

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*, and *Mandamus* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA/WRT/0052/2026

1. Aula Morawaka,
2. Manel Chandrika Morawaka,
3. Thushara Saumya Morawaka,

No. 87, Kelanimulla, Angoda.

PETITIONERS

Vs.

1. Hon. K.D. Lal Kantha,
Minister of Agriculture, Live Stock, Lands and
Irrigation,
Ministry of Agriculture, Live Stocks, Lands and
Irrigation,
Mihikatha Madura,
No. 1200/6, Rajamalwatta Road,
Battaramulla.
2. H. Thillekawardena,
Acquiring Officer of Kolonnawa,
Storm Water Draining and Environment Project,
No. 3, Sri Jayawardenapura Mawatha,
Welikada,
Rajagiriya.

3. Land Development Corporation of Sri Lanka,
No. 3, Sri Jayawardenapura Mawatha,
Welikada,
Rajagiriya.

RESPONDENTS

Before : B. Sasi Mahendran, J.
Adithya Patabendige, J.

Counsel : Chandrika Morawaka for the 1st to 3rd Petitioners.
Ashara Senevirathne, SC for the Respondents.

Supported on : 17.07.2026

Decided on : 24.08.2026

Adithya Patabendige, J.

This is an application invoking the writ 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 order made by the 1st Respondent, the Minister of Agriculture, Livestock, Lands and Irrigation, on 06th June 2025 and published in Gazette Extraordinary No. 2440/03 dated 11th June 2025, marked **P1**, and to quash the declaration made by the 1st Respondent on 10th December 2025 and published in Gazette Extraordinary No. 2471/11 dated 12th January 2026, marked **P7**.

The Petitioners further seek a mandate in the nature of a *Writ of Mandamus* directing the 1st Respondent to divest the lands in question to the Petitioners. In addition to the aforesaid reliefs, the Petitioners move this Court to grant interim relief as prayed for in paragraph (e) of the prayer to the amended Petition dated 20th February 2026.

Having considered the submissions of learned Counsel for the Petitioners, learned State Counsel appearing for the Respondents, and the material placed before the Court, including the documents marked **X1** to **X3** produced by learned State Counsel, it appears that the acquisition proceedings commenced with a notice under Section 2 of the Land Acquisition Act dated 06th July 2021, marked **X1**. The document marked **X2** contains a list of persons stated to be affected by the proposed acquisition.

According to the aforesaid documents submitted by learned State Counsel, the said Section 2 notice is stated to have been exhibited on 02nd October 2024. The document marked **X3**, relied upon in that regard, is itself undated, although the Grama Niladhari states therein that the notice was exhibited on 02nd October 2024 pursuant to a communication dated 27th September 2024 issued by the 2nd Respondent.

Thereafter, Advance Tracing No. CO/KLN/2023/114 dated 26th December 2024, marked **P4**, was prepared identifying the lands sought to be acquired.

An order under proviso (a) to Section 38 of the Land Acquisition Act was subsequently made on 06th June 2025 and published in Gazette Extraordinary No. 2440/03 dated 11th June 2025, marked **P1**, authorising the taking of immediate possession of the lands described therein. It is also submitted that an order under Section 42(2) was thereafter made by the learned Magistrate on 17th October 2025.

A declaration under Section 5 was subsequently made by the Minister on 10th December 2025 and published in Gazette Extraordinary No. 2471/11 dated 12th January 2026, marked **P7**.

At this stage, the material placed before the Court raises an arguable issue regarding compliance with the procedure contemplated by Section 2 of the Land Acquisition Act. The document marked **X2** identifies persons stated to be affected by the proposed acquisition. It is significant that the names of the Petitioners do not appear therein.

Court is mindful that Section 2 does not necessarily require every person claiming an interest in the land to be individually named in the notice. Nevertheless, in the present case, where the acquiring authority itself appears to have identified particular lands and persons affected by the proposed acquisition, the omission of the Petitioners from **X2**,

considered together with the material relating to the subsequent exhibition of the Section 2 notice, raises an issue which, in our view, requires consideration after the Respondents have been afforded an opportunity to place the relevant material before Court. Significantly, these matters emerge from documents **X1** to **X3** produced by learned State Counsel.

A further arguable issue arises as to the material upon which recourse was had to the exceptional procedure under proviso (a) to Section 38 of the Land Acquisition Act on the basis that immediate possession of the lands had become necessary owing to urgency.

These are matters which, in our view, ought not to be finally determined at this stage without affording the Respondents an opportunity to place the relevant material before the Court. We are accordingly satisfied that a *prima facie* case has been established warranting the issuance of notice.

Notice is accordingly issued on the Respondents.

In considering the application for interim relief, the Court is mindful of both the public purpose underlying the acquisition and the need to preserve the subject matter of this application pending consideration of the legality of the impugned acquisition proceedings. In these circumstances, we do not consider it appropriate at this stage to restrain the implementation of the project in its entirety.

However, having regard to the *prima facie* issues identified above, and considering that any construction, demolition or other irreversible alteration to the lands claimed by the Petitioners may render the ultimate relief sought in this application nugatory, we consider it appropriate to preserve the subject matter of the application pending the appearance of the Respondents.

Accordingly, an interim order is issued restraining the Respondents from carrying out any construction, demolition or other irreversible alteration in respect of Lots A, B, D, E, F and G depicted in Advance Tracing No. CO/KLN/2023/114 marked **P4**, claimed by the Petitioners, until the next date of this application.

For the avoidance of doubt, this interim order shall not prevent the Respondents from proceeding with the project in respect of lands or lots which are not the subject matter of the Petitioners' claim in this application.

JUDGE OF THE COURT OF APPEAL

B. Sasi Mahendran, J

I agree.

JUDGE OF THE COURT OF APPEAL