

**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.*

CA (Writ) App. No. 319/2025

Thusitha Indrajith Ranasinghe,
No. 01, Marina Avenue,
Barnes Place, Colombo 07.

PETITIONER

Vs.

1. Mr. Ranjan Marasinghe,
Acting Director General of Wildlife
Conservation,
Department of Wildlife
Conservation,
No. 811A, Jayanthipura,
Battaramulla.
2. Mr. K.D. Uduwawala,
Secretary,
Ministry of Environment,
No. 416/C/1,
Robert Gunawardana Mawatha,
Battaramulla.
3. J.I.D. Jayasundara,
General Manager Railways,
PO Box 355, Olcott Mawatha,
Colombo 10.
4. Prof. Kapila C.K. Perera,
Secretary,

Ministry of Transport, Highways,
Ports and Civil Aviation,
7th Floor, Sethsiripaya Stage II,
Battaramulla.

5. Central Environmental Authority,
No. 104,
Denzel Kobbekaduwa Mawatha,
Sri Jayawardenapura Kotte.
6. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

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

Counsel:

Dilshan Jayasuriya with Dushinka Nelson and A.D. Silva instructed by Paul Ratnayake
Associates for the Petitioner.

Nayomi Kahawita, S.S.C. for the Respondents.

Argued on: 20.01.2026

Delivered on: 10.09.2026

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

Judgement

Introduction

The Petitioner asserts that he is the Managing Director of "Maximum Private Limited", a body corporate incorporated under the Companies Act, No. 7 of 2007, capable of suing and being sued in its corporate name; it is a registered company carrying on the business of manufacturing handmade paper and value-added products out of elephant dung and other waste matter. Therefore, elephant dung is its main raw material of its products, and as such, being the Managing Director of the said company, the Petitioner is interested in protecting and conserving the wildlife, particularly elephants, and their endangered lives.

The 1st Respondent is the Director General of Wildlife Conservation, while the 2nd Respondent is the Secretary to the Ministry of Environment. The 3rd Respondent is the General Manager of Railways, and the 4th Respondent is the Secretary to the Ministry of Transport, highways, Ports and Civil Aviation. The 5th Respondent is the Central Environmental Authority established under the National Environmental Act No. 47 of 1980. The 6th Respondent is the Attorney General, who is cited in this Application as a party representing the Republic of Sri Lanka.

The Petitioner has instituted this Application along with the connected Writ Application bearing No. 318/2025, to compel the Respondents to prepare a national plan and implement the same, in view of the then-recent accident that took place in the Minneriya - Gal Oya area, where the Colombo-bound "Meenagaya" express train from Batticaloa collided with a herd of elephants, resulting in the total death of seven elephants.

After issuance of formal notice, this was argued before me on 20.01.2026; hence, this judgement.

The Petitioner's position

To establish the fact that the said accident took place, the Petitioner has annexed the documents marked as **P1-A** to **P1-C**, depicting the photographs appearing in the newspaper articles highlighting the accident; a 2022 study marked as **P2**; and a copy of a *Sunday Times* article published in 2024 marked as **P3**.

According to the Petitioner, the said accident had taken place consequent to the resumption of the railway service between Colombo to Batticaloa, mainly through the jungle area where the elephants roam; to establish the same, the Petitioner marked and annexed newspaper articles **P5** and **P6**, depicting photographs of the then-President and Minister of Transport participating in the ceremony held for the resumption of the railway service of the Northern and Eastern lines.

Further, the Petitioner has annexed the document marked as **P7**, depicting the railway network of Sri Lanka, and has identified the areas in the document marked as **P8**, where elephants have died due to train accidents based on its close proximity to National Parks.

The Petitioner further annexed the document marked as **P9**, which is the Gazette Extraordinary No. 772/22 published in terms of the National Environmental Act, No. 47 of 1980. In addition to that, the Petitioner has filed a study report marked as **P10**, on reducing the frequency of elephant killings due to train collisions.

The Petitioner further annexed the document marked as **P12**, indicating the steps taken by the Indian authorities of Tamil Nadu, under the State Rajya Sabha, to reduce the frequency of train collisions with elephants in the area.

Furthermore, the Petitioner has called upon the relevant authorities, namely, the Respondents, by **P13A** and **P13B**, to take appropriate actions to minimise the frequency of train accidents.

As the Respondents have failed to address these issues, the Petitioner has instituted the above-style Application along with the connected Application bearing No. 318/2025.

Therefore, for the dereliction of duties on the part of the Respondents, the Petitioner seeks the intervention of this Court by this Application, seeking *inter alia* the following relief;

h) Issue a mandate in the nature of a Writ of Mandamus directing/compelling the 3rd Respondent to apply for and obtain from and/or through the 5th Respondent an Environmental Impact Assessment, for operating of High Speed Trains on the rehabilitated and/or redeveloped Railway Lines located in the North, East and North Central Provinces, under and in terms of the Fauna and Flora Protection Ordinance and the National Environmental Act;

i) Issue a mandate in the nature of a Writ of Mandamus directing/compelling the 3rd Respondent to operate Trains in the aforesaid Railway lines located in the North, East and North Central Provinces, strictly subject to implementing precautionary and/or mitigatory measures to prevent and/or minimise incidents of Wild Elephant colliding with Trains plying on the rehabilitated and/or redeveloped Railway Line located in the North, East and North Central Provinces, under and in terms of the Fauna and Flora Protection Ordinance and the National Environmental Act;

j) Issue a mandate in the nature of a Writ of Mandamus directing the 1st Respondent and/or 2nd Respondent to prepare and implement forthwith a Management Plan concerning the protection of Wildlife, including Wild Elephants, as a result of development and/or upgrading of public transport infrastructure in close proximity to National Parks and Reserves, in accordance with the Fauna and Flora Protection Ordinance;

k) Issue an Order directing the 1st to 5th Respondents to Report to Your Lordships Court the action and/or steps taken with regard to preventing and/or minimising incidents of Elephant-Train collisions within a period of 6 months from the date of filing of this Application;

The Respondents have not filed their Objections, and instead, they have filed their Written Submissions along with the said connected matter.

In the Written Submissions filed by Ms. Kahawita, she has referred to the fact that there is a recognised human-elephant conflict which has been there for decades. To minimise the said conflict, a committee had been appointed in 1957, headed by Mr. K. Somasuntharam as the Chairperson, and the said Committee also included personalities such as Dr. R.L. Spittel, who was an environmentalist wildlife enthusiast, wildlife flora and fauna conservationist, and above all, a prolific writer. In the report filed by the said Committee, the human-elephant conflict has been identified, and therefore, certain measures have been suggested in the same.

Further, Ms. Kahawita brought to our notice that the same issue has been raised in the Writ Application bearing No. 420/423/430 & 433/2021, where His Lordship Justice Dr. Sobitha Rajakaruna (as he then was) had given a judgement.

Action taken by the Respondents

It is also the Respondents' position that the Respondents have identified the main areas where this human-elephant conflict is seriously affected due to train accidents.

Furthermore, Ms. Kahawita has also referred to the steps taken by various State agencies pursuant to the meetings held on 15.02.2025 and 18.03.2025 after the collision of the train resulting in the death of several elephants including causing injury and pain to the 2nd Petitioner. Therefore, not only the Department of Railway, but even the Wildlife Department has taken

actions with regard to eliminating or at least minimising such accidents; this is also summarised in the Written Submissions filed for and on behalf of the Respondents.

In addition to that, the Railway Department has also taken various steps, including installing Luminous signals, clearing railway tracks to allow the train drivers to see the wild elephants better, identifying places where wild elephants use for crossing the railway lines, effecting appropriate changes to the train timetable especially to the train travelling at night from the Colombo Fort to Trincomalee route, and identifying high-risk areas where accidents normally take place with the elephants, and the brake systems that have been changed in the locomotives particularly of "Meenagaya", which allows the trains to halt quickly.

Room for action

However, as brought to our notice by the Counsel for the Petitioner, that even in the Written Submissions of the Respondents, nowhere is it mentioned that train drivers have been properly educated, and no speed limit has been indicated for between the sections identified as "elephant corridors" or where the elephants choose as crossings; no action plan has been implemented to minimise the speed between sections. Therefore, there is still room for further actions to be taken by the Railway Department.

As such, it is my view as sought by the Petitioner, from time-to-time, reports must be called for by the Railway Department; therefore, the writs sought by the Petitioner lie in that respect.

On the other hand, the Petitioner has argued, both orally as well as in his written submissions, as to why he has filed this Application in this Court; although the Respondents would have taken action within the purview of their respective mandates in protecting the wild elephants and other animal species, and flora and fauna, further intervention of this Court has become necessary as accidents continue to take place.

Before the entire country became a Crown Colony in 1815s, there were no proper roads anywhere in the country except footpaths. The Kandyan territory was secluded and remained a natural fortress and remained protected from invasion because of its natural situation. Even during the Kandyan campaigns to conquer the Kandyan Provinces, which took place in the 1815s, troops marched only on footpaths through three different routes.

However, after the Kandyan Rebellion of 1818, the British Government decided to establish a proper road network in order to keep the Kandyan areas under control. Thereafter, with the development of coffee plantations, as well as tea, rubber, and coconut cultivation, a plantation economy developed under British rule, and, with the increasing need for transport services, the railway system was introduced.¹

However, the Northern and Eastern railway lines were laid during the latter phase of British rule, particularly in the early 1900s, when railway lines were constructed through thick jungle areas where there were numerous encounters with wildlife, some of which remain recorded in folklore and popular literature, including the “Leopard of Punani”. Then, the rulers were not interested in paying any attention to animal life, in whose benefit certain areas were declared as protected areas, sanctuaries, or natural reserves; nevertheless, they built the railway lines through the very same protected areas where wild elephants and other species of animals use as their natural habitat.

However, during the War which escalated in 1983 up until 2009, the railroads on the Northern Line beyond Vavuniya and the Eastern Line did not operate; even the Eastern Line was not in full operational status. However, with the cessation of hostilities between the warring parties,

¹ S.V. Balasingham, *The Administration of Sir Henry Ward: Governor of Ceylon 1855-1860* (Tisara Prakasakayo 1968).

there was a resumption of railway operations on those lines officially from 2012, as reflected in **P5** and **P6** annexed to the Petition.

However, with the development of the railway and roadway network, human habitation gradually, not only encroached upon, but also started invading animal habitats, particularly in the buffer zones of these jungle areas, and from the very beginning the human-elephant conflict came to the forefront.

However, other animals also faced the same threat of extinction.

Nevertheless, the elephant is a symbolic icon in Sri Lankan culture, and therefore, in the late 1980s, the Government proclaimed the elephant as the 'National animal' due to its historical and cultural importance, where it remains an iconic and symbolic figure.

I wish to juxtapose to quote from a poem titled, "Elephant", written by the famous English writer of the novel, "Lady Chatterley's Lover" (1928), D.H. Lawrence, on the ceremonial elephants who participate in the Esala Perahera of Kandy;²

More elephants, tong, tong-tong, loom up,

Huge, more tassels swinging, more dripping fire of new cocoa-nut cressets

High, high flambeaux, smoking of the east;

And scarlet hot embers of torches knocked out of the sockets among bare feet of elephants and men on the path in the dark.

And devil dancers luminous with sweat, dancing on to the shudder of drums,

Tom-toms, weird music of the devil, voices of men from the jungle singing;

Endless, under the Prince.

² D.H. Lawrence, *Birds, Beasts and Flowers* (Martin Secker Limited 1923), 169-175 <<https://www.gutenberg.org/cache/epub/60337/pg60337-images.html#ELEPHANT>> accessed 08 September 2026.

The Petitioner's grievance before this Court epitomizes the threat that wild elephants face, not only of death but also of extinction. Therefore, it is our duty to protect the wild elephants, which includes the 2nd Petitioner of the connected Application bearing No. 318/2025.

Therefore, the 1st Respondent, being the Director General of Conservation of Wildlife, should take action and must inform and report to this Court at regular intervals as to the measures he has taken to implement the national plan, if any, or prepare one and implement the same in due course.

Secondly, the 3rd Respondent, being the General Manager of Railways, should also report from time to time as to the measures he has taken to minimize railway accidents involving animals, particularly elephants, within the identified zones, especially along the Northern and Eastern railway lines, where several elephant passes or crossing areas have been identified as depicted in documents **P7** and **P8** (the plans).

Action recommended

Therefore, it is my view that the 3rd Respondent, being the General Manager of Railways, should be directed to report to this Court as to the action the Railway Department has taken at all levels to train locomotive drivers, whom they refer to as pilots, who are responsible not only for the safety of the passengers whom they transport daily but also for minimizing environmental damage caused by reckless driving at excessive speeds without considering the impact on the environment and animal life. They should not remain oblivious, or purposely oblivious, to the fact that there are elephant crossings along the railway lines. The same should be extended to the Railway guards who are responsible for managing the trains.

The General Manager of Railways should take steps to identify the relevant stretches of railway track where elephant crossings or elephant passes have been identified, and drivers should be instructed and provided with continuous training, including simulator-based training similar to

that provided to aeroplane pilots, in order to avoid accidents and minimize the impact on flora and fauna, including that caused by noise pollution.

Further, the drivers and guards must also be trained to regulate speed appropriately within such identified zones, allowing sufficient time to travel from the point of commencement to the point of end of those areas while complying with prescribed speed limits. Those who fail to follow such instructions should be subjected to disciplinary action in accordance with the applicable regulations.

Therefore, since I have decided to issue the writs, I am of the view that this matter, along with the connected Application bearing No. 318/2025, should be called in three months' time from today in order to consider the action taken by the 1st and 3rd Respondents and ascertain their progress.

Conclusion

Based on the reasons adumbrated above, as well as in the connected Writ Application bearing No. 318/2025, I grant relief as prayed for in prayers *(h)*, *(i)*, and *(j)* of the Petition, without costs.

JUDGE OF THE COURT OF APPEAL