

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

**C.A. (Writ) Application**

**No: 0484/2019**

G.P. Janaka De Silva,  
No. 90,  
Ellathota Road,  
Inikamedda,  
Bandarawela.

**PETITIONER**

**Vs.**

1. M.J.D. Fernando,  
General Manager of Railways,  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
- 1A. H.M.K.W. Bandara,  
General Manager of Railways,  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
- 1B. J.I.D. Jayasundara,  
General Manager of Railways,  
Sri Lanka Railways Head Quarters,  
Colombo 10.

- 1C. Ravindra Pathmapriya,  
General Manager of Railways,  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
2. G. Gamage,  
Additional General Manager of Railways,  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
- 2A. H.N.S.P.K. De Silva,  
Additional General Manager of Railways,  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
3. A.D.G. Senevirathne,  
Transport Operation Superintendent (Land),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
- 3A. N.J. Indipolage,  
Transport Operation Superintendent (Land),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
  
4. G.W.S. Sisira Kumara,  
Commercial Superintendent (Land),  
Sri Lanka Railways Head Quarters,  
Colombo 10.

- 4A. P.D.S. Bandara,  
Commercial Superintendent (Land),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
5. W.S. Chandana,  
Deputy Commercial Superintendent (Land),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
- 5A. W.G. Ananda Karunaratna,  
Deputy Commercial Superintendent (Land),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
6. H. Liyanagamage,  
Land Officer (Way and Works),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
- 6A. Anjana De Silva,  
Land Officer (Way and Works),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
7. W.G. Ananda Karunaratna,  
Regional Superintendent of Railway,  
Railway Station,  
Nawalapitiya.

- 7A. K.P.N.S. Lionel Singha,  
Regional Superintendent of Railway,  
Railway Station,  
Nawalapitiya.
8. D.W.N Amarasena,  
District Engineer (Upper Division),  
Railway Station,  
Naanu Oya.
- 8A. D.M.P.S. Bandara,  
District Engineer (Upper Division),  
Railway Station,  
Naanu Oya.
9. W.P.M. Fernando,  
Chief Engineer (Way and Works),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
- 9A. E.M.P.S.K. Deegala,  
Chief Engineer (Way and Works),  
Sri Lanka Railways Head Quarters,  
Colombo 10.
10. L.P. Jayampathy,  
The Secretary,  
Ministry of Transport and Civil Aviation,  
7th Floor, Sethsiripaya Stage II,  
Battaramulla.

10A. Ranjith Ganganath Rubasinghe,  
The Secretary,  
Ministry of Transport and Civil Aviation,  
7th Floor, Sethsiripaya Stage II,  
Battaramulla.

10B. Prof.Kapila C.K. Perera,  
The Secretary,  
Ministry of Transport and Civil Aviation,  
7th Floor, Sethsiripaya Stage II,  
Battaramulla.

**RESPONDENTS**

**Before** : Dhammika Ganepola, J.  
Adithya Patabendige, J.

**Counsel** : Upul Jayasuriya, P.C. with Laknath Senevirathne for the Petitioner.  
Prabhashanee Jayasekara, S.C. for the Respondents.

**Argued on** : 11.12.2025

**Written Submission**

**Tendered on** : 27.01.2026 by the Petitioner  
09.03.2026 by the Respondents

**Decided on** : 13.03.2026

**Adithya Patabendige, J.**

The Petitioner was recruited as an employee of the Railway Department in 1980 and was serving as a Railway Policeman at the time of filing this application.

## **Factual Background**

The Petitioner states that he built a temporary hut at No. 90, Ellathota Road, Inikammedda, Bandarawela, which is owned by the Railway Department, and later began building a new house. Meanwhile, the Petitioner was asked by the 1<sup>st</sup> Respondent, in his letter dated 12<sup>th</sup> August 2008, marked **P1**, to vacate the land in dispute.

As the Petitioner was unable to secure a favourable solution through discussions with the Respondents, the subject matter was handed over to the Station Master, Bandarawela.

Thereafter, the Petitioner and a few others addressed this issue to the Parliament Advisory Committee on Transport, which decided not to proceed further until a policy decision is taken. Accordingly, the GMR (covering) directed to return the keys to the occupants as per the documents marked **P7** and **P8**.

The Petitioner was served a charge sheet dated 14<sup>th</sup> November 2010, marked **P9a**, by the 1<sup>st</sup> Respondent. After an inquiry, the Petitioner was found guilty of the charges therein (vide **P9b**).

The Petitioner further had several discussions with the Respondents and requested, in writing, a lease from the 1<sup>st</sup> Respondent. Consequent upon that letter, the 1<sup>st</sup> Respondent informed the 5<sup>th</sup> Respondent to decide on a lease amount and report to him (vide **P11**).

Thereafter, the Petitioner was asked by the 7<sup>th</sup> Respondent, in his letter dated 13<sup>th</sup> July 2017, marked **P17**, to vacate the land in dispute; otherwise, the Petitioner would be suspended from his service. Subsequently, the Petitioner was suspended from service. However, the Petitioner was reinstated, subject to take a common decision, by letter dated 02<sup>nd</sup> November 2017, marked **P18**.

The Petitioner states that he was dismissed from service by letter dated 09<sup>th</sup> April 2019 marked **P21**. Being aggrieved by the said decision, the Petitioner has lodged an appeal with the Public Service Commission.

## **Reliefs Sought by the Petitioner**

- A mandate in the nature of a *writ of certiorari* to quash the charge sheet marked **P9a**, Disciplinary Inquiry Report dated 21<sup>st</sup> February 2012 marked **P9b**, the letter dated 13<sup>th</sup> July 2017 marked **P17**, the decision dated 09<sup>th</sup> April 2019, marked **P21** and all

decisions or opinion of Respondents in relation to evict or dispossess the Petitioner and conduct further disciplinary inquiry against the Petitioner.

- A mandate in the nature of a *writ of prohibition* preventing the Respondents from taking any disciplinary action and/or evicting the Petitioner from the disputed land,
- A mandate in the nature of a *writ of mandamus* directing the Respondents to implement the promise stipulated in documents marked **P6, P7, P8, P9, P10, P11, P12, P13, P15, P15a, P16, P18, and P20.**
- Other incidental reliefs.

### **Position of the Respondents**

The Respondents raised several preliminary and substantive objections to the maintainability of the present application.

At the outset, it was submitted that the Petitioner had been dismissed from service with effect from 09<sup>th</sup> April 2019 by letter marked **P21**, and that the Petitioner had already lodged an appeal before the Public Service Commission against the said dismissal. Accordingly, it was contended that matters relating to the Petitioner's dismissal fall within the disciplinary control of the Public Service Commission, and therefore, the present application is barred by **Article 61A of the Constitution.**

The Respondents further submitted that the land in question is railway reserved land belonging to Sri Lanka Railways, and that the Petitioner had no permit, lease, or lawful authorization to occupy the said land.

It was further submitted that the Petitioner had constructed a house on the said land in violation of directions issued by the railway authorities, and thereby acted in contravention of the applicable provisions of the **Establishment Code and the Railway Safety Rules.**

The Respondents state that the Petitioner was served with a charge sheet dated 14<sup>th</sup> November 2010 (**P9a**) alleging unauthorized occupation and construction on railway reserved land. Following a disciplinary inquiry, the Petitioner was found guilty as reflected in the Inquiry Report dated 21<sup>st</sup> February 2012 (**P9b**).

Thereafter, the Petitioner was directed to vacate the premises by letter dated 13<sup>th</sup> July 2017 (**P17**). The Respondents state that despite several opportunities given to the Petitioner to

regularize his position or vacate the premises, he continued to remain in unauthorized occupation of the said land.

The Respondents further submitted that the Petitioner cannot rely on the Cabinet memorandum, Parliamentary committee discussions, or administrative recommendations relied upon by him to claim any right over the said land. According to the Respondents, such documents do not amount to any binding representation capable of giving rise to a legitimate expectation.

It was further submitted that railway employees who are presently occupying railway lands do so under valid permits or leases, and therefore, the Petitioner cannot rely on those instances to claim equal treatment.

The Respondents also submitted that permitting railway employees themselves to occupy railway lands without lawful authorization would create an unhealthy precedent, particularly when such officers are entrusted with the duty of protecting railway property.

It was further submitted that the Respondents have acted in accordance with statutory powers vested in them, including the powers under the **State Lands (Recovery of Possession) Act No. 7 of 1979**, to recover possession of lands belonging to the State. Respondents further submit that the Petitioner cannot claim any legitimate expectation to remain on the land, as no representation was made, nor any approval granted, authorizing the Petitioner to occupy or lease the said property.

The Respondents, therefore, contend that the Petitioner's occupation of the said land is unauthorized, that the disciplinary action taken against him was lawful, and that the present application is misconceived, premature, and liable to be dismissed.

### **Position of the Petitioner in Reply**

The Petitioner filed a counter-affidavit responding to the objections raised by the Respondents.

The Petitioner contends that the present application does not fall within the scope of the constitutional ouster clause contained in Article 61A of the Constitution, as the grievance raised in this application concerns the arbitrary administrative action of the Respondents relating to the occupation and regularization of railway lands, and not merely a disciplinary matter.

The Petitioner alleges that disciplinary action was taken selectively against him and a few other employees, while several other persons who were in occupation of railway lands in similar circumstances were not subjected to such action.

In this regard, the Petitioner states that according to documents relied upon by the Respondents themselves, 46 persons had been identified as unauthorized occupants of railway lands, yet disciplinary action had been taken only against a limited number of employees.

The Petitioner further asserts that one such officer, A.M.S. Abeysinghe (Station Master), who had been identified as an unauthorized occupant, had subsequently been granted a lease of the land occupied by him, and the Petitioner relies on the lease agreement marked C6 in support of this contention.

The Petitioner, therefore, contends that the Respondents have acted arbitrarily and discriminatorily, and that such conduct has violated the Petitioner's legitimate expectation that his occupation of the said land would be regularized in accordance with the policy considerations and administrative steps previously taken by the authorities.

### **Issues for Determination**

Having considered the pleadings and submissions of learned Counsel for the parties, the following issues arise for determination in this application.

- Whether this Court has jurisdiction to entertain the present application in view of the constitutional ouster clause contained in Article 61A of the Constitution, particularly in relation to the disciplinary action taken against the Petitioner.
- Whether the Petitioner has established a legitimate expectation that the land in question would be granted to him on lease, based on the administrative correspondence, committee reports, and policy decisions relied upon by him.
- Whether the decision of the Respondents requiring the Petitioner to vacate the railway reservation land was arbitrary, unreasonable, or otherwise liable to be quashed in the exercise of the writ jurisdiction of this Court.

- Whether the Petitioner has established that he was subjected to discriminatory treatment in comparison with other persons allegedly occupying railway lands in similar circumstances.

### **Relief Sought by Way of *Writs of Certiorari* and *Prohibition* Against Disciplinary Proceeding**

The Petitioner seeks mandates in the nature of *writs of certiorari* to quash, and *prohibition* to restrain further action in respect of, several impugned decisions, namely the charge sheet dated 14<sup>th</sup> November 2010 marked **P9a**, the disciplinary inquiry report dated 21<sup>st</sup> February 2012 marked **P9b**, the letter of dismissal from service marked **P21**, and the letter marked **P17** by which he was directed to vacate the subject premises.

The learned State Counsel appearing for the Respondents submitted that the said relief cannot be granted in view of the constitutional framework governing disciplinary control over public officers. It was contended that the Petitioner, being an employee of the Sri Lanka Railways, is subject to the disciplinary control exercised by the Public Service Commission.

It was further submitted that the Petitioner had been dismissed from service by letter dated 09<sup>th</sup> April 2019, marked **P21**, and that the Petitioner had already lodged an appeal before the Public Service Commission challenging the said decision. Accordingly, the learned State Counsel contended that the present application is barred by **Article 61A of the Constitution**, which limits the jurisdiction of courts in matters relating to decisions made by the Public Service Commission or by authorities exercising powers delegated by the Commission. It is common ground that the disciplinary order under challenge is presently pending before the Public Service Commission.

It is a common ground that the Petitioner was a Public Servant. Chapter IX of the Constitution of the Democratic Socialist Republic of Sri Lanka deals with the establishment of the PSC, appointment, removal, and disciplinary control of the Public Service.

**Article 58 of the Constitution** provides a comprehensive appellate framework for an officer aggrieved by an order relating to promotion, transfer, dismissal, or disciplinary control made under Articles 56 or 57. The PSC is vested with the authority to alter, vary, rescind, confirm, or direct further inquiry upon such appeal.

For ease of reference, Article 58 is reproduced below.

(1) Any public officer aggrieved by an order relating to a promotion, transfer, dismissal or an order on a disciplinary matter made by a Committee or any public officer under Article 56 or Article 57, in respect of the officer so aggrieved, may appeal to the Commission against such order in accordance with such rules made by the Commission from time to time, relating to the procedure to be followed in the making, hearing and determination of an appeal made to the Commission and the period fixed within which an appeal should be heard and concluded.

(2) The Commission shall have the power upon such appeal to alter, vary, rescind or confirm an order against which an appeal is made, or to give directions in relation thereto, or to order such further or other inquiry as the Commission shall seem fit.

(3) The Commission shall cause to be published in the Gazette the rules made by it under paragraph (1) of this Article.

Based on such, the learned State Counsel argued that, in terms of Article 61A of the Constitution, the jurisdiction of this Court is constitutionally ousted to entertain this application.

Article 61A of the Constitution states as follows.

Subject to the provisions of paragraphs (1), (2), (3), (4) and (5) of Article 126, no court or tribunal shall have power or jurisdiction to inquire into, or pronounce upon or in any manner call in question any order or decision made by the Commission, a Committee, or any public officer, in pursuance of any power or duty conferred or imposed on such Commission, or delegated to a Committee or public officer, under this Chapter or under any other law.

This Article was introduced to the Constitution by the 17<sup>th</sup> Amendment. The Seventeenth Amendment significantly altered the constitutional framework governing the PSC's decisions. Upon considering Article 61A, *Justice Shirani Thilakawardhane in the case of Katugampola v Commissioner General of Excise and others 2003 (3) SLR 207* held that,

i) Article 55 (5) restricted the application to orders or decrees concerning the appointment, transfer, dismissal, or disciplinary control of a public officer. Whereas Article 61A (17th amendment) dealt with any type of decision so long as it is made pursuant to a power conferred.

(ii) The only ground upon which the writ jurisdiction could be sought under circumstances where a challenge was being made regarding the promotion and/or appointment, transfer,

etc., was where the person who made the impugned decision did not have any legal authority to make such a decision. No claim has been made that the person who made the promotion had no legal authority to make such a decision.

(iii) 'Ouster clause' precluded the jurisdiction of the Court of Appeal and grants exclusive jurisdiction to the Supreme Court. A person aggrieved by the decision would have to invoke the jurisdiction of the Supreme Court under Article 126.

Similarly, in *Rathnasiri and others v Ellawala and Others 2004 (2) SLR 180, Justice Saleem Marsoof*, held that Article 61A, introduced by the Seventeenth Amendment, completely ousts the jurisdiction of the Court of Appeal to review decisions made by the Public Service Commission, its committees, or any public officer acting under delegated PSC authority. Justice Marsoof explained that the ouster applies to all categories of decisions made under PSC powers, not merely those relating to appointments, transfers, dismissals, or disciplinary control.

Justice Marsoof further emphasized that even allegations of acting without jurisdiction, procedural defects, or errors of law cannot be reviewed by way of writs as Article 61A expressly prohibits any court or tribunal from questioning such decisions. The proper way to address any grievance of public officers is twofold;

- An Appeal to the Administrative Appeals Tribunal under Article 59, where applicable, and
- A fundamental rights application to the Supreme Court under Article 126, in appropriate circumstances.

Upon considering the legal framework of the post-Seventeenth Amendment, the court states as follows at pages 189 and 190.

*“The Seventeenth Amendment to the Constitution has also introduced several other features which seek to enhance the independence of the public service while providing greater security of tenure for the public officers. Firstly, the appointment, promotion, transfer, disciplinary control, and dismissal of public officers other than Heads of Departments have been taken out of the Cabinet of Ministers and vested in the Public Service Commission. Secondly, while the Cabinet of Ministers is vested with the power of appointment and disciplinary control of Heads of Department, it also has the power of formulating policies*

*concerning the public service. Thirdly, the Public Service Commission, which is bound to conduct its affairs in accordance with the policy laid down by the Cabinet of Ministers, is answerable to Parliament in regard to the exercise and discharge of its powers and functions. Fourthly, the Seventeenth Amendment provides for the appointment of the members of the Public Service Commission on the recommendation of the Constitutional Council established under the said Amendment. Fifthly, while the Public Service Commission is empowered to delegate to a Committee or a public officer its powers of appointment, promotion, transfer, disciplinary control and dismissal of specified categories of public officers, it is expressly provided that any public officer aggrieved by an order made by any such Committee or public officer may appeal first to the Public Service Commission and from there to the Administrative Appeals Tribunal which is appointed by the Judicial Service Commission. All this is in addition to the beneficial jurisdiction created by Article 126 of the Constitution, which is expressly retained by Article 61A of the Constitution. These are the many pillars on which the edifice of the Public Service rests.*

*In view of the elaborate scheme put in place by the Seventeenth Amendment to the Constitution to resolve all matters relating to the public service, this Court would be extremely reluctant to exercise any supervisory jurisdiction in the sphere of the public service. I have no difficulty in agreeing with the submission made by the learned State Counsel that this Court has to apply the preclusive clause contained in Article 61A of the Constitution in such a manner as to ensure that the elaborate scheme formulated by the Seventeenth Amendment is given effect to the fullest extent.”*

In the case of ***Dr. M.D.W. Lokuge v Vidyajothi Dr. Dayasiri Fernando, Chairman and Eleven Others C.A.(Writ) 160/2013 decided on 16/10/2015 His Lordship Justice Navaz,*** considering Article 61 A, at page 21 stated as follows;

*“3). Article 61A of the Constitution which falls within the phrase “subject to the provisions of the Constitution” in Article 140 of the Constitution, would operate as a constitutional ouster to shut out the jurisdiction of this Court to judicially review decisions of the PSC.”*

In light of the above constitutional provisions and judgments, it is clearly evident that the jurisdiction of the Court of Appeal regarding judicial review of PSC-related decisions has been removed.

## **Legitimate Expectation**

The fundamental requirement for invoking the doctrine of legitimate expectation is the existence of a clear representation, promise, or established practice made by a public authority from which the expectation arises.

vide.

*Council of Civil Service Unions and Others v Minister for the Civil Service (1985) AC 374*

*Attorney General of Hong Kong v NG Yuen Shiu (1983) 2 WLR 735*

*M.R.C.C. Ariyaratne & Others v N.K. Illangakoon & Others SCFR444/2012 decided on 30<sup>th</sup> July 2019.*

In the present case, the Petitioner relies on several documents and administrative developments, including the discussions before the Parliamentary Advisory Committee on Transport, and the direction given by the 1<sup>st</sup> Respondent in document **P11**, requesting the relevant officer to determine a lease amount in respect of the land in question.

However, upon examination of these materials, it becomes apparent that none of them amounts to a clear and unequivocal representation by GMR that the Petitioner would be granted a lease of the said land.

The decision of the Parliamentary Advisory Committee merely indicated that eviction should not proceed until a policy decision was taken, which cannot reasonably be interpreted as an unconditional promise that the land would eventually be granted to the Petitioner.

Similarly, the direction contained in **P11**, requesting the 5<sup>th</sup> Respondent to determine a lease amount and report, merely reflects an administrative step taken for the purpose of considering the Petitioner's request. Such a step does not constitute an express assurance or promise that a lease would necessarily be granted.

Furthermore, the documents relied upon by the Petitioner do not demonstrate the existence of a consistent past practice of granting leases to railway employees occupying railway reservation lands in similar circumstances. On the contrary, the Respondents have maintained that railway lands can only be leased upon compliance with the applicable legal and administrative procedures. The Petitioner has produced documents marked **P26a** to **P26i**,

which, according to him, demonstrate that certain other persons who were occupying railway lands had been granted leases by the Railway authorities.

Nevertheless, the production of a few isolated instances of leases granted to other individuals is insufficient to establish a regular and consistent administrative practice or policy of granting leases to persons occupying railway reservation lands without lawful authority.

The doctrine of legitimate expectation requires proof of a clear and regular course of conduct by the authority, from which a person in the position of the Petitioner could reasonably expect that a similar benefit would be granted to him

In these circumstances, the materials relied upon by the Petitioner, taken either individually or collectively, do not disclose a clear representation, promise, or established practice capable of giving rise to a legitimate expectation.

Improvements carried out on railway reservation land, in the absence of prior lawful approval from the competent authority, cannot by themselves found a legitimate expectation of continued occupation or entitlement to a lease.

Accordingly, the essential requirements of the doctrine of legitimate expectation are not satisfied in the present case.

In these circumstances, the issuance of the letter marked **P17**, requiring the Petitioner to vacate the premises, cannot be regarded as illegal, irrational, or otherwise unlawful.

### ***Writ of Mandamus***

The Petitioner seeks a mandate in the nature of a *writ of mandamus* directing the Respondents to implement the alleged promises relied upon by the Petitioner in documents marked **P6, P7, P8, P9, P10, P11, P12, P13, P15, P15a, P16, P18, and P20**.

For the completeness of the judgment, it is useful to examine the above documents briefly.

**P6** – minutes of the Cabinet sub-committee dated 6<sup>th</sup> April 2009,

**P7** – directions of the GMR (covering) to hand over the keys to occupants, including the Petitioner,

**P8** – The confirmation letter that the keys were handed over to the occupants,

**P9** – the Circular dated 3<sup>rd</sup> February 2010 issued by the Secretary to the President,

**P10** – the letter written by the Deputy Commercial Superintendent,

**P11**- the letter written by the Petitioner

**P12** – report on unlawful construction in the railway reservation in Bandarawela,

**P13** – the letter written by the GMR to the line minister,

**P15** - Cabinet memorandum,

**P15a** – the letter written by Minister Nimal Siripala de Silva to the Cabinet,

**P16** - Cabinet decision dated 7<sup>th</sup> April 2016,

**P18** – Reinstatement of the Petitioner after the interdiction

**P20** – Cabinet decision dated 15<sup>th</sup> February 2018.

A careful examination of the above documents reveals that they primarily consist of administrative correspondence, reports, recommendations, committee deliberations, and Cabinet-level policy considerations regarding the broader issue of the occupation of railway reservation lands by certain persons.

However, none of the aforesaid documents contain a clear and enforceable direction requiring the Respondents to grant a lease of the subject land to the Petitioner.

It is well settled that a *writ of mandamus* will issue only where the Petitioner establishes a clear legal right in his favour and a corresponding public duty on the part of the Respondents.

The documents relied upon by the Petitioner do not create any such legal right. At best, they demonstrate that the issue relating to the occupation of railway reservation lands had been considered at various administrative and policy levels, and that the Petitioner's request had been taken into consideration by the authorities.

Such administrative correspondence, recommendations, or Cabinet-level discussions cannot be construed as creating a binding legal obligation upon the Respondents to grant a lease of State land to the Petitioner.

Accordingly, the Petitioner has failed to establish the existence of a clear legal right capable of being enforced by way of a *writ of mandamus*.

*Mandamus* does not lie to compel the exercise of a discretionary power in a particular manner

### **Alleged Discriminatory Treatment**

Learned Counsel for the Petitioner further contended that certain other officers who were occupying lands in railway reservation had been granted leases by the Railway Department and that the Petitioner had therefore been subjected to discriminatory treatment.

It is well settled that a claim of equality cannot be founded upon an alleged illegality or irregularity, and the Court exercising writ jurisdiction cannot compel a public authority to repeat an unlawful or irregular administrative act merely because it may have occurred in another instance.

### **Conclusion**

Before concluding, it must be acknowledged that the Petitioner has served the Railway Department for a long time and has occupied the disputed land for many years. However, judicial review concerns the legality of administrative actions rather than the merits or sympathetic aspects of the case. In the absence of a clear legal right in favour of the Petitioner and a corresponding public duty on the part of the Respondents, this Court cannot compel the authorities to grant a lease of State land nor restrain them from exercising their lawful powers.

For the reasons stated above, I conclude that the Petitioner has not demonstrated any grounds for this Court to intervene through its writ jurisdiction.

Accordingly, the application for *Writs of Certiorari, Prohibition, and Mandamus* is refused, and dismissed.

In the circumstances of the case, I make no order as to costs.

**JUDGE OF THE COURT OF APPEAL**

**Dhammika Ganepola, J**

**I agree.**

**JUDGE OF THE COURT OF APPEAL**