

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

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

C.A. (Writ) Application

No: 0542/2025

Ashila Dinesh Wijesundara Ranasinghe,
'Vasavila', Seepukulama Road,
Galenbindunuwewa.

PETITIONER

Vs.

1. Divisional Secretary,
Galenbindunuwewa,
Divisional Secretariat Office,
Galenbindunuwewa.
2. Land Commissioner (Inter Provincial),
Land Commissioner's (Inter Provincial) Office,
District Secretariat, Anuradhapura.
3. Land Commissioner General,
Land Commissioner General's Department,
No. 1200/6, Mihikatha Medura,
Rajamalwatta Road, Battaramulla.
4. M.D. Chandralatha,
Anuradhapura Road,
Galenbindunuwewa.

5. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

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

Counsel : Ama S. Jayaweera, AAL with Radith Abeyratne, AAL and Shehan
Silva, AAL for the Petitioner.

Abhirami Balasubramaniam, AAL with Sajeevi Jayasinghe, AAL and
Bhagya Herath, AAL instructed by Navoda Wanniarachchi, AAL for the
4th Respondent.

Argued on : 24.02.2026

Written Submission

Tendered on : 27.03.2026 by the Petitioner.
31.03.2026 by the 4th Respondent.

Decided on : 05.05.2026

Adithya Patabendige, J.

Introduction

By this application, the Petitioner has invoked the jurisdiction of this Court under Article 140 of the Constitution, seeking, *inter alia*, a mandate in the nature of a *writ of certiorari* to quash the decisions marked **P14(e)**, **P15** and **P16**, a mandate in the nature of a *writ of prohibition* restraining the Respondents from acting upon the said decisions, and a mandate in the nature

of a *writ of mandamus* directing the 1st to 3rd Respondents to hold a fresh inquiry in accordance with the principles of natural justice.

The gravamen of the Petitioner's complaint is that the Respondents have unlawfully cancelled and/or refused to give effect to prior approvals granted in respect of a long-term lease of State Land, on the basis of a purported determination relating to the validity of a marriage. The Petitioner contends that such a determination falls within the exclusive province of a competent court of law and that the impugned decisions are therefore *ultra vires*, arbitrary, and contrary to law.

The 4th Respondent, while resisting the application, has taken up the position that the Petitioner has failed to establish the legality of the alleged marital relationship upon which his claim is founded, and has further contended that the Petitioner has suppressed material facts and is not entitled to invoke the discretionary jurisdiction of this Court.

The 1st to 3rd Respondents did not file a Statement of Objections or written submissions in this application.

Reliefs Sought

The Petitioner seeks, *inter alia*, the following reliefs.

- a) A mandate in the nature of a *writ of certiorari* quashing the purported observation and/or decision and/or direction made by the 1st Respondent in the letter dated 13th January 2025 marked **P14(e)**,
- b) A mandate in the nature of a *writ of certiorari* quashing the purported decision and/or direction made by the 3rd Respondent in the letter dated 03rd March 2025 marked **P15**,
- c) A mandate in the nature of a *writ of certiorari* quashing the purported submission of documents made by the 1st Respondent in the letter dated 30th April 2025 marked **P16**,
- d) A mandate in the nature of a *writ of prohibition* restraining the Respondents, in particular the 1st and/or 2nd and/or 3rd Respondents, and/or anyone acting under them, from taking any further steps based on the said purported observation and/or decision and/or direction and/or submission of documents marked **P14(e)**, **P15** and **P16**,
- e) A mandate in the nature of a *writ of mandamus* directing the Respondents, in particular the 1st and/or 2nd and/or 3rd Respondents, to hold a fresh inquiry in

compliance with the rules of natural justice, in particular *audi alteram partem*, in respect of the State Land leasehold applications bearing Nos. 4/10/29943 and 4/10/29952.

Factual Background

The material facts, as borne out by the pleadings and documents, may be summarised as follows.

The Petitioner is the son of Ranasinghe Wijesundara and Lilian Gunasinghe, according to the birth certificate marked **P1(b)**, and their marriage certificate is marked as **P1(a)**. It is undisputed that the said Ranasinghe Wijesundara subsequently married Ekanayake Mudiyanseelage Shriyalatha Manike on 25th July 1984, as reflected in the marriage certificate marked **P1(c)**.

The said Shriyalatha Manike had been in long-standing possession of the subject State Land and had, on 20th October 2009, applied for a long-term lease. Approval had been granted on 11th May 2011 for a 30-year lease marked **P2 (f)**. However, before the lease was formally executed, she had passed away.

Thereafter, Ranasinghe Wijesundara, claiming to be her heir, had been considered for the grant of a long-term lease on the basis of continued occupation. Such approval had been granted around 23rd December 2015. Nevertheless, prior to the formalisation of such a grant, he too had passed away on 12th August 2018.

Subsequently, the present Petitioner claims entitlement to the said land on the basis that he is the lawful heir of Ranasinghe Wijesundara and that he has been in continuous possession of the land since 1999. The Petitioner further asserts that the relevant authorities, including the 1st Respondent, had recognised the possession of the Petitioner as per the documents marked **P7(a)** and **P7(b)**.

It appears that several inquiries were thereafter conducted by the relevant authorities, including the 1st to 3rd Respondents, to determine the entitlement to the land.

By a communication marked **P13**, the Secretary to the Ministry of Lands had indicated that the land may be granted to the Petitioner for a commercial purpose. However, subsequent correspondence, including **P14(a)** - **P14(e)**, reveals that the authorities had raised concerns regarding the legality of the marriage between Ranasinghe Wijesundara and Shriyalatha

Manike, particularly in the absence of proof that the prior marriage between Ranasinghe Wijesundara and Lilian Gunasinghe had been lawfully dissolved.

The 3rd Respondent, by letter dated 3rd March 2025 marked **P15**, and the 1st Respondent by subsequent communication marked **P16**, had proceeded on the basis that the validity of the said marriage was in question, and consequently declined to proceed with granting the land to the Petitioner.

The Petitioner challenges the said decisions on the basis that the Respondents have acted without jurisdiction in determining the validity of a marriage, and that such decisions have resulted in the deprivation of his alleged legitimate expectation to obtain a lease.

On the other hand, the 4th Respondent contends that there is no proof of a lawful divorce between Ranasinghe Wijesundara and Lilian Gunasinghe. The 4th Respondent contends that in the absence of such proof, the subsequent marriage is legally questionable and the burden of proof lies on the Petitioner. The 4th Respondent further contends that the Petitioner has suppressed material facts and is therefore disentitled to discretionary relief as prayed for in the Petition.

Analysis

At the outset, it is necessary to identify the true nature of the dispute placed before this Court. Although the reliefs sought are directed against the administrative decisions marked **P14(e)**, **P15**, and **P16**, the foundation of such decisions is the determination by the Respondents that the marriage between Ranasinghe Wijesundara and Shriyalatha Manike is legally invalid on account of the alleged subsistence of the prior marriage with Lillian Gunasinghe.

The Petitioner's position is that such a determination falls outside the jurisdiction of the 1st to 3rd Respondents, whereas the 4th Respondent contends that, in the absence of proof of a lawful divorce, the Petitioner has failed to establish the legal basis for his claim to the subject land.

In this context, the fundamental issue is whether the 1st and/or 3rd Respondents had the authority to determine the validity of the said marriage.

The material before this Court establishes that the impugned decisions were reached after evaluating whether the prior marriage between Ranasinghe Wijesundara and Lilian Gunasinghe had been lawfully dissolved. The conclusion reached by the 1st to 3rd Respondents

appears to be that, in the absence of proof of such dissolution, the subsequent marriage to Shriyalatha Manike is void, thereby affecting the entitlement claimed by the Petitioner.

However, as correctly contended by the learned Counsel for the Petitioner, the determination of the validity, nullity, or dissolution of a marriage is a matter that falls within the exclusive jurisdiction of a court of competent jurisdiction in terms of the Judicature Act and the relevant provisions of the Civil Procedure Code, the matrimonial jurisdiction is vested in the Family Court.

This position is further reinforced by the statutory scheme under the Marriage Registration Ordinance, which contemplates that a marriage can only be dissolved by a decree of a competent court. In the absence of such a decree, neither an administrative authority nor a statutory officer can assume the existence or non-existence of a divorce.

In this regard, it is pertinent to refer to Section 52 of the Marriage Registration Ordinance, which provides that a certified copy or extract of a marriage register issued under the hand of the Registrar General or other competent officer shall be received as *prima facie* evidence of the matters to which it relates, without further proof. Accordingly, a Certificate of Marriage constitutes *prima facie* proof of the existence of such a marriage. While such proof is not conclusive and may be rebutted in appropriate proceedings, any challenge to the validity of such a marriage necessarily requires adjudication by a court of competent jurisdiction. It follows that an administrative authority cannot disregard or pronounce upon the validity of a marriage so evidenced, in the absence of a judicial determination.

The determination of whether a marriage is valid or void is a matter falling exclusively within the jurisdiction of a competent Court (the Family Court), and not within the domain of an administrative authority acting under statute.

As observed by *His Lordship Achala Wengappuli in the case of Hudson Samarasinghe v Thilaka Wadasinghe Liyanarathnage S.C. Appeal No. 22/2020, decided on 28th May 2025*, a marriage evidenced by a certificate remains valid in law unless and until it is set aside by a decree of nullity by a competent court. In the absence of such a declaration, the status of a spouse cannot be disregarded even by a Magistrate.

The following paragraph on page 39 of the above judgement, His Lordship states thus;

“Since it is the exclusive domain of the Family Court to make declarations in relation to all actions “... for divorce, nullity and separation” and in the absence of such a decree made to that effect by a competent Court, it must be concluded that the Magistrate’s Court, in order to determine the entitlement of the Respondent to her claim of maintenance against the Appellant, cannot determine the validity or otherwise of a marriage referred to in the Marriage Certificate “๑๑2”, in the guise of determining whether she is the “spouse” of the Appellant, in terms of Section 2 of the Maintenance Act. Therefore, the marriage between the Appellant and Respondent, confirmed and supported by the Marriage Certificate “๑๑2”, remains valid in the absence of a declaration by a competent Court to the contrary and accordingly the status of the Respondent, as the “spouse” of the Appellant, in terms of Section 2 of the Maintenance Act, which begun with their marriage on that Marriage Certificate should remain unaltered.”

Accordingly, in light of the settled legal position as reflected in the aforesaid judgement, the determination of the validity or nullity of a marriage falls exclusively within the jurisdiction of a competent Civil Court. It must therefore be held that the 1st to 3rd Respondents had no authority, either directly or indirectly, to evaluate or pronounce upon the validity of the marriage between Ranasinghe Wijesundara and Shriyalatha, in the course of making decisions relating to the leasehold rights of the parties. In the absence of a decree of nullity or other declaration by a competent Court, such marriage must be treated as subsisting and valid in law. Consequently, any reliance placed by the 1st to 3rd Respondents on the alleged invalidity of the said marriage, in arriving at decisions affecting the leasehold rights of the parties, constitutes an exercise in excess of their lawful authority. It follows that the impugned decisions were arrived at without jurisdiction and cannot be sustained in law.

It is also of significance that the 1st Respondent, namely the Divisional Secretary, Galenbindunuwewa, as reflected in document **P1(e)**, had, in the administration of pension benefits following the demise of Shriyalatha, recognised Ranasinghe Wijesundara as the person entitled to receive such benefits. While such administrative recognition cannot be treated as a conclusive determination of the legal validity of the marriage, it nevertheless indicates that the State, acting through the same office, had previously proceeded on the basis of the existence of a marital relationship between the parties. In that context, the subsequent position adopted by the Respondents in the present instance, namely to question or disregard

the said marriage in determining the leasehold rights of the parties, reveals a clear inconsistency in administrative decision-making. Such inconsistency, particularly in the absence of any intervening judicial determination, further reinforces the conclusion that the impugned decisions are vitiated by illegality and cannot be allowed to stand.

Conclusion and Order

For the foregoing reasons, a mandate in the nature of a *Writ of Certiorari* is hereby issued, quashing the decisions of the 1st and 3rd Respondents marked **P14(e)**, **P15** and **P16**.

In view of the above findings, and in particular the quashing of the impugned decisions, it is unnecessary to consider the relief sought by way of a *Writ of Prohibition*, as the grant of *certiorari* sufficiently addresses the grievance of the Petitioner.

Further, in order to ensure that the Petitioner's application is considered strictly in accordance with law, a mandate in the nature of a *Writ of Mandamus* is hereby issued directing the 1st to 3rd Respondents to hold a fresh inquiry in respect of the applications bearing Nos. **4/10/29943** and **4/10/29952**, in compliance with the principles of natural justice.

In conducting such inquiry, the 1st to 3rd Respondents are directed to confine themselves to matters falling within their lawful authority and shall not, either directly or indirectly, inquire into, determine, or rely upon the validity or invalidity of the marriage between Ranasinghe Wijesundara and Shriyalatha, as reflected in the marriage certificate marked **P1(c)**, in the absence of a decree of nullity or other declaration made by a competent court.

The Respondents shall thereafter arrive at a fresh decision in accordance with the law.

In all the circumstances of this case, I make no order as to costs.

JUDGE OF THE COURT OF APPEAL

Dharmika Ganepola, J

I agree.

JUDGE OF THE COURT OF APPEAL