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

In the matter of an application for the issuance of mandates in the nature of Writs of Certiorari and Mandamus.

CA (Writ) Application No:
CA/WRT/0004/2026

Debt Conciliation Board Case No:
44858

Ranaweera Arachchi Thenannahalage Nihal Edmond Ranaweera,
"Sewwandi Pala Thawana"
Pathberiya,
Parakaduwa.

Petitioner

Vs.

1. Rangallage Sirimawathie Navarathna,
No. 472/B/1,
Namayahamara Watta,
Samanal Pedesa, Kuruwita.

2. Mr. G.M.W. Pradeep Jayatilleke (Hon. Chairman)

3. Mrs. Indra Baduge (Hon. Member)

4. Mrs. Nishani P.K. Lokuge (Hon. Member)

2nd to 4th Respondents above, all of the Debt Conciliation Board.

No. 35A, Dr. N.M. Perera Mawatha,
Colombo 08.

Before: Damith Thotawatte, J.

K.M.S. Dissanayake, J.

Counsels:	Ransith Gunawardena, Ms. Madushi Botheju instructed by Jayani Silva for the Petitioner. Vijithsingh, Hansika Lokusatuhewa, Chanaka Kulathunga and Perera instructed by Hansika Lokusatuhewa for the 1st Respondent. Ms. Ashara Senevirathne, SC for the 2nd, 3rd & 4th Respondents.
Supported:	14.05.2026
Written submissions tendered on:	15.06.2026 by the Petitioner.
Order Delivered:	07.07.2026

Thotawatte, J.

The present application arises from proceedings before the Debt Conciliation Board in Application No. 44858, instituted by the 1st Respondent under section 14(1) of the Debt Conciliation Ordinance, wherein she sought a determination that Deed of Transfer No. 2721 dated 19.02.2016, by which the subject property was transferred to the Petitioner, was intended merely as security for a loan and not as an outright conveyance. Following an inquiry, the Board by order dated 20.03.2025 dismissed the application. Thereafter, upon an application for review made under section 54 of the Ordinance, the Board by its subsequent order dated 17.11.2025 set aside its earlier determination and directed that the proceedings continue under the statutory mechanism in section 25, which governs the consequences of a finding that the transfer was intended merely as security.

The Petitioner invokes the writ jurisdiction of this Court seeking, principally, a mandate in the nature of a writ of ***Certiorari*** to quash the order dated 17.11.2025 made by the Debt Conciliation Board and a writ of ***Mandamus*** directing the Board to determine the application for review in favour of the Petitioner.

The foundation of the application is that the Debt Conciliation Board, in reversing its earlier determination upon review under section 54 of the Debt Conciliation Ordinance, failed to consider relevant evidence, took into account irrelevant considerations, failed to provide adequate reasons and thereby acted arbitrarily and unreasonably.

At the outset it must be observed that the Debt Conciliation Board is a statutory tribunal established under the provisions of the Debt Conciliation Ordinance. It exercises statutory powers affecting the rights of parties and its decisions are, in an appropriate case, amenable to the supervisory jurisdiction of this Court. Accordingly, where it is established that the Board has acted outside the limits of its statutory authority, misconstrued the law governing the exercise of its powers, denied procedural fairness, taken into account irrelevant considerations, failed to consider mandatory relevant considerations or otherwise committed a recognized public law error, the supervisory jurisdiction of this Court may properly be invoked.

However, the existence of supervisory jurisdiction does not convert the writ jurisdiction into an appellate jurisdiction. It is now well settled that judicial review is concerned with the legality of the decision-making process and not with the correctness of the decision itself. This Court is therefore not entitled, under the guise of judicial review, to reassess the evidence led before the statutory tribunal, determine the credibility of witnesses, prefer one inference of fact over another or substitute its own conclusions for those reached by the decision maker merely because a different conclusion may also have been available on the material before it.

Having carefully considered the Amended Petition, the accompanying affidavit, submissions made in support of the application and the written submissions tendered on behalf of the Petitioner, I am unable to conclude that the present application discloses a recognized public law challenge warranting the intervention of this Court.

Although the Petition repeatedly characterizes the impugned order as being irrational, arbitrary and based upon irrelevant considerations, a consideration of the substance of the grounds relied upon demonstrates that the complaints are directed almost entirely at the factual conclusions reached by the Debt Conciliation Board. The Petitioner asserts that the Board failed to attach due weight to particular items of documentary evidence, failed to accept the valuation evidence tendered on behalf of the Petitioner, failed to appreciate the significance of the survey plan, photographs, receipts and other exhibits, wrongly evaluated the conduct and credibility of the parties and their witnesses, and ought to have maintained the findings reached in its earlier determination dated 20.03.2025.

These complaints, notwithstanding the terminology employed, are in substance no more than an invitation to this Court to re-examine the evidentiary record that was before the Board and to determine whether the Board ought to have reached a different conclusion on the facts. Such an exercise lies outside the proper scope of judicial review.

The Petitioner further places considerable emphasis upon the proposition that the Board should have adhered to the factual findings contained in its earlier order and that the subsequent review was erroneous. Whether the Board correctly appreciated the evidence when exercising its statutory power of review, whether it ought to have accepted one body of evidence in preference to another, and whether its factual conclusions are more or less persuasive than those contained in the earlier determination are all matters directed to the merits of the Board's adjudication. They do not, without more, demonstrate that the Board acted without jurisdiction or exceeded the limits of the authority conferred upon it by law.

The Petitioner has sought to characterize the impugned determination as being vitiated by a failure to provide reasons and by the consideration of irrelevant matters.

The Petition does not allege that the impugned order is wholly devoid of reasons. Rather, the Petitioner's complaint is that the Board failed to furnish satisfactory reasons for departing from its earlier determination dated 20.03.2025. Whether the reasons recorded by the Board were adequate or persuasive is, in the circumstances of this case, closely intertwined with the merits of the Board's evaluation of the evidence and does not, without more, disclose a distinct public law infirmity warranting the intervention of this Court.

Although the Petitioner alleges that the Board took into account irrelevant considerations, the Petition does not identify with any specificity what those considerations were. Apart from a general assertion that the Board was influenced by sympathetic considerations and attacked the credibility of the Petitioner's witnesses on irrelevant grounds, no particular aspect of the impugned determination is identified as constituting an irrelevant consideration in the public law sense. The allegation therefore remains largely unsupported by specific particulars and, when viewed in the context of the Petition as a whole, is directed principally towards the correctness of the Board's evaluation of the evidence rather than the legality of its decision-making process.

Viewed as a whole, the Petition therefore seeks to persuade this Court that the Debt Conciliation Board reached an incorrect conclusion upon the evidence. That, however, is not the function of this Court when exercising its jurisdiction under Article 140 of the Constitution. Judicial review is not concerned with the correctness of factual findings but with the legality of the process by which those findings were reached.

In these circumstances, I am of the view that the present application is directed at the merits of the adjudication made by the Debt Conciliation Board rather than the legality of its decision-making process. To entertain such a challenge would require this Court to assume an appellate function which the writ jurisdiction was never intended to perform.

Accordingly, I am not satisfied that the Amended Petition discloses a *prima facie* case warranting the issuance of notice.

Notice is therefore refused and this application is dismissed *in limine.*

No order as to costs.

Judge of the Court of Appeal

K.M.S. Dissanayake, J.

I agree

Judge of the Court of Appeal