

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

In the matter of an application for the grant of Writs of *Certiorari*, *Prohibition* and *Mandamus* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**C.A. (Writ) Application**  
**No: 1038 / 2025**

1. Thilakarathna Mudiyansele Chithra Kularathna  
No. 165/B/9/2/1, Bithugalgama,  
Wikiliya, Balangoda.
2. Kanduregoda Lekamalage Sanath Nandasiri  
No. 165/B/9/1, Bithugalgama,  
Wikiliya, Balangoda.

**PETITIONERS**

**Vs**

1. National Housing Development Authority
2. J.K. Aravinda Sirinatha  
Chairman,  
National Housing Development Authority
3. A.S.R. Kiralawella  
Member,  
Board of Directors,  
National Housing Development Authority
4. M.G. Atupolage  
Member,  
Board of Directors,  
National Housing Development Authority

5. D.C.W. Hapugoda  
Member,  
Board of Directors,  
National Housing Development Authority

6. Inoka Priyadarshani  
Member,  
Board of Directors,  
National Housing Development Authority

7. E.M.S.B. Jayasundara  
Member,  
Board of Directors,  
National Housing Development Authority

8. B.J.G. Dissanayake  
Member,  
Board of Directors,  
National Housing Development Authority

*All 1<sup>st</sup> to 8<sup>th</sup> Respondents above of Sir  
Chitampalam A Gardiner Mawatha, P.O. Box  
1826, Colombo 02.*

9. R.A. Chandana Saman Ranaweera Arachchi  
Land Commissioner General,  
Land Commissioner General's Department,  
Mihikatha Madura,  
No.1200/6, Rajamalwatta Road,  
Battaramulla.

10. L. Migelarachi  
Divisional Secretary,  
Divisional Secretariat,  
Balangoda.

11. K.V. Samantha Vidyaratne

Minister of Plantation and Community  
Infrastructure,  
Ministry of Plantation and Community  
Infrastructure.

12. Prabath Chandrakeerthi

Secretary,  
Ministry of Plantation and Community  
Infrastructure.

*Both 11<sup>th</sup> and 12<sup>th</sup> Respondents above of 11<sup>th</sup>  
floor, Sethsiripaya Phase II,  
Battaramulla.*

13. Registrar,

Magistrate's Court, Balangoda.

### **RESPONDENTS**

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

**Counsel** : Upul Kumarapperuma, P.C. with Minuri Peiris and K.H. Dilrukshi  
instructed by Darshika Nayomi for the Petitioners.

Rifana Mukthar, S.C. for all Respondents.

**Supported on** : 08.12.2025

### **Written Submissions**

**Tendered on** : 18.12.2025 by the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners.

**Decided on** : 13.01.2026

**Adithya Patabendige, J.**

This is an application to seek a mandate in the nature of a *writ of certiorari* to quash the notices to quit marked **P10(a)** and **P10(b)** issued under **Section 3 of the State Lands (Recovery of Possession) Act No. 07 of 1979** by the Competent Authority, the 2<sup>nd</sup> Respondent, Chairman of the National Housing Development Authority. The Petitioners further seek a *writ of certiorari* to quash the decision of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to initiate proceedings before the Magistrate's Court of Balangoda, and also seek a *writ of certiorari* to quash the proceedings before the Magistrate's Court of Balangoda. In addition to the above reliefs, the Petitioners sought a *writ of prohibition* restraining the 1<sup>st</sup> and 2<sup>nd</sup> Respondents from proceeding with the Magistrate's Court of Balangoda, cases bearing Nos. 2008 and 2009.

When this case was taken up for support on 08/12/2025, the learned President's Counsel for the Petitioner and the learned State Counsel for the Respondents made their respective submissions.

According to the Petitioners, the land in question was initially possessed by T.W.M. Karunawathi, the mother of the 1<sup>st</sup> Petitioner, and the 2<sup>nd</sup> Petitioner is the son-in-law of the 1<sup>st</sup> Petitioner.

The aforesaid Karunawathi entered into a tenancy agreement, marked **P3**, with the Superintendent of the Wikiliya Estate Plantation, which was owned by the State Plantation Corporation. The Petitioners averred that, after the demise of Karunawathi, the 1<sup>st</sup> Petitioner succeeded to the land by virtue of Karunawathi's inheritance.

The Petitioners state that the eviction notices **P10(a)** and **P10(b)** under Section 3 of the State Lands (Recovery of Possession) Act were delivered to them on 01/11/2024. Consequently, summons from the Magistrate's Court of Balangoda were received by them. The case records bearing Nos. 2008 and 2009 were marked as **P1** and **P2**, respectively.

When this case was taken up for support, the learned President's Counsel strenuously argued that the land in question is not the land depicted in **P5** and the Plan marked **P6**, which had been granted to the 1<sup>st</sup> Respondent. Conversely, the learned State Counsel argued that the land in question is indeed the land occupied by the Petitioners and that the Competent

Authority has issued eviction notices on the premise that the Petitioners are in unlawful occupation of a state land.

Although the learned State Counsel undertook to submit the cadastral plan referred to in the schedule to the notices of quit, it is regrettable that the said document was not produced before this Court.

Accordingly, this Court is of the view that any issue relating to the identity of the land described in the schedules to the quit notices should be determined at the hearing of this application.

For the foregoing reasons, this Court is inclined to issue formal notices to the Respondents. Further, having regard to all the circumstances of the case, this Court is of the view that unless interim relief is granted as prayed for, the Petitioners would be faced with grave, irreparable, and irreparable prejudice and loss.

Therefore, this Court is inclined to issue stay orders as prayed for in paragraphs “b”, “c”, and “d” of the prayer of the Petition.

**JUDGE OF THE COURT OF APPEAL**

**Dhammika Ganepola, J**

**I agree.**

**JUDGE OF THE COURT OF APPEAL**