

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

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

The Anuradhapura Vivekananda  
Society Limited,  
No. 519/C, Jayanthi Mawatha,  
Anuradhapura.

**CA (Writ) App. No. 224/2020**

**PETITIONER**

**Vs.**

1. E. M. R. P. B. Ekanayake,  
Divisional Secretary of Nuwaragam  
Palatha East Anuradhapura,  
Dharmapala Mawatha, Anuradhapura.

And Now

Sampath Rohana Dharmadasa,  
Divisional Secretary of Nuwaragam  
Palatha East Anuradhapura,  
Dharmapala Mawatha,  
Anuradhapura.

2. W. M. Ruwan Wijesinghe,

Former Divisional Secretary of  
Nuwaragam Palatha East  
Anuradhapura,  
Dharmapala Mawatha, Anuradhapura.

Then at  
The Commissioner of Municipal  
Council,  
Anuradhapura.

Now at  
The Commissioner of Provincial  
Council North Central Province,  
Anuradhapura.

3. S. M. Saman Bandulasena,  
Former Divisional Secretary of  
Nuwaragam Palatha East  
Anuradhapura,  
Dharmapala Mawatha, Anuradhapura.

Then at  
Government Agent,  
Wawunia

Then at  
Chief Secretary,  
Northern Province Provincial Council,  
Jaffna.

Now at  
Senior Additional Secretary to the  
President,  
Presidential Secretariat, Galle Face,  
Colombo 01.

4. Mr. S. M. S. Sampath Rohana  
Dharmadasa,  
Provincial Land Commissioner,  
North Central Province,  
Ground Floor (Right Wing),

Provincial Council Administrative  
Building Complex,  
Dharmapala Mawatha, Anuradhapura.

And Now

Mr. G.A. Keethsiri,  
Provincial Land Commissioner,  
North Central Province,  
Ground Floor (Right Wing),  
Provincial Council Administrative  
Building Complex,  
Dharmapala Mawatha, Anuradhapura.

5. R.M.C.M. Herath,  
Land Commissioner General,  
"Mihikatha Madura",  
Land Secretariat,  
No.1200/6,  
Rajamalwatte Road, Battaramulla.

G.D. Keerthi Gamage,  
Land Commissioner General,  
"Mihikatha Madura", Land Secretariat,  
No. 1200/6,  
Rajamalwatte Road, Battaramulla

And then

K.D.B. Jayasinghe,  
Land Commissioner General,  
"Mihikatha Madura", Land Secretariat,  
No. 1200/6,  
Rajamalwatte Road, Battaramulla

And Now

R.A. Chandana Saman Ranaweera,  
Land Commissioner General,  
"Mihikatha Madura", Land Secretariat,  
No.1200/6,  
Rajamalwatte Road, Battaramulla.

[Substituted 5<sup>th</sup> Respondent]

6. S. M. Chandrasena,

Minister of Lands and Land  
Development,  
Ministry of Lands and Land  
Development,  
"Mihikatha Medura", Land Secretariat,  
No. 1200/6, Rajamalwatta Avenue,  
Battaramulla.

And Then  
Harin Fernando,  
Minister of Tourism and Lands,  
Ministry of Tourism and Lands,  
"Mihikatha Medura", Land Secretariat,  
No. 1200/6, Rajamalwatta Avenue,  
Battaramulla.

And Then  
Anura Kumara Dissanayake,  
Minister of Agriculture, Lands,  
Livestock, Irrigation, Fisheries and  
Aquatic Resources,  
Ministry of Agriculture, Lands,  
Livestock, Irrigation, Fisheries and  
Aquatic Resources,  
"Mihikatha Medura", Land Secretariat,  
No. 1200/6, Rajamalwatta Avenue,  
Battaramulla.

And Now  
K.D.Lal Kantha,  
Minister of Agriculture, Livestock,  
Lands and Irrigation,  
No. 80/5, "Govijana Medura",  
Rajamalwatta Lane, Battaramulla.

[Substituted 6" Respondent]

7. Mahinda Amaraweera,  
Minister of Petroleum Resources  
Development,  
Ministry of Petroleum Resources

Development,  
No. 80, Sir Ernest de Silva Mawatha,  
Colombo 07.  
Udaya Prabath Gammanpila,  
No. 80, Sir Ernest de Silva Mawatha,  
Colombo 07.

And then  
Kanchana Wijesekara,  
Minister of Power & Energy,  
Ministry of Energy,  
No. 80, Sir Ernest De Silva Mawatha,  
Colombo 07.

And Then  
Anura Kumara Dissanayake,  
Minister of Energy,  
Ministry of Energy,  
Then at  
No. 80, Sir Ernest De Silva Mawatha,  
Colombo 07.

And then at  
No. 437, Galle Road, Colombo 03.

And Now  
Kumara Jayakody,  
Minister of Energy,  
Ministry of Energy,  
No.80, Sir Ernest De Silva Mawatha,  
Colombo 07.

[Substituted 7<sup>th</sup> Respondent]

8. Shanmugam Sivagnanam,  
No. 351/3, Galle Road,  
Wellawatta, Colombo 06.
9. M. Prasad Mangala Perera,  
No. 74B, Depot Road,  
Jayanthi Mawatha, Anuradhapura.

10. Seylan Bank PLC.,  
Seylan Towers,  
No. 90, Galle Road, Colombo 03.

11. Hon. Attorney General,  
Attorney General's Department,  
Hulfsdorp,  
Colombo 12.

**RESPONDENTS**

**Before:** Dr. D. F. H. Gunawardhana, J.

**Counsel:**

Charaka Jayaratne with Pasiduni Fernando instructed by Purnima Gunasekara for the  
Petitioner.

Dilantha Sampath, S.C. for the 1<sup>st</sup>-7<sup>th</sup> and 11<sup>th</sup> Respondents.

Primal Rathwatte with Usha Kannangara for the 8<sup>th</sup> Respondents.

**Argued on:** 09.02.2026

**Delivered on:** 26.03.2026

**Dr. D. F. H. Gunawardhana, J.,**

## **Judgement**

### **Introduction**

The Petitioner claims to be a society registered under the Societies Ordinance, No. 16 of 1891, which claims that it runs a religious institution, a Hindu shrine called “Vivekananda Temple”. And it had initially been in possession of certain Government land within the sacred city of Anuradhapura. However, later in the 1950s, with the revival of the Buddha Jayanthi era, the said Hindu Temple had been relocated by giving a land outside the Anuradhapura Sacred City.

Accordingly, the Petitioner had been given a permit marked as **P9**, in respect of certain land where the Petitioner was conducting a school as well. However, with the acquisition of all private schools run by various missions, the said school and land were also vested with the Government. Later, the Petitioner claims in lieu of the land held by the society belonging to the said religious body, the Petitioner was placed in possession of certain other land without a permit or grant; the Petitioner continued to be in possession thereof.

In the meantime, the Petitioner has placed certain people in possession of certain parts of the said land where the Petitioner was placed in possession, including the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Respondents; in fact, the 8<sup>th</sup> Respondent has been given the consent to obtain license to carry on a business of a petrol shed by the Petitioner, and thus, the 8<sup>th</sup> Respondent has obtained a license to carry on a petrol shed in a part of the said land of which the Petitioner was initially placed in possession; this has been gazetted as well.

However, disputes have arisen between the Petitioner and the 8<sup>th</sup> to 10<sup>th</sup> Respondents, and then the Petitioner wanted to have its possession regularised or legalised by obtaining a permit or grant.

Then the Provincial Land Commissioner, having inquired into the disputes, have made certain recommendations by **P83**, which the Petitioner challenges in this Application.

After issuance of formal notice, the 1<sup>st</sup> to 7<sup>th</sup> and 12<sup>th</sup> Respondents and the 8<sup>th</sup> to 10<sup>th</sup> Respondents have filed their respective Objections, and this came up before me on (09.02.2026) for Arguments, and the following arguments were advanced by the counsel; hence this Judgement.

### **Arguments**

Mr. Charaka Jayaratne, Counsel for the Petitioner contended that the Petitioner has a legitimate expectation in view of **P35** since it was his land that had been initially acquired by the Government with the vesting of the missionary schools with the Government and placed the Petitioner in possession of the land in suit. So far, the Petitioner's possession remains unregularized by the Government; therefore, he has a legitimate expectation to have it regularised or legalised.

The second contention advanced by Mr. Jayaratne is that the 8<sup>th</sup> Respondent had come under the Petitioner's land, and **P34** establishes that; therefore, now he cannot deny the Petitioner's rights. Thus, Mr. Jayaratne argues that he challenges the adverse findings of the Provincial Land Commissioner contained in **P83**.

On the other hand, Mr. Dilantha Sampath, the learned State Counsel contended that **P47** is a document that establishes collusion between the Petitioner and the other Respondents; therefore, the land that the Petitioner claims to be in possession of cannot be treated now as a the Petitioner has developed or has given such land and placed in possession by the Government expecting him to develop it; instead what the Petitioner has done was to block it out and give it to various people, including the 8<sup>th</sup> to 10<sup>th</sup> Respondents. Now, disputes have arisen between them; therefore, now the



Government needs to consider who has effected improvements. Thus, this action cannot be maintained by the Petitioner.

In addition to that, he argued that **P83** is self-explanatory since the Provincial Land Commissioner has gone into all aspects and made certain recommendations but not taken any decisions. Therefore, no writ lies against **P83**.

On the other hand, the learned Counsel for and on behalf of the 8<sup>th</sup> Respondent, Mr. Rathwatte argued that the Petitioner has no status to maintain this Application since he is not representing the Vivekananda Temple.

His next contention is that **P57** establishes that the 8<sup>th</sup> Respondent has independent permission obtained to run a petrol shed without the Petitioner's permission or involvement; therefore, the Petitioner cannot maintain this Application against the 8<sup>th</sup> Respondent.

### **Factual matrix**

I will first deal with the facts as presented by the Petitioner, including his complaint to this Court.

The Petitioner asserts that the Petitioner Society was established in 1925 and was registered as a society under the Societies Ordinance, No. 16 of 1891 in 1995; in addition, it claims that it is registered as a Hindu religious institution with the Department of Hindu Religious and Cultural Affairs. To establish that, the Petitioner has annexed two documents to the Petition, marked as **P1** and **P2** respectively.

In addition to the religious activities conducted, it is the Petitioner's position that it had operated a school known as "*Vivekananda Vidyalaya*", in a premises in the vicinity of the Anuradhapura Sacred City. However, with the dawn arrival of Buddha Jayanthi era of 1956, the Government had

decided to relocate certain institutions which were situated in the sacred city of Anuradhapura, to other areas. Accordingly, there had been inter-departmental correspondence with regard to that. In addition to that, the Petitioner had also correspondence with the relevant departments. To establish that, the Petitioner has annexed certain documents marked as **P3** to **P8** to the Petition.

Thereafter, the Petitioner had been relocated in a place where the Petitioner was given a land of Six Acres and Two Rood. Accordingly, the Government has issued an annual permit dated 17.05.1957, after relocation, marked and annexed to the Petition as **P9**. The Petitioner asserts that in 1961, with the vesting of certain Government-assisted schools in terms of the Assisted Schools and Training Colleges (Supplementary Provisions) Act, No. 8 of 1961, the said school run by the Petitioner in the given land was also vested with the Government. Thus, the Petitioner lost the land of Six Acres and Two Rood; as such, the Government decided to relocate the Petitioner's Society by giving certain other premises of One Acre, in lieu of the vested property to the Petitioner. Accordingly, the Petitioner was given the land as identified in the plan marked and annexed to the Petition as **P12**. Thereafter, the Petitioner claims that the present land of which it is in possession had been given to it by the Anuradhapura Town Planning Council by way of a lease marked as **P15**, for which the Petitioner claims it had paid a sum of Rs. 5,133/- (Five Thousand One Hundred and Thirty-Three Rupees) by the document marked **P16**.

According to the Petitioner, it has erected certain buildings, including a pilgrims' rest vegetarian restaurant and a hall and a shrine room and a temple for various religious and cultural activities, in the said new land allocated to it. The Petitioner asserts that, consequent to the terrorist attack on the Sri Maha Bodhiya that took place in 1985, there had been riots, and certain office bearers of the Petitioner's Society and the kurkul of the Temple run by the Society in the said premises were

also killed. Thus, the congregation belonging to the Hindu Temple that was run by the said Society started migrating, particularly to the Northern area of the country, after the riots in the year of 1985.

After 2000, with the peace brought back, the congregation and the officials of the Society recommenced the operations of the Society, and accordingly, the religious activities in the Temple and the restaurant also started to function. However, since the Petitioner had lost its financing sustainability due to the ongoing war and loss of its devotees of the congregation, the Petitioner had to finance its religious activities including the business of the Society. As such, the Petitioner had to lease out certain parts of the property so given to the Petitioner on lease to raise funds.

Accordingly, the Petitioner asserts that it entered into a ten-year lease agreement with the 8<sup>th</sup> Respondent in 2006, for him to build certain shops on an identified portion of the land possessed by the Petitioner under the lease. The said lease bond is marked and annexed to the Petition as **P19**. However, the Petitioner states that later, another lease was entered into between the Petitioner and the 8<sup>th</sup> Respondent, for the 8<sup>th</sup> Respondent to establish a petrol filling station, as a dealer under the Petroleum Corporation; accordingly, the Petitioner has entered into a further lease agreement for twenty-five years with the 8<sup>th</sup> Respondent, which is marked and annexed to the Petition as **P22**.

Thereafter, in 2012, the Government has taken a decision, on the recommendation of the Provincial Land Commissioner, to directly lease out the portion of land on which the 8<sup>th</sup> Respondent had set up the said petrol station, including an adjacent land belonging to the Government.

Be that as it may, finally, since the officials who are cited as Respondents to this present Application have decided that the 8<sup>th</sup> Respondent is an independent individual who carries on a lucrative business in the said premises and had developed the land while occupying the same, had also decided to lease out the premises by thirty (30) years; thus, by the lease marked and annexed

to the Petition as **P72**, the Government has leased out a portion of land including the land leased out by the Petitioner to the 8<sup>th</sup> Respondent, for a period for 30 years under the State Lands Ordinance, No. 8 of 1947 (as amended), to the 8<sup>th</sup> Respondent.

However, there had been several correspondence between the Petitioner, who vehemently objected, with the recommendation of the Grama Sevakas and certain other people, and inter-Governmental correspondence which the Petitioner has obtained under the Right to Information Act, No. 12 of 2016, and annexed to the Petition.

### **Complaint of the Petitioner**

Thereafter, the Petitioner has complained to the relevant officers; however, after inquiry, by the Provincial Land Commissioner prepared a report marked as **P83** annexed to the Petition, stated that the Petitioner, without developing or utilising the land that had been given to it had leased it out to various other people who have developed and utilised the same as lessees; under the Petitioner; therefore, it is feasible for the Government to lease out the said portions of land including to the 8<sup>th</sup> Respondent. Therefore, the Petitioner challenges the said report by this Application.

Accordingly, the Petitioner has sought *inter alia* the following reliefs;

*“(c) Grant and issue the order in the nature of a Writ of Certiorari quashing the Recommendation or the Provincial Land Commissioner General contained in the letter marked "P83" hereto;*

*(d) Grant and issue an order in the nature of a Writ of Certiorari quashing "p83";*

*(e) Grant and issuance of an order in the nature of a Writ of Certiorari quashing the recommendation contained in the letter marked "P83" hereto to allocate portion of land*

*denoted by no. 04 in tracing plan bearing no. 2019/කැනළු /07 marked "PI3(b)" hereto to illegal occupants therein;*

*(f) Grant and issuance of an order in the nature of a Writ of Certiorari quashing the recommendation contained in the letter marked "P83" hereto to allocate portion of land denoted by no. 05 in tracing plan bearing no. 2019/කැනළු /07 marked "PI3 (by)" hereto to illegal occupants therein;*

*(g) Grant and issue an order in the nature of a writ of Mandamus directing the 1<sup>st</sup> to 5<sup>th</sup> Respondents or any one or more of them conduct a comprehensive inquiry afresh, in accordance with the law and principles of natural justice, taking to consideration the relevant factors, to arrive at a finding as to whether granting of a long term lease for a portion of the Petitioner's land to the 8th Respondent was in accordance with the State Lands Ordinance and the regulations made thereunder.*

*(h) Grant and issue a mandate in the nature of a Writ of Mandamus directing the 1<sup>st</sup> to 5<sup>th</sup> Respondents and/or any one or more of them to submit an appropriate recommendation to the President of the Republic, based on the findings of the inquiry held in terms of prayer (e), in respect of the long term lease granted to the 8<sup>th</sup> Respondent.*

*(i) Grant and issue an order in the nature of Writ of Prohibition prohibiting the 1<sup>st</sup> to 5<sup>th</sup> Respondents or anyone or more of them and/or anyone acting under them from taking any step to grant a lease or permit to the 8<sup>th</sup> Respondent, in respect of the balance portion of the land;*

*(j) Grant and issue an order in the nature of Writ of Prohibition prohibiting the 1<sup>st</sup> to 5<sup>th</sup> Respondents or anyone or more of them and/or anyone acting under them from taking any further step based on P83;”*

## **Objections**

The 1<sup>st</sup> to 7<sup>th</sup> and 12<sup>th</sup> Respondents have filed their respective Objections, while the 8<sup>th</sup> Respondent has filed separate Objections.

According to the 1<sup>st</sup> to 7<sup>th</sup> and 12<sup>th</sup> Respondents’ Objections, the Petitioner’s Application is belated. In addition to that, since there is a long-term lease already executed under the State Lands Ordinance by the Government in favour of the 8<sup>th</sup> Respondent, the document marked as **P83** is a subsequent report prepared after an inquiry long after the execution of the said lease marked as **P72**. Therefore, it is a rather futile exercise indulged by the Petitioner in challenging the said document and sought a dismissal of this Application.

In addition to that, the Objections of the 8<sup>th</sup> Respondent is that he is an independent developer though he had come under the Petitioner, who had not developed or utilised the land given out by the Government to the Petitioner; he had taken, occupied, possessed, and developed a portion of the Petitioner’s land, and now running a lucrative business thereon, creating employment opportunities in addition to contributing to the economy. Therefore, the 8<sup>th</sup> Respondent also moves for a dismissal of this Application.

As an ancillary matter, the 8<sup>th</sup> Respondent has also placed that it is a belated Application, and in practice, the lease had been issued under the State Lands Ordinance as way back as in 2016. Nevertheless, the Petitioner has sought to challenge this lease in the year 2020. Therefore, there is a delay on the part of the Petitioner.

In this case, on a perusal of the impugned document marked as **P83** annexed to the Petition, I found that it has been prepared by the Provincial Land Commissioner as a report addressed to the Commissioner General of Lands. The said report has been prepared subsequent to an inquiry by the Provincial Lands Commissioner with regard to the claims and complaints made by several parties; this includes the Petitioner, the 8<sup>th</sup> Respondent, and several other parties referred to in the said report, who are the 9<sup>th</sup> to 10<sup>th</sup> Respondents.

It is clear as the way the Petitioner's complaint was presented that it is claiming a Four and a Half Acre land on the basis that it had been given to it by the Government. However, there is no document to show that it possesses the larger land in suit on a valid lease, except the document marked as **P15**, which is a document issued by the Anuradhapura Town Planning Council, and not the Government. Admittedly, the said land is State land; therefore, on that basis, the following several questions arise for my consideration to decide on the issues relating to this Application;

- (i) Whether the Petitioner holds or possesses the land on a valid title document or whether the Petitioner can claim on valid title
- (ii) If not, whether the Petitioner can entertain Legitimate expectation
- (iii) Whether the Petitioner's locus standi under consideration
- (iv) Whether the Petitioner is entitled to lease out Government land to private parties and make a profit out of it
- (v) Whether the private personnels, namely the 8<sup>th</sup> Respondent or any other than the 9<sup>th</sup> to 10<sup>th</sup> Respondents, are entitled to regularise or legalise their possession by entering into a contract with the State

### **The question on the Petitioner's valid title**

The Petitioner has apparently relied on upon the document marked as **P15** to claim title. However, though the land claimed by the Petitioner was given to it by the Government when the relocation was done as way back as in the 1960s after the acquisition of the said school, there is no document to that effect to establish that the lease was issued by the Government or any other responsible authority to the Petitioner, who is holding the land under a valid title document, even under the State Lands Ordinance or Land Development Ordinance. The only title document marked as **P15** issued by the Town Planning Authority, which is not representing the Government to issue permits to the Petitioner.

The Petitioner has failed to establish any nexus between the State land and the Land Development Ordinance, or that the author of **P15** has derived its powers under those two Ordinances or any other law. Therefore, it is my view that the Petitioner does not have any title to claim.

In such event, it is my view that the Petitioner has not so far, until this dispute arose between the Petitioner and the 8<sup>th</sup> Respondent and any other Respondent to this Application, apparently taken any steps to regularise or legalise the possession of the Petitioner. Therefore, the Petitioner cannot claim that it has a legitimate expectation in respect of the property for which he claims to have possession.

### **The Petitioner's legitimate expectation**

Next, the Petitioner's identity or authority is now challenged in a District Court case by another fraction of the Petitioner Society, who claims to be the legal authority of the Petitioner Society and claims that the Petitioner does not have any legal authority to hold any offices or claim any property under the *Vivekananda* religious institute. Therefore, unless and until it is resolved, the



Petitioner may not be able to claim any legal status. As such, it is my view that no legitimate expectation can be entertained by the Petitioner Society.

### **The Petitioner's authority over the land in suit**

The next question that I have to decide on as raised above, is that when a government land is given out to various private individuals, whether the Petitioner has obtained authority.

Apparently, the Petitioner does not have any legal status to claim or possess the land because the Petitioner's possession is not regularised or legalised. Even if the Petitioner's possession is regularised or legalised under the Land Development Ordinance or State Lands Ordinance, without prior approval of the 'title paramount', namely the State, the Petitioner cannot give or lease out any portion of the land claimed by the Petitioner. Therefore, the Petitioner has entered into unlawful lease bonds with the 8<sup>th</sup> Respondent and several other individuals, including those mentioned in the report marked as **P83**.

### **The Petitioner's illegal profit**

In addition to that, the Petitioner has only paid about Rs. 5,133/- (Five Thousand One Hundred and Thirty-Three Rupees) for the purpose of the so-called lease in 1961 as indicated by **P16**. Thereafter, no money is apparently paid by the Petitioner. However, the Petitioner is making a profit by leasing out the property to various individuals, in the land which the Petitioner claims that it is entitled to.

If the Government directly leases out the said land to the said individuals, who have in fact developed their respective portions of land independently of the Petitioner, the Government which holds the land for and on behalf of the sovereign people of this country, could receive an income to the Government coffers, which the Petitioner by its illegal acts, has deprived.

Secondly, the Petitioner is making a profit out of the said illegal leases. In addition to that, the said individuals including the 8<sup>th</sup> Respondent, have developed different portions of the said larger land claimed by the Petitioner, independently and separately, after having taken leases from the Petitioner, and occupying the same for a long period. Therefore, it is high time for the Government to regularise and legalise their possession and occupation without disturbing their businesses, so that in turn the Government can receive an income independent of the Petitioner and allow private ownership and entrepreneurship to in turn contributing to the development of the economy by creating employment opportunities, providing services to the people of the area, and the contribution to Government revenue including income tax and other revenue including rentals. Therefore, the Petitioner cannot benefit from its own illegal activity; as such, no writ lies<sup>1</sup>. Therefore, the maxim “*nullus commodum capere potest de injuria sua propria*” should apply in this instance<sup>2</sup>.

As such, allowing this Application of the Petitioner by quashing the document marked as **P83** cannot be done on several bases.

One is that the Provincial Lands Commissioner has made certain recommendations after inquiring into the disputes to the Land Commissioner, for him to take necessary decisions in respect of the land in suit. The Land Commissioner is exercising certain authorities under the Land Development Ordinance or State Lands Ordinance, as far as State land is concerned; therefore, on his directions, the Provincial Land Commissioner has prepared **P83**, and he has not taken any decisions as such, except for making certain recommendations as decisions can only be taken by the Commissioner

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<sup>1</sup> *Union Industrial Washing (Private) Limited v. Ministry of Industries and Others* [2026] CA (WRT) 418/2023 (CA Minutes 23.02.2026).

<sup>2</sup> *Seelawathie Mallawa v. Millie Keerthiratne* [1982] 1 Sri LR 384; *Kariyawasam v. Sujatha Janaki* [2013] 1 Sri LR 176; *Piliyandala Tharuna Baudha Samithiya v. Satharasinghe Achchige Don Chaminda* [2026] SC Appeal 96/2025 (SC Minutes 10.02.2026).

General of Lands. As such, this subject is reserved for the State and thus, the Provincial Land Commissioner cannot take any decisions<sup>3</sup>; therefore, the *Writ of Certiorari* that the Petitioner sought does not lie.

Secondly, by the document marked as **P72** a long-term lease dated 27.06.2017 has already been executed in favour of the 8<sup>th</sup> Respondent in respect of the portions of land he is possessing and is part of the land leased out to the 8<sup>th</sup> Respondent by the Petitioner. This lease has been executed by the ‘title paramount’, namely the Head of the State for and on behalf of the sovereign people of the country.

Therefore, the Petitioner cannot have any claim, and in fact it has been done as way back as in 2017. The Petitioner has instituted this Application in 2020. Even if by a *Writ of Certiorari*, **P83** is quashed, it will not affect the lease **P72**. Thus, as argued by the 1<sup>st</sup> to 7<sup>th</sup> and 12<sup>th</sup> Respondents and the 8<sup>th</sup> Respondent, it is a futile exercise, which itself is a ground for me to dismiss this Application.

Another ground for me to dismiss this Application is that the Petitioner has not come with clean hands as it does not have any title and has entered into several unlawful leases of which it is trying to benefit from through the process of Court, which cannot be done.

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<sup>3</sup> Schedule Appendix II of the Constitution instituted by the 13<sup>th</sup> Amendment.

## **Conclusion**

Accordingly, this application is dismissed subject to costs of Rs. 26,250/- (Twenty-Six Thousand Two Hundred and Fifty Rupees) shall be paid by the Petitioner to the 1<sup>st</sup> to 7<sup>th</sup> and 12<sup>th</sup> Respondents. A further sum of Rs. 26,250/- (Twenty-Six Thousand Two Hundred and Fifty Rupees) shall be paid by the Petitioner separately to the 8<sup>th</sup> Respondent.

**JUDGE OF THE COURT OF APPEAL**