

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

In the matter of an application for mandates in
the matter of *Writ of Mandamus and Certiorari*
under and in terms of the Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

C.A. (Writ) Application
No: 0169/2025

Thirumalar Usha Ranjani
No. 265,
Anuruddhagama,
Karadeniya

Petitioner

Vs

1. Dimuth Paranawithana
Executive Engineer (Southern Province),
Executive Engineer's Office,
Road Development Authority,
Galle.
2. T. Paskaran
Chairman
Road Development Authority,
No. 216, Denzil Kobbekaduwa Mawatha,
Koswatta, Battaramulla.
3. S.M.P. Suriyabandara
Director General,
Road Development Authority,
No. 216, Denzil Kobbekaduwa Mawatha,
Koswatta, Battaramulla.

4. Road Development Authority
“Maganeguma Mahamandura”,
No. 216, Denzil Kobbekaduwa Mawatha,
Koswatta, Battaramulla.

5. Don Najeeth Amaratunga
“Jeewaka Osuhala”,
Kurundugahahathapma, Elpitiya.

Respondents

Before : R. Gurusinghe, J.

Counsel : Sapumal Bandara with Lakshitha Edirisinghe and
Dilan Karagodage instructed by Thavisha Hettiarachchi
for the Petitioner

Chaya Sri Nammuni, D.S.G.,
for the 1st to 4th Respondents

The 5th Respondent is represented by Counsel

Supported on : 16-09-2025

Decided on : 30-09-2025

ORDER

R. Gurusinghe, J.

The petitioner filed this application against the Road Development Authority and three of its officials, as well as one other person. The petitioner seeks *inter alia* a Writ of Certiorari quashing the two notices marked P36 and P39, issued by the 1st respondent, against the petitioner, in terms of the provisions of the National Thoroughfare Act No 40 of 2008, in the alternative

a Writ of Mandamus directing the 1st to 4th respondents to issue notices against the other business owner operating business premises along the Ambalangoda-Elpitiya-Pitigala road-side, as agreed before the Court of Appeal in the proceedings of Case bearing No. CA Writ 71/2021 and grant a stay order in preventing any further proceedings of the Elpitiya Magistrate's Court bearing No 42468 until the final determination of this application.

The petitioner has filed a similar Writ application before this Court, bearing Case No. CA Writ 71/2021. The petitioner withdrew that case on the undertaking given by the 1st to 4th respondents in that application, including the Road Development Authority (hereinafter referred to as the RDA). The proceedings dated 17-03-2023 before the Court of Appeal it was recorded as follows:

“The 1st to 4th Respondents undertake to issue quit notices to all unauthorized occupants near the Ambalangoda, Elpitiya and Pitigala roadway near the culvert 14/2 and 14/3 in the format and to re-issue quit notices on all those persons that have been issued quit notices prior to which has been annexed to the statement of objections marked R3 and also to the Petitioner. The said quit notices may be issued according to law.

The Learned Deputy Solicitor General has no objection and is not moving for costs.

ORDER

Application for withdrawal is allowed and accordingly, the petition is dismissed. No costs. Proceedings are terminated”.

The petitioner sought information from the RDA on whether the RDA had acted as agreed above-mentioned. The RDA wrote back to the petitioner that the RDA had not issued notices to the other unauthorised occupants. That

document is marked P46. The petitioner has produced several photographs showing the place in dispute marked P49. Those photographs show that there are a number of constructions on the same side of the road, which leave no room at all between the edge of the road and such buildings. The same photographs show that the petitioner's temporary structure had left some room between the edge of the road and her structure.

In the circumstances, it appears that the RDA had not acted as agreed in the former Writ application. As shown by the photographs, there are a number of constructions by the roadside, leaving no room between the road and the buildings, for which the RDA had not taken steps to issue notices under the National Thoroughfare Act, to remove such constructions. From the material produced by the petitioner, it appears that, as alleged by the petitioner, she has been singled out and taken action only against her by the RDA, which appears to be unreasonable. Therefore, this court is satisfied that the material produced by the petitioner is sufficient to issue formal notice on the respondents. Court also issues an interim order as prayed for in paragraph (f) of the prayer to the petition, valid until the next date.

Formal notice to be issued to the respondents.

Registrar is directed to inform the Magistrate's Court of Elpitiya of the interim order.

Judge of the Court of Appeal