

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 Mandamus under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

C.A. (Writ)Application No.

291/2019

1. Podinona Welagedara

No. 393, Bulugahapitiya,

Eheliyagoda,

And 24 others

PETITIONERS

-Vs-

1. Hon. Gayantha Karunathilaka

Minister of Lands and
Parliamentary Reforms,

Ministry of Lands and
Parliamentary Reforms,

“Mihikatha Medura,” Land
Secretariat,

1200/6, Rajamalwatta Avenue,

Battaramulla.

And 06 others

RESPONDENTS

BEFORE : **HON. JUSTICE SOBHITHA RAJAKARUNA**
HON. JUSTICE DHAMMIKA GANEPOLA

COUNSEL : Thanuka Nandasiri for the Petitioners.
Upendra Walgampaya for the 3rd and 4th
Respondents.
S. Ahamed, SC for the 1A, 2A and 5th to 7th
Respondents.

ARGUED & : 15th of February, 2021

DECIDED ON

HON. JUSTICE SOBHITHA RAJAKARUNA

The learned State Counsel Ms. S. Ahamed takes up a preliminary objection in this matter and brings to the notice of this Court the provisions of Section 04 of the Urban Development Project (Special Provisions) Act No. 02 of 1980 by which the jurisdiction of the Court of Appeal by Article 140 of the constitution shall in relation to any particular land or any land in any area in respect of which and order under Section 02 of the said Act has been made, be exercised by the Supreme Court.

The order under said Section 2 has been submitted to Court by way of a motion, marked as 1R1.

The learned Counsel for the Petitioner indicates to Court that the Petitioner was unaware about this provision in the said Act No. 02 Of 1980 at the time of filing his application and therefore, he moves to withdraw this application.

The learned Counsel for the Petitioner further indicates that the Petitioner became aware of the relevant gazette notification 1R1 which was annexed to the motion dated 01. 02. 2021, only after filing such motion in this Court by the Respondents.

Application for withdrawal is allowed.

In the circumstances, the application is pro-forma dismissed.

JUDGE OF THE COURT OF APPEAL

HON. JUSTICE DHAMMIKA GANEPOLA

I agree.

JUDGE OF THE COURT OF APPEAL

KN/-