

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

In the matter of an appeal against
judgment of Provincial High Court
exercising its revisionary jurisdiction.

C A (PHC) / 119 / 2011

Provincial High Court of

Sabaragamuwa Province (Embilipitiya)

Case No. HCE RA 15 / 2011

Magistrate's Court Embilipitiya

Case No. 46231/2010

Herath Mudiyanseelage Yasarathna,

No. H / 7,

Kuttigala.

RESPONDENT - PETITIONER -

APPELLENT

-Vs-

1. D M C Dissanayaka

Director General,

Sri Lanka Mahaweli Authority,

Colombo.

APPLICANT - RESPONDENT -

RESPONDENT

Before: P. Padman Surasena J (P C/A)

K K Wickremasinghe J

Counsel; Respondent - Petitioner - Appellant is absent and unrepresented.

Indula Ratnayaka SC for the Applicant - Respondent -

Respondent.

Respondent - Petitioner - Appellant (hereinafter sometimes referred to as the Appellant), in terms of section 3 of the Government Quarters (Recovery of Possession) Act (hereinafter sometimes referred to as the Act).

As the Appellant had failed to respond to the said quit notice, the Respondent had thereafter filed an application under section 6 of the Act in the Magistrate's Court of Embilipitiya seeking an order to evict the Appellant from the quarters described in the said application.

Learned Magistrate thereafter had pronounced the order dated 2011-06-30 evicting the Appellant from the said quarters.

The Appellant had thereafter filed a revision application in the Provincial High Court of Southern Province holden in Embilipitiya seeking a revision of the order of the learned Magistrate.

The Provincial High Court by its order dated 2011-08-01 had refused and dismissed the said revision application.

It is that order that the Appellant is canvassing in this appeal before this Court. This Court has perused the petition of appeal filed by the Appellant. However, this Court cannot gather any plausible argument from the

contents of the petition of appeal of the Appellant which this Court ought to consider in favour of the Appellant.

The Appellant does not advance any argument against the Provincial High Court Judgment.

The Appellant has not controverted the fact that he is indeed residing in a quarters of Mahaweli Authority of Sri Lanka.

In the light of the above circumstances, this Court is of the view that it has no basis to interfere with the order pronounced by the learned Provincial High Court Judge.

Therefore, this Court decides to dismiss this appeal.

PRESIDENT OF THE COURT OF APPEAL

K K Wickremasinghe J

I agree,

JUDGE OF THE COURT OF APPEAL