
3. Mr.R.P.R. Rajapaksha, Land Commissioner General, Land Commissioner General's Department, No: 07, Gregory's Avenue, Colombo 07.
4. Mr. B.R. Senarathna, Assistant Land Commissioner (Law), Land Commissioner General's Department, No: 07, Gregory's Avenue, Colombo 07.
5. Mr. K.A.P. Premalal, Grama Niladhari, 216/B, Kurupanawa, Nagoda, Galle.
6. Palatuwa Gamage Wimalasiri  
Pahala Wathurawa, Karupanawa,  
Nagoda, Galle.

**Respondents**

**BEFORE** : Sisira J. de Abrew J. (P/CA)

P.W.D.C. Jayathilaka J.

**COUNSEL** : Asthika Devendra with sunali Jayasuriya for the  
Petitioner.

Nayomi Kahawita SC. for the 1<sup>st</sup> to 5<sup>th</sup> Respondents.

6<sup>th</sup> Respondents.

Prof. W.M. Karunadasa with Sunil Mallawarachchi for  
the 6<sup>th</sup> Respondent.

**ARGUED &**

**DECIDED ON** : 06.05.2014

**Sisira J. de Abrew J. (P/CA)**

Heard Counsel for both parties in support of their respective cases.

The Petitioner, the 6<sup>th</sup> Respondent and 1<sup>st</sup> to 5<sup>th</sup> Respondents are agreeable to survey the land in accordance with the grants given to the petitioner and to the 6<sup>th</sup> Respondent. It is admitted that the Petitioner is given a grant by the government. It is also admitted that the 6<sup>th</sup> Respondent is also given a grant by the government. Petitioner's grant is marked as P3. 6<sup>th</sup> Respondent's grant is marked as 6R1.

We direct the 1<sup>st</sup> Respondent the Divisional Secretary, Nagoda to survey the both lands in accordance with the grants given to the Petitioner and to the 6<sup>th</sup> Respondent and issue plans to the parties. The cost of the survey should be borne by the petitioner and the 6<sup>th</sup> Respondent. The survey should be done by the Survey General. The both Petitioners and the 6<sup>th</sup> Respondent must bear the costs.

*Proceedings are terminated.*

PRESIDENT OF THE COURT OF APPEAL

P.W.D.C. Jayathilaka J.

I agree

JUDGE OF THE COURT OF APPEAL

CN/-