

**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 Prohibition under the article 140 of the constitution of the Democratic Socialist Republic of Sri Lanka.

1. Govindasamy Krishnamoorthy
No.10/1, Peradeniya Road, Kandy.

2. Rathnasabahapathy Mohan.
"Nagalingams"
No.47/27, Luis Peiris Mawatha,
Kandy.

Petitioners

Vs.

1. B.M.P.G.P.V. Bandara
The Divisional Secretary,
Gangawata Koralya,
Divisional Secretarial Office,
Trincomalee Street, Kandy.

2. H.M.P.Hitisekara
Chief District Secretary,
Kandy District Secretariat Office,
Trincomalee Street, Kandy.

3. Dr. I.H.K. Mahanama
Permanent Secretary,
Ministry of Lands
Mihikatha Medura,
No.1200/6, Rajamalwatte,
Battaramulla.

4. Gayantha Karunathilake
The Ministry of lands,
Ministry of Lands,
Mihikatha Medura,
No.1200/6, Rajamalwatte,
Battaramulla.

5. Hon. Attorney General
Attorney Generals Department
Colombo 12.

Respondents

C.A.189/2017

Writ Application

Before : **P Padman Surasena,J.(P/CA) &
Shiran Gooneratne,J.**

Counsel : Channa Galappathige with Lahiru Galappathige
instructed by U.M.D. Nayomi for the Petitioner.
Susantha Balapatabendi SDSG. for the
respondents.

Supported &

Decided on : 08.05.2018

P Padman Surasena,J. (P/CA)

Learned Senior Deputy Solicitor brought to the notice of this Court the judgment in the case of Dayartne Vs. Rajitha Senaratne, Minister of Lands and others reported in 2006 (1) S.L.R. page 7. This Court in that judgment has held that a notice issued under section 2 of the Land Acquisition Act is not amenable to the writ jurisdiction of this Court, as such notice does not by itself affect the rights of any person. Learned Counsel for the Petitioner concedes that what is challenged in this

application is a notice issued under section 2 of the Land Acquisition Act which is produced marked **P 17.**

In these circumstances learned Counsel for the petitioner moves to withdraw this appellation.

Application for withdrawal is allowed. Application is dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL

Shiran Gooneratne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-