

**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.

1. Thilakarathna Mudiyanselage Chithra Kularathna
No. 165/B/9/2/1, Bithugalgama,
Wikiliya, Balangoda.

C.A. (Writ) Application

No: 1038 / 2025

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 1st to 8th 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 11th and 12th Respondents above of 11th
floor, Sethsiripaya Phase II,
Battaramulla.*

13. Registrar,
Magistrate's Court, Balangoda.

RESPONDENTS

Before : Dharmika 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 1st and 2nd 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 2nd Respondent, Chairman of the National Housing Development Authority. The Petitioners further seek a *writ of certiorari* to quash the decision of the 1st and 2nd 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 1st and 2nd 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 1st Petitioner, and the 2nd Petitioner is the son-in-law of the 1st 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 1st 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 1st 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, irremediable, 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

Dhammadika Ganepola, J

I agree.

JUDGE OF THE COURT OF APPEAL