

**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 Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**C.A. (Writ) Application
No: 0333/2023**

1. R.L.A. Darshana Sampath Rajakaruna,
No. 79, Shri Dhammananda Mawatha,
Pattalagedara,
Veyangoda.
2. R.L.A. Supun Sandeepa Rajakaruna,
No. 79, Shri Dhammananda Mawatha,
Pattalagedara,
Veyangoda.

Petitioners

Vs.

1. Hon. Bandula Gunawardane,
The Minister of Highway,
The Ministry of Highways,
9th Floor, Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.
- 1A. Hon. Vijitha Herath
The Minister of Highway,
The Ministry of Highways,
9th Floor, Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.
- 1B. Hon. Bimal Niroshan Ratnayake
The Minister of Highway,
The Ministry of Highways,
9th Floor, Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.

2. Hon. Harin Fernando
The Minister of Lands,
No. 1200/6,
Rajamalwatta Road,
Battaramulla
- 2A. His Excellency Anura Dissananayke
The Minister of Lands
No. 1200/6,
Rajamalwatta Road,
Battaramulla.
- 2B. Hon. Mr. K.D. Lalkantha
The Minister of Lands
No. 1200/6,
Rajamalwatta Road,
Battaramulla.
3. R.W.R. Premasiri
The Secretary,
The Ministry of Highways,
Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.
- 3A. R.G. Rubasinghe
The Secretary,
The Ministry of Highways,
Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.
- 3B. K.D.S. Ruwanchandra
The Secretary,
The Ministry of Highways,
9th Floor, Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.
- 3C. K. Kapila K.C. Perera
The Secretary,
The Ministry of Highways,
9th Floor, Maganeguma Mahamedura,

Denzil Kobbekaduwa Mawatha,
Pelawatte, Battaramulla.

4. W.A. Chulananda Perera,
The Secretary,
The Ministry of Lands,
No. 1200/6,
Rajamalwatta Road,
Battaramulla.
- 4A. Somaratne Vidanapathirana,
The Secretary,
The Ministry of Lands,
No. 1200/6,
Rajamalwatta Road,
Battaramulla.
- 4B. M.P.N.M. Wickramasinghe
The Secretary,
The Ministry of Lands,
No. 1200/6,
Rajamalwatta Road,
Battaramulla.
5. R.P.R. Ranasinghe
The Director (Lands),
The Ministry of Lands,
No. 1200/6,
Rajamalwatta Road,
Battaramulla.
6. Chandrani Samarakoon ,
The Additional Secretary (Development),
The Ministry of Highways,
Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatta, Battaramulla.
7. The Road Development Authority,
Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatta, Battaramulla.

8. L.V.S. Weerakoon
The Director General,
The Road Development Authority,
Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatta, Battaramulla.
- 8A. S.M. Suriyabandara
The Director General,
The Road Development Authority,
Maganeguma Mahamedura,
Denzil Kobbekaduwa Mawatha,
Pelawatta, Battaramulla.
9. R.M.J.N. Ratnayake,
The Project Director,
Central Expressway Project (Part 1)
The Road Development Authority
No. 465 Ganahena
Battaramulla.
10. S.P. Gunawardena,
The Divisional Secretary of Attanagalla,
Attanagalla Divisional Secretariat
Nittambuwa.
11. The Surveyor General,
The Department of Surveys,
No. 150 Kirula Road,
Narahenpita, Colombo 05
12. The Chief Valuer,
The Department of Valuation,
Punchi Borella,
Maradana Road,
Colombo 10.

Respondents

Before : R. Gurusinghe, J.
&
Dr. S. Premachandra, J.

Counsel : Rasika Dissanayake with Shabhir Hussain and
G. Jayasuriya instructed by K.D. Lakmal
for the Petitioners.

Dilantha Sampath SC,
for the Respondents

Argued on : 24-03-2026

Decided on : 11-06-2026

JUDGMENT

R. Gurusinghe, J.

The petitioners' land (a paddy field) was acquired by the State in the year 2016 for the purpose of the construction of the Central Expressway. The acquired land of the petitioner was identified as Lot 452 in the cadastral plan bearing no. 510614 in supplementary sheet no. 3. The extent of the said Lot 452 is 0.5739 Hectares (226.9 perches). There is no dispute between the parties regarding either the petitioners' ownership of the acquired land or the extent thereof.

The Minister of Lands, by Gazette Notification bearing no. 2016/33, dated 26-04-2017, published under and in terms of the proviso to section 7(1) of the Land Acquisition Act (Act), gave notice of the Government's intention to acquire certain lands required for the public purpose. Among them, the petitioners' land was included. Item 30 of Part II of the said Gazette Notification describes to the petitioners' land as follows:

Lot 452.

“Name of the land: Domayedeniyakubura; Description: Paddy field; Claimant: State; Original Claimant: R.L.A.D.S. Rajakaruna and R.L.A.S.S. Rajakaruna. No. Sri Darmananda Mawatha, Paththalagedera, Weyangoda; (Part of Plot 178, Taken the Land Acquisition Act under Section 38, to finalise the land acquisition); Extent: 0.5739 Hectare.”

The dispute between the parties concerns the quantum of compensation payable to the petitioners for the acquired land. The petitioners state that the 10th respondent took possession of the land prior to the making of any decision under section 10(1) of the Act and without making any compensation payment to the petitioners.

Furthermore, the petitioners aver that, after several years, the 10th respondent, by a letter dated 31-05-2022, informed the petitioners that compensation in the sum of Rs. 850,500/- each, totalling Rs. 1,701,000/-, would be paid under Section 17 of the Act in respect of the acquired land. The said documents are marked as P12 and P13. Petitioners, being dissatisfied with the amount of compensation so determined, appealed to the Secretary to the Ministry of Highways. A copy of the said appeal is marked P14.

The Cabinet of Ministers decided to introduce a special mechanism to address the grievances and hardships faced by persons whose land has been acquired by the State. Accordingly, the Minister decided to introduce the Land Acquisition Resettlement Committee (LARC), together with an appellate body known as Super LARC, to consider appeals relating to compensation awards. Thereafter, the Minister of Lands, by Gazette Notification no. 1854/54 dated 30-05-2014, published a set of regulations governing the payment of compensation under the Land Acquisition Act. A copy of the said Gazette Notification is produced by the petitioners, marked P15.

The regulation 4(2)(d) published in the above-mentioned Gazette No. 1854/54 is as follows:

d. Paddy Lands: -

An ex-gratia payment shall be made for paddy lands based on the difference between the statutory compensation and the amount equivalent to ten per cent of the market value of the land as computed by the Chief Valuer.

There is a further document, marked as P15A, issued by the Road Development Authority, regarding the scheme applicable to the payment of compensation for the Lands acquired for the Central Expressway

Development project. According to the P15A, the statutory compensation payable in respect of paddy lands is fixed at Rs. 7,500/- per perch and also an ex-gratia payment shall be made for Paddy Lands, calculated on the basis of the difference between the statutory compensation and the amount equivalent to ten per cent of the market value of the nearest (high) Land as computed by the Chief Valuer.

The petitioners state that they have duly participated in the proceedings before LARC and Super LARC. However, the members of the Super LARC declined to rectify or increase the compensation payable to the petitioners. According to P19, they have calculated the amount payable to the petitioners as follows.

Value of a perch	Rs. 7,500.00
Number of perches 226.8	
Statutory compensation under section 17.	Rs. 1,701,000.00
Amount paid by LARC	Rs. 450,000.00
Amount paid by Super LARC	Nil

The document produced by the State, marked as X, demonstrates how the respondents calculated the ex-gratia payment of Rs. 450,000.00.

Value of a perch of the closest (high) Land	Rs. 300,000.00
Ten per cent of it	Rs. 30,000.00
Statutory compensation for a perch	Rs. 7,500.00
Ex-gratia payment per perch according to LARC	Rs. 22,500.00
Therefore, the price for twenty perches	Rs. 450,000.00

There is no explanation by the respondents as to why the ex-gratia payment awarded under the LARC or Super LARC scheme was restricted to only 20 perches, whereas the acquired Land comprised 226.9 perches in extent.

The Learned State Counsel who appeared for the respondents also conceded that there was no rationale for restricting the ex-gratia payment to only twenty perches. According to the regulations published in Gazette P15 and a document marked P15A, clearly contemplate that the ex-gratia payment

for an acquired Paddy Land should be paid considering the extent of the Land acquired. In such circumstances, the restriction imposed by the LARC to an extent of payment only for twenty perches was without any basis, unsupported by any statutory provision, regulation or policy. The said decision is clearly irrational, unreasonable, and contrary to the regulations.

In the above circumstances, this Court is satisfied that the petitioners are entitled to the relief sought. The Court issues Writ of Certiorari as prayed for in paragraphs b, c, d, and Writ of Mandamus as prayed for in paragraphs e and f of the prayer to the petition.

Application is allowed.

Judge of the Court of Appeal

Dr. S. Premachandra J.

I agree.

Judge of the Court of Appeal.