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

In the matter of an application under Article 140 of the Constitution for a mandate in the nature of Writs of *Mandamus*, Prohibition and *Certiorari*.

1. U.M.G. Gunawathie,
   (Deceased)

2. U.M.G. Kanthi Hemalatha,

   Both at:
   Yaya 17,
   Pahala Maragaha Wewa,
   Rajanganaya,
   Anuradhapura.

PETITIONERS

Vs.

Court of Appeal Case No:
CA/WRIT/566/2021

1. P.G.S. Abeykoon,
   Divisional Secretary,
   Divisional Secretariat,
   Rajanganaya,
   Anuradhapura.

1A. A.M. Sumith,
   Divisional Secretary (Acting),
   Divisional Secretariat,
   Rajanganaya,
   Anuradhapura.

1B. Upali Rajapakse,
   Divisional Secretary,
   Rajanganaya,
   Anuradhapura.

2. R.M. Wanninayaka,
District Secretary,
Anuradhapura.

2A. J.M.J.K. Jayasundara,
District Secretary,
Anuradhapura.

2B. Ranjith Wimalasooriya,
District Secretary,
Anuradhapura.

3. S.S.M.S.R. Dharmadasa,
Provincial Land Commissioner,
(North Central Province)
Harischandra Road,
Anuradhapura.

3A. J.A. Kithsiri,
Provincial Land Commissioner,
(North Central Province),
Harischandra Road,
Anuradhapura.

4. S.M. Chandrasena MP,
Minister of Lands and Land Development.

4A. Harin Fernando MP,
Minister of Lands and Land Development.

4B. K.D. Lal Kantha,
Minister of Agriculture, Livestock, Land and Irrigation.

5. R.A.A.K. Ranawaka,
Secretary,
Ministry of Lands and Land Development.

5A. Chulananda Perera,
Secretary,
Ministry of Lands and Land Development.

5B. H.M.B.P. Herath,
Secretary,
Ministry of Lands and Land Development.

5C. D.P. Wickramasinghe,
Secretary,
Ministry of Agriculture, Livestock, Land and Irrigation.

6. G.D.K. Gamage,
Commissioner General of Lands

6A. Rathnasiri Rajapakse,
Commissioner General of Lands.

6B. Chandana Ranaweera Arachchi,
Commissioner General of Lands.

All at:
'Mihikatha Medura',
Land Secretariat,
1200/6, Rajamalwatte Road,
Battaramulla.

7. Liyanage Sarath Ananda,

8. Chandrika Malkanthi,

Both at:
27 Junction, Bakery Road,
Pahala Maragaha Wewa.

9. R.A.L.D. Herath,
Grama Niladhari,
Thulana 458 Division,
Rajanganaya.

9A. M.K.S. Munaweera,
Grama Niladhari,
Thulana 458 Division,
Rajanganaya.

9B. R.A.L.D. Herath,
Grama Niladhari,
Thulana 458 Division,
Rajanganaya.

10. Officer-in-Charge,
Police Station,
Rajanganaya.

11. Honourable Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

Before:	Mayadunne Corea, J Mahen Gopallawa, J
Counsel:	Nishadi Wickramasinghe for the 2nd Petitioner. Abigail Jayakody, S.C. for the 1st to 6th, 9th and 11th Respondents. Boopathy Kahathuduwa with Keheliya Koralage and Sachintha Perera instructed by Wasantha Kahathuduwa for the 7th and 8th Respondents.
Argued on:	11.09.2025
Written Submissions:	For the Petitioners on 07.10.2025 For the 7th and 8th Respondents on 14.10.2025 For the 1st to 6th, 9th and 11th Respondents on 28.10.2025
Decided on:	19.12.2025

Mayadunne Corea J

The Petitioner in this Application sought, *inter alia*, the following reliefs:

> "*c) Call for and issue a mandate in the nature of a Writ of Certiorari quashing the decision of any one or more of the 1st, 2nd, 3rd, 4th, 5th, 6th and/or 9th Respondents to purportedly transfer one rood of the land relevant to permit bearing No. 3673 to the 8th Respondent by a purported deed of transfer bearing no. 463 and as evinced in the register of permits/grants under the Land Development Ordinance [vide P15 and P16], in total contravention of the law*
>
> *Or in the alternative to prayer 'd',*
>
> *d) Call for and issue a mandate in the nature of a Writ of Mandamus compelling any one or more of the 1st, 2nd, 3rd, 4th, 5th, 6th and/or 9th Respondents to cancel the purported transfer of one rood of the land relevant to permit bearing No. 3673 to the 8th Respondent by a purported deed of transfer bearing No. 463 and as evinced in the register of permits/grants under the Land Development Ordinance [vide P15 and P16], in total contravention of the law*
>
> *e) Call for and issue a mandate in the nature of a Writ of Prohibition preventing any one or more of the 1st, 2nd, 3rd, 4th, 5th, 6th and/or 9th Respondents, and/or their servants or agents and/or their successors, from giving effect to the said purported transfer of one rood of the land relevant to permit bearing No. 3673 to the 8th Respondent by a purported deed of transfer bearing No. 463 [vide P15 and P16], in total contravention of the law*
>
> *f) Issue a mandate in the nature of a Writ of Mandamus compelling any one or more of the 1st, 2nd, 3rd, 4th, 5th, 6th and/or 9th Respondents, and/or their servants or agents and/or their successor to give effect to the nomination of the 2nd Petitioner as the successor to the total extent of land (i.e., two roods) as described in permit No. 3673 [vide P2], in terms of the law*"

The facts of this case briefly are as follows. The 1st Petitioner was granted a permit under the Land Development Ordinance, and the 2nd Petitioner, her daughter, was nominated as successor to the said permit. It is alleged that in or around 2005, the 1st Petitioner had obtained a loan of Rs. 18,000 from the 7th Respondent, and the Petitioners permitted the 7th Respondent to cultivate a portion of the land until repayment of the sum owed to him. In 2009, the 7th Respondent refused to accept repayment of the loan

and continued to remain on the Petitioners' land. Subsequently, the 7th Respondent commenced the construction of a building on the portion of the land. Thereby, the 2nd Petitioner lodged a complaint with the police.

Thereafter, the Petitioners became aware that the Grama Niladhari had written to the Divisional Secretary recommending that part of the land be granted to the 8th Respondent, wife of the 7th Respondent. The Grama Niladhari had also cancelled the nomination of successors to the land made by 1st Petitioner and had granted 1 Rood from the land to the 8th Respondent by a deed. The Petitioners state that under duress, the 1st Petitioner placed her signature on the deed to dispose of 1 Rood from the land in favour of the 8th Respondent.

The Petitioners' contention

The Petitioners contend that the 7th and 8th Respondents had acted in collusion with the other Respondents to obtain a permit to a part of the land granted to the Petitioners, and that the 1st to 6th and/or 9th Respondents had acted contrary to the provisions of the Land Development Ordinance.

The Respondents' contention

The Respondents raised the following objections:

- The Petitioners are guilty of laches.
- The Petitioners have misrepresented material facts.
- The Petitioners have failed to come before this Court with clean hands.
- The Petitioners have failed to name the necessary parties.
- The Petitioners' Application is frivolous, vexatious and futile.

Analysis

Let me now consider the Petitioners' contentions with the objections of the Respondents. If I am to summarize the arguments for the Petitioners, it is two-fold, namely, the 1st to 6th and/or 9th Respondents have failed to follow the procedure laid down in the Land Development Ordinance, No. 19 of 1935 (as amended) (herein referred to as the "LDO"), especially in view of the provisions found in section 162(2)

and secondly the purported deed whereby the disposition of 1 Rood of the 1st Petitioner's land was registered in the register meant to register the permits and grants and thereby the deed of alienation registered in the said register P16 is bad in law and null and void and, therefore, no rights flow from the same.

In considering the said grounds, I will first consider whether land alienated pursuant to a grant can be alienated by way of a deed. It is observed that during the pendency of this case, after informing the Court the 2nd Petitioner has amended the caption.

Does the owner of a holding have the power to dispose of it?

It is common ground that the 1st Petitioner is the beneficiary of the land grant marked as P1 and the grant marked as P2 is pertaining to the land in the extent of 2 Roods (highland). The 1st Petitioner, thereafter, nominated her daughter who is the 2nd Petitioner as the successor to the said land in June 2005. The said nomination is duly registered in the register of permits/grants under the LDO marked and tendered as P3. She has been nominated as the successor for the entirety of the land in the extent of 2 Roods.

It is the 2nd Petitioner's contention that she had obtained a loan for the value of Rs. 18,000 from the 7th Respondent and that the 7th Respondent had forcibly constructed a house on the said land. She had lodged a police complaint which is marked as P5. Subsequently, she has filed action in the District Court of Anuradhapura against the 7th Respondent, for the declaration of title, eviction and damages. The plaint and the journal entries of the said case are marked as P6. However, according to the journal entries, the Plaintiff had withdrawn the said action in the year 2010.

Further, the 2nd Petitioner also contends that she had been incarcerated in prison in the year 2005 as a suspect in the murder of her brother and while she was incarcerated, the Grama Niladhari and the colonization officer (ජනපද නිලධාරියා) in collusion with the 1st, 2nd, 3rd, and 6th Respondents made the 1st Petitioner to execute a deed of transfer for half of the land held by her pursuant to P2, in favour of the 7th and 8th Respondents.

Let me first examine the law pertaining to the transfer of the land.

The 1st Petitioner being the beneficiary of the grant becomes the owner of a holding under the LDO, as the said grant had been given under the LDO. Chapter VI of the LDO

deals with disposition of holdings. Pursuant to section 42, an owner of a holding has a discretion to dispose of such a holding subject to the provisions thereto. To get a better understanding, let me now consider section 42 of the LDO. Section 42 reads as follows:

> ***"****The owner of a holding may dispose of such holding to any other person except where the disposition is prohibited under this Ordinance, and accordingly a disposition executed or effected in contravention of the provisions of this Ordinance shall be null and void."*

As per the said section, it is clear that as per the exception a disposition, which is prohibited under the Ordinance and not executed in accordance with the provision or in contravention of the provisions of the Ordinance becomes null and void. However, subject to the said exception and if it is in accordance with the LDO, the owner of a holding at his or her discretion, is entitled to transfer such holding to any other person. Even though the learned Counsel for the Petitioners contended that the impugned transfer of 1 Rood to the 7th and 8th Respondents was in violation of the provisions of the LDO, she failed to substantiate her argument with the exact provision which she alleges to have been violated, nor were the Petitioners in a position to demonstrate that the said parcel of land, which has been transferred under the deed marked as P15, fell within the meaning of a deposition prohibited under the Ordinance.

The Petitioners did not contest that the alienation of 1 Rood, which amounts to half the land depicted in the grant is in violation of any conditions stipulated in the grant. Although section 43 deals with a conditional prohibition of a lease or mortgage of a holding, this Court observes that the said section does not deal with an outright transfer. It is also pertinent to note that section 46 of the Ordinance will not apply in this instance as it deals with a permit.

Let me now consider whether the grant marked as P2, in the column under conditions, prohibits the alienation of the land as depicted in the impugned deed marked as P15. The said conditions stipulate a minimum fraction of disposition. However, the Petitioners did not contest that the land alienated under P15 was in violation of this condition. Under clause 7 of the conditions there is a prohibition imposed on the grantee which prohibits the disposition of the holding or any disposition thereof without the prior permission of the Divisional Secretary. Let me know consider whether the 1st Petitioner has complied with this condition when executing the deed P15.

Along with the statement of objections, the 1st Respondent tendered the document marked 1R3. Thereby the 1st Petitioner had requested to cancel the original nomination

which nominated the 2nd Petitioner and nominated her son's daughter as the nominee. This request has been verified by the 1st Respondent through the Grama Niladari and subsequent to the verification has been given effect to.

The 1st Respondent contended that by 1R10, the 1st Petitioner had made a request to alienate half of her holding in favour of the 7th Respondent. Subsequently by 1R11 the 1st Respondent had made the 1st Petitioner to come to the office of the 1st Respondent to obtain a statement to verify the request and the 1st Petitioner had given a statement confirming her request to alienate half of her land. The said statement has been signed by the 1st Petitioner in the presence of the 1st Respondent. The Counsel for the 1st Respondent submitted that the basis for this request is found in an affidavit given by the 1st Petitioner which is marked as 1R12, whereby she has stated that she had disposed part of the land namely in the extent of 1 Rood in the year 1999 to the 1st Respondent. None of these documents demonstrate the 2nd Petitioner's contention that it was done under duress.

Thereafter, the 1st Respondent had obtained the recommendation of the Grama Niladhari, which is marked as 1R14. Subsequently, the Divisional Secretary in his letter dated 14.11.2011 marked and tendered as 1R15 has given his consent to the execution of the deed for the alienation of half of the land depicted in the grant. Subsequently, by the document marked 1R17 the Divisional Secretary had approved the draft deed which has incorporated the conditions stipulated in the grant P2 namely conditions 1-7 and has informed the 1st Petitioner to inform the said to the land registry and submit it to the Divisional Secretary. Hence, it appears that in executing the deed P15, the conditions in granting P2 have not been violated it has been approved by the Divisional Secretary. The Petitioners' next contention was that the said deed was executed in violation of section 162(2) of the LDO. For a better understanding, I will now reproduce section 162 of the LDO (as amended by Act, No. 16 of 1969).

> *"(1) A notary shall not attest any instrument operating as a disposition of a holding which contravenes the provisions of this Ordinance.*
>
> *(2) An instrument executed or attested in contravention of the provisions of this section shall be null and void."*

It is also pertinent to note that section 162 originally had a conditional prohibition on the alienation of land. The said section reads as follows:

"*162.*

(1) A notary shall not attest any deed operating as a disposition of a protected holding unless the written consent of the Government Agent to such disposition

shall have been previously obtained nor unless such deed shall have attached thereto the document which the Government Agent granted his consent to the disposition sought to be effected by such deed. Such document of consent shall be specifically referred to by the notary in the attestation of the deed.

(2) A deed executed or attested in contravention of the provisions of this section shall be null and void.

Accordingly, the subsection (2) to section 162 provides that a deed executed or attested in contravention of the provisions of section 162 shall be null and void. Thus, this section makes the holding a protected holding.

However, the law was amended by Act, No. 16 of 1969. Thereby section 162(1) was amended and the requirement of the written consent of the Government Agent and the requirement to attach the said consent to the deed and a special mention of the said consent in the attestation have been done away with. Hence, in my view, in the absence of the said protection afforded under section 162(1) being visible in the Amended Act, the Petitioners cannot rely on the lack of the reference of the said consent in the attestation to impugn the document P15. Further, as stated in the judgement above, the documents marked 1R13, 1R14, 1R15 and 1R17 clearly demonstrate that the Divisional Secretary's consent has been obtained and by the Second Schedule to the deed and the conditions attached had complied with the conditions of deed P2 and the deed P15 has been subject to the said conditions and the protection clause in the Second Schedule.

Therefore, it appears that the 1st Petitioner herself and the 1st Respondent had followed the procedure laid down in the LDO prior to the execution of P15. At this stage, I wish to reiterate that the Petitioners have failed to demonstrate any provisions of the LDO that had been violated by the Respondents in executing P15. In the absence of such in my view, the first ground of the Petitioners that P15 is bad in law is not tenable.

The Petitioners' next argument is that the deed P15 has been registered in the registry in the register of grants/permits (P16). Hence, the said deed is bad in law. However, the learned Counsel for the Petitioners failed to demonstrate to this Court the basis of her argument. As her main argument is that mere registration of the document marked P15 in the register of permits and grants under the LDO marked and tendered as P16 has not been substantiated. Hence, the second ground too has to fail. Let me now consider the objections of the Respondents.

Suppression of material facts /misrepresentation of facts by the Petitioners

It is the contention of the Petitioners that the 1st Petitioner had obtained a loan of Rs. 18,000 from the 7th Respondent in or around the year 2005. It was further contended that in gratitude she had allowed the said 7th Respondent to cultivate a portion of the land (paragraph 13 of the Petition). While admitting the transaction of money, the 7th Respondent contended that the said transaction had taken place not in 2005 but in the year 1999. It was their contention that the 1st Petitioner had transferred the disputed part of the *corpus* to the 7th and 8th Respondents for a sum of Rs 18,000. It is further contended that the said Respondents had been in possession of the *corpus* from the year 01.10.1999. In support of the said argument the 7th and 8th Respondents tendered the document marked as X1 which is signed by the 1st Petitioner and her late son. It appears the said document substantiates the 7th and 8th Respondents' contention. The Petitioners have not denied the execution of the said document. Pursuant to the said document the said Respondents had possessed the land and cultivated the land which is established by the documents X2(a). However, this Court observes that the 1st Petitioner being a signatory to the said X1 document has failed to disclose the existence of such a document, which in my view, is a serious suppression of material facts. Further, as per X2(a) and X2(b) it appears that the 7th Respondent had been in possession and cultivated the land from the year 2003, which contradicts the position of the Petitioners that they had allowed the said Respondent to cultivate the land in the year 2009. This in my view, is a misrepresentation of a material fact relevant to this case. It is also pertinent to note that the Petitioners tendered the document P5 and submitted that from 2009, the 7th and 8th Respondents had forcefully constructed a house in the premises in 2009. However, it is observed that if the 7th and 8th Respondents had constructed a house or were in illegal occupation of the premises, the compliant should have been lodged by the 1st Petitioner, who is the holder of the grant P2. There was no explanation offered by the Petitioners as to why the 1st Petitioner who was the grant holder did not see it fit to lodge a police complaint against the 7th and 8th Respondents.

The 1st Petitioner failed to explain as to why she did not lodge the complaint but allowed the 2nd Petitioner to lodge the complaint. It is also observed that the 1st Petitioner has made a request to remove the nomination of the 2nd Petitioner and to nominate her son's daughter as the nominee, which had been duly executed by 1R4. It is also pertinent to note that in 2011 by 1R9 the 1st Petitioner has requested to cancel the nomination of all the successors which had been permitted and executed. Thereafter in 2011, the 1st Petitioner had sought to alienate part of her land in favour of the 7th Respondent. By 1R11, the 1st Petitioner had made a statement at the Divisional Secretariat making the request. Further, in 2010, the 1st Petitioner has given an affidavit to state that she had transferred a land in the extent of 1 Rood from the corpus to the 7th Respondent. The said affidavit is marked as 1R12. This material was not disclosed to this Court by the

Petitioners, which amounts to a serious misrepresentation and suppression of facts. By the non-disclosure the Petitioners have failed to come to Court with clean hands, which alone disentitles the Petitioners from the reliefs they have sought.

In my view, the Petitioners are duty bound to inform the Court of all the material facts, irrespective of whether they are in favour of the Petitioners or not to Court, when seeking the reliefs they have sought.

The Court in the case of ***W. S. Alphonso Appuhamy v. Hettictrachchi (1973)*** **22 NLR 77** held,

> *"Held further, that when an application for a prerogative writ or an injunction is made, it is the duty of the petitioner to place before the Court, before it issues notice in the first instance, a full and truthful disclosure of all the material facts; the petitioner must act with uberrima fides."*

Further, the case of ***Fonseka v Lt. General Jagath Jayasuriya and five others*** **2011 (2) SLR 372**

> *"A petitioner who seeks relief by writ which is an extraordinary remedy must in fairness to court, bare every material fact so that the decision of court is not wrongly invoked or exercised."*

In the same case, the Court further stressed that *"material facts are those which are material for the judge to know as dealing with the application as made, materiality is to be decided by court and not by the assessment of the applicant or his legal representatives."*

<u>Disputed facts</u>

The learned Counsel for the Petitioners submitted that the 1st Petitioner was forced to execute a deed which is marked P15 by the 7th and 8th Respondents. However, this Court observes that the said deed had been executed in the year 2011. If the 1st Petitioner was forced to sign the said deed, the Petitioners had ample time to complain to the Divisional Secretary, the police or even the notary who executed the said deed that she was compelled to sign the said deed by coercion and by force. I have considered the documents marked as P18(a), P18(b) P18(c) and P18(d) which again are complaints to the police made by the 2nd Petitioner and not by the 1st Petitioner. However, none of the said complaints state that a deed had been executed by force.

This allegation was refuted by the 7th and 8th Respondents. The only document that the 1st Petitioner has submitted pertaining to the forceful signing of the deed was made in the year 2018 to the Divisional Secretary. That is 7 years after the execution of the impugned deed P15. In my view, of the conflicting submissions made by the Petitioners and the 6th and 7th Respondents whether the deed P15 was executed under duress or not becomes a disputed fact which has to be decided through leading of evidence in a civil Court.

When the facts are disputed it is trite law that a Writ Court will be reluctant to execute its jurisdiction. This also takes me to the next objections raised by the Respondents namely, laches.

Laches

As I have stated above, the 1st Petitioner has signed the deed P15, which she does not deny. The 1st Petitioner has signed the documents marked as X1 and 1R12. These documents have been executed in 1999 and 2010 respectively. The document marked as P15 has been executed in the year 2011. As per the document P15, in the year 2011 a transfer of 1 Rood of the *corpus* to the 7th Respondent had been registered (P16). Yet the Petitioners waited until the year 2021 to file this Application to quash the documents P15 and P16, namely the deed no. 463 and the extracts of the land register. In my view, this undue, unexplained delay is fatal to this Application. Especially, in view of the fact as the reasons stated above, the Petitioners have not established that the delay was due to the fear of being harmed by the 7th and 8th Respondents.

Reliefs prayed for by the Petitioner

The Petitioners by prayer (c) have prayed for a Writ of *Certiorari* to quash document P15 and P16. As I have stated above, the Petitioners have failed to establish the illegality in the execution of P15 or P16.

By prayer (d), the Petitioners have sought a Writ of *Mandamus* to cancel the purported deed of transfer marked as P15. In my view, the said challenge to a deed should be established through evidence and that should be done in the proper forum. The

Petitioners have filed a District Court action and withdrawn the same. Therefore, this prayer has to fail.

By prayer (e) the Petitioners are seeking a Writ of Prohibition preventing the transfer of 1 Rood of the land to the 8th Respondent. In the same prayer, it is further stated to prohibit the said transfer from the purported deed of transfer bearing no. 467 in contravention of the law. A Writ of Prohibition is sought on instances to prevent an illegal exercise of power.

His Lordship Obeysekere J. discusses the grounds for the Court to issue Writs of prohibition in the case of ***Sadda Vidda Rajapakse Palanga Pathira Ambakumarage Ranjana Leo Sylvester Alphonsu Vs Secretary General of Parliament and another*** **CA Writ 52/2021 decided on 05.04.2021.** His Lordship states that

> *"the most important aspect of a Writ of Prohibition however, is that it is a 'remedy that is strictly concerned with excess of jurisdiction'. In that sense it maybe said that the scope of Prohibition is narrower than that of Certiorari. This position is set out by Dr. Sunil Cooray in 'Principles of Administrative Law in Sri Lanka' where he states as follows.*
>
> > *"The writ of prohibition is available to prevent an officer or authority from proceeding, in a given matter, to exercise a power which he does not have under the law, or act in violation of the rules of natural justice where the law requires such officers or authority to observe them. The writ of prohibition is not a remedy to restrain the doing of a purely physical act, to restrain which the proper remedy is an injunction. Further, where it is necessary to restrain an official from purporting to exercise power which he does not have, it is an order in the nature of a writ of prohibition to restrain him that must be sought and not a mandamus to compel him not to act"*
>
> *The position therefore is that a Writ of Prohibition is available to the Petitioner to prevent an illegal exercise of power …"*

In this instance the transfer has already taken place and the Petitioners themselves have submitted the number of the executed deed. Hence in my view, this prayer is misconceived and has to fail.

By prayer (f) the Petitioners are seeking to give effect to the nomination of the 2nd Petitioner to the total extent of the land i.e. 2 Roods as stated in P2. A Writ of *Mandamus*

in this instance will not lie by P12, the 1st Petitioner has annulled and cancelled the nominees made to the said land in 2011. However, it is also pertinent to note that by P27, the 2nd Petitioner has been nominated as the nominee to the extent of only 1 Rood. Hence, the 2nd Petitioner is entitled to only possess and to succeed to the extent of 1 Rood of the *corpus.* Further, the Petitioners have not sought to quash the said nomination, or the said registration reflected in P27 without quashing the said nomination and registration, the 2nd Petitioner is not entitled to be the nominee and successor to the total extent of land in P2. Hence, prayer (f) has to fail.

Alternative remedy

The Petitioners are seeking to quash the document marked as P15 which is a deed of transfer. As I have stated briefly above, a deed of transfer can be impugned through evidence. However, the forum for the said action is not this Court as it has to be done through leading of evidence. In my view, the Petitioners have failed to exercise the efficacious alternative remedy in the correct forum.

Conclusion

Accordingly, after considering the submissions and the material before this Court, this Court is of the view that the Petitioners have failed to establish their rights for the reliefs prayed for. Accordingly, this Court is not inclined to grant the reliefs prayed by the Petitioners and proceeds to dismiss this Application. No costs awarded.

Judge of the Court of Appeal

Mahen Gopallawa, J

I agree

Judge of the Court of Appeal