

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

**CA (Writ) No. 439/2013**

B.Yasodha,  
No.87/11, Reservoir Lane,  
Colombo 09

**Petitioner**

**Vs.**

Colombo Municipal Council,  
Town Hall,  
Colombo 07.

And 03 Others

**Respondents**

C.A. (Writ)No. 439/2013

BEFORE : VIJITH K. MALALGODA, PCJ(P/CA) &  
P. PADMAN SURASENA, J.

COUNSEL : J.C.Weliamuna for the petitioner.  
Ranil Samarasuriya with Chameera  
Hapuarachchi for the 1<sup>st</sup> to 4<sup>th</sup> respondents.  
Chaya Sri Nammuni SC for the A.G.

ARGUED AND

DECIDED ON : 16<sup>th</sup> February 2016.

\*\*\*\*\*

**VIJITH K. MALALGODA, PCJ(P/CA)**

This is a writ application filed by the petitioner, B. Yasodha, a daughter of an employee of the Colombo Municipal Council. According to the pleadings before this Court, we observe that the petitioner's father was an employee of the Colombo Municipal Council until he retired from the service in 1992. The petitioner's father had come into occupation of the premises in question as an employee of the Colombo Municipal Council. The petitioner's father was permitted to occupy the said quarters only during his service as an employee of the Colombo Municipal Council, but we observe that even after his retirement he was

in occupation of this house with his family and it was brought to the notice of Court that the petitioner's father had passed away while he was in London in the year 2005. In 2010 the petitioner's mother too had passed away. But even thereafter, the petitioner had continued to occupy this premises until the possession of the said premises was taken back under the Local Government Quarters Recovery of Possession Act after filing necessary action before Court. We observe that pursuing this action has now become academic but we further observe that the petitioner has no locus standi to pursue this application for the reason that the person who had been permitted to stay in this premises is her father and not the petitioner. The petitioner was never an employee of the Colombo Municipal Council. Considering all these issues we see no merit in this application and therefore we decide to dismiss this application. Application is accordingly dismissed. No costs is ordered.

PRESIDENT OF THE COURT OF APPEAL

**P. PADMAN SURASENA, J.**

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=