

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 Writs of Certiorari and Prohibition under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA (Writ) Application No: 125/17

Sujeeva Prasanna Dewaligoda,
No. 15/1B, Sirisangabo Road,
Kawdana, Dehiwala.

Present address:

Oman Air, Flight Operations Department,
Integrated Operations Control Centre,
P.O. Box 58. PC 111, Muscat International
Airport, Sultanate of Oman.

PETITIONER

- Vs -

1. Central Environmental Authority.
2. Prof. Lal Mervin Dharmasiri,
Chairman, Central Environmental Authority.
3. K.H Muthukudaarachchi,
Director General,
Central Environmental Authority.

1st – 3rd Respondents at “Parisara Piyasa”,
104, Denzil Kobbekaduwa Mawatha,
Battramulla.

4. Kesbewa Urban Council.
5. K. Tharanga Gamlath
Secretary, Kesbewa Urban Council,

4th and 5th Respondents at
Samarakoon Mawatha, Piliyandala.

6. P.M.P Udayakantha
Surveyor General.
7. Ms. Thanuja Perera,
Senior Superintendent of Surveys
(Colombo) Division.
8. Land Surveys Council,
Surveyor General's Department.

6th – 8th Respondents at
150, Kirula Road, Colombo 5.
9. Gamini Kannangara,
Acting Divisional Secretary,
Divisional Secretariat, Kesbewa.
10. Srinath Samarakoon,
Officer in charge of Piliyandala Police
Station, Piliyandala.
11. N. D. Erandi Gimhani,
Grama Niladhari,
564, Delthara West, Piliyandala.
12. Eng. M. Thuraisingham,
Director General of Irrigation,
230, Bauddaloka Mawatha, Colombo 7.
13. K.R. Sarath,
Senior Superintendent of Surveys (Title
Registration),
Surveyor General's Department of Sri Lanka,
150 Kirula Road, Colombo 05.

RESPONDENTS

Before: Arjuna Obeyesekere, J / President of the Court of Appeal
Mayadunne Corea, J

Counsel: Uditha Ehalahewa, P.C., with Vishwa Vimukthi for the Petitioners

Ms. Chaya Sri Nammuni, Senior State Counsel for the Respondents

Argued on: 17th February 2021 and 3rd March 2021

Decided on: 3rd June 2021

Arjuna Obeyesekere, J., P/CA

This matter was taken up for argument together with CA (Writ) Application No. 53/2017. The learned Counsel agreed that the facts and circumstances of this application are identical to those in CA (Writ) Application No. 53/2017, and that the parties to this application are agreeable to be bound by the judgment that would be delivered in CA (Writ) Application No. 53/2017.

By a judgment delivered today in CA (Writ) Application No. 53/2017, I have issued a Writ of Prohibition prohibiting the Respondents from relying on the field sheet referred to in the said Judgment for the purpose of determining the boundaries of the lake adjoining the Petitioners land.

I have also held that the 9th Respondent may proceed to demarcate all other lands coming under the Divisional Secretary area of Kesbewa and falling within the Bolgoda Environmental Protection Area in accordance with the boundary of the Bolgoda Lake as it prevailed in 2016, as evidenced by the line demarcated in orange in the document marked '6R11' filed by the 6th Respondent in that application.

I accordingly issue a Writ of Prohibition prohibiting the Respondents from relying on the field sheet referred to in the said Judgment for the purpose of determining the boundaries of the lake adjoining the Petitioner's land. I make no order with regard to costs.

President of the Court of Appeal

Mayadunne Corea, J

I agree

Judge of the Court of Appeal