

**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 Sri Lanka.

CA/Writ/1011/2025

Ruhunu Putha Apparels Pvt. Ltd.,
138, Stanley Thilakaratne Mawatha,
Nugegoda.

PETITIONER

Vs.

1. Land Reform Commission,
No. 475, Kaduwela Road,
Battaramulla.
2. Mrs. Pushpa Karunaratne,
Zonal Assistant Director,
Land Reform Commission,
District Office,
Janasavi Building,
Kachcheri Junction,
Monaragalla.
3. Ms. Kusum Herath,
Board Secretary,
Land Reform Commission,
No.475, Kaduwela Road,
Battaramulla.
4. Mr. R.A.C.S. Ranaweera Arachchi,
Commissioner General,
Land Commissioner General's
Department,
Land Reform Commission,
No.475, Kaduwela Road,
Battaramulla.

5. D.D.K. Wickramarachchi,
Additional Secretary (Lands),
Ministry of Agriculture,
Livestock, Land and Irrigation,
'Mihikatha Medura',
Land Secretariat,
No.1200/6, Rajamalwatta Avenue,
Battaramulla.
6. R.K. Nihal,
The Chairman,
Land Reform Commission,
No.475, Kaduwela Road,
Battaramulla.
7. Dr. Susil Ranasinghe,
Hon. Deputy Minister of Land and
Irrigation,
'Mihikatha Medura'
Land Secretariat,
No.1200/6,
Rajamalwatta Avenue,
Battaramulla.
8. Mr. K.K. Lal Kantha,
Hon. Minister,
Agriculture, Livestock, Land and
Irrigation,
'Mihikatha Medura',
Land Secretariat,
No.1200/6,
Rajamalwatta Avenue,
Battaramulla.
9. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
10. The Director (Regional),
Land Reform Commission,
District Office,
Monaragalla.

RESPONDENTS

Before: **R. Gurusinghe J.**

&

Dr. Sumudu Premachandra J.

Counsel: Channa Galappaththige with L. Galappaththige instructed by Madushani De Soyza for the Petitioner.

Nihal Jayawardhana, P.C. with Radya Herath & Emal Gunasekera instructed by P. Gunasekera, for the Intervenant-Petitioner.

Navinda Pathirage, S.C. for the Respondents.

Written Submissions: By the Petitioner filed on 23/03/2026.

By the Intervenant Petitioner filed on 02/04/2026.

Supported On: 13/02/2026.

Order On : 30/04/2026.

Dr. Sumudu Premachandra J.

1] The Petitioner, a corporate business group operating garment factories and other ventures in the Southern Region, filed this petition against several government entities, including the Land Reform Commission and various state ministers. The dispute centers around a specific plot of land in the Monaragala District. The Petitioner states they obtained this land through the Board of Investments of Sri Lanka to build and operate an apparel factory, which commenced operations in January 1994. The company invested over 110 million rupees into developing the property and mortgaged private assets to secure funding, relying on a legitimate expectation that they would be granted a 99-year lease by the state.

2] For roughly 30 years, the Petitioner claims to have continuously occupied and operated on the land while actively corresponding with the authorities to finalize the formal leasehold rights. Since 2006, the Petitioner incessantly submitted the required documents to the Land Reform Commission. However, the Petitioner alleges that state officials repeatedly claimed the documents were misplaced and demanded new sets. Despite complying and resubmitting the requested files multiple times, the state respondents allegedly continued to claim that the Petitioner had failed to furnish the necessary paperwork.

3] The dispute reached a critical point when the Petitioner learned that the respondents were actively attempting to lease the disputed property to a third party. Shortly thereafter, the Petitioner received a vacation notice dated 05/08/2025 (demanding they vacate by 18/10/2025). The Petitioner contends that the state's refusal to grant the lease and its move to evict the company are unjust, unreasonable, and violate the principles of natural justice, especially given the Petitioner's 30 years of continuous possession and massive financial investment in the region.

4] Consequently, the Petitioner seeks several mandates from the Court of Appeal to protect its interests. Specifically, they are asking for a Writ of Certiorari to quash the vacation notice and the decision to lease the land to a third party, a Writ of Mandamus compelling the state to grant the lease to the Petitioner, and a Writ of Prohibition to stop the authorities from leasing the property to anyone else. Additionally, the Petitioner is requesting an interim stay order to prevent eviction or any transfer of the land until the court can make a final determination on the application.

5] In Verbatim, the Petitioner prays for that this Court to;

a) Issue notice on the Respondents;

b) Seeks the indulgence of Your Lordships' Court to reserve the right to amend the Petition, add parties and tender further documents substantiating the averments contained above in the event of further

material becoming available regarding the averments in the preceding paragraphs;

c) Issue an interim order restraining / order staying the Respondents, to grant the said property on lease or transfer or give on rent to a third party and making any attempt to eject the Petitioner from the said property until the full and final determination of this application;

d) Issue a mandate in the nature of writ of certiorari to quash the quite notice dated 05/08/2025 and all the subsequent proceedings of the 1st to 4th and the 6th Respondents to eject the Petitioner from the said property;

e) Issue a mandate in the nature of Writ of Mandamus directing the 1st to 8th Respondents to grant the lease or grant a permit of the aforesaid Land in dispute to the Petitioner under and in terms of the provisions of Land Reform Commission Act;

f) Issue a mandate in the nature of Writ of Mandamus compelling the Respondents to grant on lease the said property in issue to the Petitioner;

g) Issue a mandate in the nature of Writ of Mandamus compelling the Respondents to make all necessary steps to grant lease to the Petitioner of the said property in issue within a specified period directed by your Lordships Court;

h) Issue a mandate in the nature of Writ of prohibition from lease, transfer or renting the said property to a third party over the application of the Petitioner;

i) Issue a mandate in the nature of Writ of Certiorari quashing the decisions of the 3rd Respondent to grant the property in issue to a third party;

j) Grant costs;

k) Grant such other and further relief that Your Lordships' Court shall seem meet.

6] The matter was supported for formal notices on 11/12/2025 and the court inclined to issue notices. However, by motion dated 20/01/2026, Intervient Petitioner sought to intervene to the case which was strongly objected by the Petitioner. The learned State Counsel, the Counsel for the Respondent has stated that they have no objection for application for intervention. The opposing parties have filed written submissions with regard to the intervention, which I now consider.

7] The Petitioner strongly objects to this third-party intervention, arguing that the applicant has no legal standing or right to intervene. In **M.D. CHANDRASENA Vs S. P. D E SILVA**, 63 NLR 143, Tambiah, J., considered the third party standing in writ application and held;

“It seems to me that the English common law has been adopted by our courts to determine the principles that should guide the court in either granting or refusing these writs. It has never been the practice of this Court to allow persons other than those who are parties to the application for writs to intervene in the proceedings. Learned Counsel for the intervenient was unable to cite any judicial decision which has recognised the principle that under the English common law an intervenient may appear in such applications...”

Further, I am reluctant to allow this intervention for the additional reason that the recognition of such a principle would open the floodgates, as it were, to a torrent of similar applications, and thus impede the functioning of the Courts.”

8] Moreover, in **R.H.P. Fernando vs. The Divisional Secretary, Hanguranketha and 2 others And Ven. Divulwewe Pangnatissa Thero**

(Interventient Petitioner), C.A. No. 456/2003, decided on 03/06/2004;(**Harold Peter Fernando Vs. The Divisional Secretary Hanguranketha and two others** (CA 456/2003, 2005 BLR 120) Saleem Marsoof, P.C. (P/CA) refusing the intervention held as follows;

“The Petitioner challenges the action of the Respondents on the basis that such action "have been taken maliciously, arbitrarily, capriciously, irrationally, unreasonably and for collateral purposes" (vide paragraph 23 of the Petition). It is not the intention of this Court and indeed it is hardly possible for this Court at this point of time, to enter into the merits of this matter. This Court has to decide on the legality or validity of the actions of the Respondents after considering the objections that will be filed by the Respondents. By the order of this court dated 24th May 2004, the Respondents have been granted time till 26th July, 2004 for filing their objections, to permit the Interventient-Petitioner to be added as a party and to file objections with respect to the substantive relief sought by the Petitioner against the Respondents would, in the opinion of this Court, open the floodgates to a large number of similar applications which will add further to laws delays.

Before parting with this order, it is necessary to make reference to the decision of the Supreme Court in Bandaranayake v. de Alwis et al. (1982) 2 Sri LR 617. Samarakoon C.J. commented at pages 620 of the judgment that "The provisions of Article 134(3) give the Court an unlimited discretion" ".....This observation is relevant to the present case despite the fact that there is no corresponding provision in the Constitution or any other law seeking to confer on a third party a right of audience in the Court of Appeal in the lines of Article 134(3) of the Constitution as it illustrates the restraint that is exercised by even the apex court of the country in dealing with applications for third party intervention in the context of the supervisory jurisdiction of court which: is exercised with a view of keeping administrative authorities within their lawful bounds.”

9] Thus, in line with the above decisions, in an application for a writ in the nature of mandamus or certiorari persons other than those who are parties to the application are not entitled to take part in the proceedings as intervenients.

10] It is seen that the Petitioner filed this application seeking leasehold rights over a property where they previously operated a garment factory. However, on careful perusal of the documents submitted, the Interventient Petitioner currently occupies the property, operates an export-oriented garment factory employing over 500 people (P1A to P1D), and has been actively trying to regularize its possession directly with the State (the 1st Respondent).

11] It is seen that the Petitioner intentionally concealed these facts, including a separate eviction lawsuit filed against the Interventient Petitioner by the Petitioner's related company in District Court of Colombo (vide P3, DRE(S) 0003/25).

12] Further, it is seen that a critical point raised to dismiss the Petitioner's application in limine (at the threshold) by the Interventient Petitioner producing P4, is a letter from the Registrar of Companies indicating that the Petitioner was struck off the Company Register in December 2009 under the Companies Act. Thus, the Petitioner lacks any legal standing (*locus standi*) to bring or maintain this lawsuit, as its legal existence as a Company, has ceased to exist.

13] When we consider P2, a lease agreement, it is seen that the Petitioner and Interventient-Petitioner have entered it on 15/01/2021 and possession was given to the Interventient-Petitioner where all facts were suppressed when obtaining formal notices.

14] In these circumstances, the court notes the intervenient Petitioner has sufficient interest to be added for the matter to be finally adjudicated. It should

be noted that there are two school of thoughts one is that no intervention be granted in prerogative writs and other is more liberalized that the intervention be permitted if the intervenient has sufficient grounds for intervention, as in this case, and who are not "meddlesome busybodies."

15] It is further to be noted that while specific procedural rules for intervention in writ matters may be lacking, courts have the inherent and discretionary power to allow intervention to protect affected parties. The rule is every procedure is not expressly prohibited; deemed to be permitted. In **David Kannangara v Central Finance Ltd.** [2004] 2 Sri L.R 331, His Lordship Amaratunga, J., held this dicta and held;

“There is nothing in section 241 to prohibit such a course of action every procedure not prohibited shall be deemed to be permitted.”

16] It is to be noted that nowhere in the constitution and any other law prohibits intervention for judicial review cases as a it is matter of discretion of the court. The Article 134(3) of the Constitution of 1978 reads as follows:-

“134(3) The Supreme Court may in its discretion grant to any other person or his legal representative such hearing as may appear to the Court to be necessary in the exercise of its jurisdiction under this Chapter.”

17] In **BANDARANAIKE v. DE ALWIS AND OTHERS,** [1982] 2 SLR 617; His Lordship SAMARAKOON, C.J., stressed;

“Any other person will be heard if the Supreme Court thinks that such person should be heard. The provisions of Article 134(3) give the Court an unlimited discretion.”

18] In **Shafeek Shuail vs M. P. Jayaratne** , CA/WRT/0306/2024, Decided on: 09/08/2024 MOHAMMED LAFFAR, J. (As he then was) cited with approval of

the quote of CA Writ Application No. 152-20 CA-Minute dated 17/05/2023, as follows;

“if the intervenient Petitioner can establish the fact that the Court cannot arrive at a final determination without making him a party and/or his rights will be affected by the Petition filed by the Petitioner, the intervention can be allowed.”

19] Thus, it is seen that the necessary parties must be heard without duplicating applications. It is seen that the Intervenient Petitioner is a necessary party to this application. Dr. S. F. A. Coorey’s **Principles of Administrative Law** in Sri Lanka (2nd Edition) page 537;

*“The failure to make a necessary party a respondent is fatal. **If the omission is discovered during the pendency of the application for the writ the Petitioner is well advised to apply to court to add such party as a respondent. Such an application for addition will be allowed only if the application is not yet ready for final disposal by court;** Vinnasithamby v. Joseph (1961) 65 NLR 359. Once the final hearing of the application by court commences, such an application made thereafter will be refused; **Goonetilleke v. Government Agent, Galle** (1946) 47 NLR 549; **Jamila Umma v. Mohamed** (1948) 50 NLR 15, 17; **Dharmaratne v. Commissioner of Elections** (1950) 52 NLR 429, 432.”* [Emphasis is added]

20] The Intervenient Petitioner has mentioned that they are a "necessary party" because any court order issued in the main application would directly impact their business, their 500 employees, and the local economy. We are of the view that in considering the above principles, the court is bound to hear all affected parties to arrive at a full and final conclusion.

21] In the above circumstance, in conclusion, the application of the Intervenient Petitioner to intervene in these proceedings is allowed. The Petitioner is directed to amend the caption accordingly and the Intervenient Petitioner is allowed to

file objections for the main matter. There will be no order for costs for this application for intervention.

JUDGE OF THE COURT OF APPEAL

R. GURUSINGHE J.

I agree

JUDGE OF THE COURT OF APPEAL