

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

In the matter of an application in terms of Article 105 (3) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**CA No: CA/COC/ 0004/21**

W.A.D. Siriwardana,  
No. 466/5/7/7,  
Sea Street,  
Colpetty,  
Colombo 3.

**Petitioner**

**Vs.**

Samaraviriduwalage Ranasinghe,  
No. 27/B,  
Gorakagahawatta,  
Kesbewa, Piliyandala.

**Respondent**

**Before: N. Bandula Karunaratna J.**

**&**

**R. Gurusinghe J.**

**Counsel:** Reshaal Seresinghe AAL with Lasodha Siriwardana AAL for the Petitioner

**Supported on :** 10.03.2022

**Decided on :** 21.03.2022.

**N. Bandula Karunaratna J.**

Learned counsel for the petitioner supported his application in Open Courts. He says that the respondent has fraudulently, deceitfully and contemptuously submitted a copy of the judgment in CA/WRIT/ 251/2017 as having been delivered in his favour, when in fact the Court of Appeal has refused his Petition for the intervention in the said WRIT Application on the 29.06.2018.

The respondent has misled the learned Magistrate of Kaduwela in support of his application, to obtain an order in his favour in the case number 32572/20 in Kaduwela Magistrate Courts against the Secretary to the Ministry of Mahaweli, Agriculture, Irrigation and Rural Development. The

petitioner states that the respondent in the present case has misled and given a false impression to the learned Magistrate by presenting false, erroneous, misleading facts and misleading documents before the Magistrate of Kaduwela.

The learned Magistrate has relied on those documents presented by the respondent and has refused to grant the ejection order against the Secretary to the Ministry of Mahaweli, Agriculture, Irrigation and Rural Development. Learned Counsel for the petitioner informs this court that the respondent is occupying the disputed land up to the present date by using the order he obtained from the Kaduwela Magistrate Court on 29.06.2018.

Therefore, the petitioner states that this court ought to deal with the respondent in terms of the jurisdiction vested in the Court of Appeal in article 105 (3) of the constitution of Sri Lanka.

Considering the documents filed by the petitioner in the present case and the submissions made by the learned counsel for the petitioner, we are of the view that we should issue summons on the respondent as to why he should not be punished for his contemptuous conduct.

Registrar is directed to issue notice to the respondent forthwith.

Notice returnable on 04.04.2022.

**Judge of the Court of Appeal**

**R. Gurusinghe J.**

**I agree.**

**Judge of the Court of Appeal**