

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

In the matter of an application for the grant of a mandate in the nature of a Writs or Certiorari and Prohibition, under Article 140 of the Constitution.

1. Ms. Thayananthan Sumitha  
No.12, Nibloe Terrace, Penydarran,  
Merthyr, Tydfil, CF479RX,  
United Kingdom
  
2. Ms. Kandiah Parameswary  
No.648/6, St.Jude Mawatha,  
Mabola, Wattala.

**PETITIONERS**

**CA Writ Application No :**  
**0173/2026**

1. S. Sutheesnar  
Divisional Secretary  
Vali North,  
Tellipalai.
  
2. Paul Rajadurai Nishanthan  
Land Officer,  
Divisional Secretariat, Valli North,  
Tellipalai.

3. Hon. Attorney General,  
Hulftsdorp,  
Colombo 12.

**RESPONDENTS**

**Before:** Hon Justice B. Sasi Mahendran, J.  
Hon Justice Amal Ranaraja J

**Counsel :** Sanjaya Rajaratnam, PC with Jude Dinesh for the Petitioner.  
Yothini Selvananthan, SC for the 1<sup>st</sup>-3<sup>rd</sup> Respondents.

**Argued On:** 06.05.2026

**Judgment On:** 12.06.2026

**ORDER**

**B. Sasi Mahendran, J.**

The Petitioners, *inter alia*, seek a Writ of *Certiorari* to quash the Notice to Quit dated 15.09.2025, issued by the 1st Respondent, the Divisional Secretary of Vali North Thellipalai, marked as P5 and Writ of *Prohibition* prohibiting the Learned Magistrate of Mallakam, as well as the 1st and 2nd Respondents, from taking any action, making any order, or otherwise proceeding against the Petitioners pursuant to or based upon the said Notice to Quit, in contravention of the provisions of the State Lands (Recovery of Possession) Act. (hereinafter referred to as the Act)

**The Court notes that the following facts are relevant to the determination of this case.**

According to the Petition, the 1st Petitioner, who is presently residing in the United Kingdom, is the owner of 2.5 acres of land situated at Kuddiyapulam, Vasavilan, Jaffna (hereinafter referred to as the 'Land'), and the 2nd Petitioner, being the mother of the 1st Petitioner, holds a Special Power of Attorney authorizing her to transact all business and affairs on behalf of the 1st Petitioner.

The Petition states that the 1st Petitioner purchased the aforesaid land under and by virtue of Deed of Transfer No. 1242 dated 18 October 2023. According to the Petitioners, the license and all other necessary clearances for operating the stone crushing plant were duly obtained in the name of the 2nd Petitioner; they have been lawfully operating the said plant since October 2023.

The 1st Respondent issued a Notice to Quit dated 15/09/2025 under Section 3(1) of the said Act addressed to the 2nd Petitioner, requiring her to hand over possession of the land on the basis that it is state property. Upon receipt of the said notice, the Petitioners, through their Attorney-at-Law, requested the 1st Respondent to furnish documentary proof establishing that the land is state-owned. To date, no such correspondence has been received from either the 1st or 2nd Respondents.

The Petitioners state that inquiries made with the Survey Department and the Land Commissioner General's Department have confirmed that the subject land is not state-owned. Documentary confirmations issued by these authorities are annexed hereto marked "P6" and "P6(a)." In addition, extracts obtained from the Land Registry, Jaffna, conclusively establish that the land is private property (annexed as "P8(1)" to "P8(11a)").

Notwithstanding the foregoing, the Petitioners received a Notice/Summons dated 13.11.2025 issued by the Registrar of the Magistrate's Court of Mallakam requiring their appearance before Court on 12.03.2026 (P9). The Petitioners further state that apart from the Notice to Quit, they have not been served with the documents required under Section 5 of the said Act, including the Application

(Form B) and Affidavit (Form C), thereby depriving them of a reasonable opportunity to disclose and produce documents establishing their rights to the land.

To reinforce their position, the Petitioners have produced a letter issued by the Ministry of Agriculture, Livestock and Irrigation – Land Section, dated 17.02.2026, addressed to the 1st Respondent, which is marked as P 6. In that letter, the 1st Respondent had inquired whether the subject land had been acquired by the Government. The Ministry, in reply, confirmed that no acquisition had been made in respect of the said land.

In the objections, the Respondent has stated that the Survey General informed her that Plan No. PPC2467, marked as “R4,” identifies the land as state property. However, upon examination, it is evident that R4 is derived from the original Plan No. 7528, marked as “R5.” When perusing R5, which pertains to Vasaviulan village, there is no indication whatsoever that the land in question is state-owned. It is also noted that R5 was prepared by the Survey General on 16th September 1929. Also, they have produced Plan No 430939, which was marked as R7 and was prepared by the Survey General on 22 June 1934, which doesn’t indicate that the land is state land.

The central issue before this Court is whether the land identified by the Respondents as state property in Plan No. R4 is, in fact, state land and thereby subject to the present proceedings. According to the objections raised by the Respondents, Survey General had indicated that Lot 1 described in the said R 4 is debited in R 5 in Plan No. 7528. But there is no indication in the said R 5 that the land is state land.

The schedule annexed to Plan R5 does not indicate that the land in question is state property. While it is true that the boundaries of the land, particularly to the east and south, adjoin state lands, there is no reference regarding the eastern and western boundaries to suggest that the land itself is state-owned. I am also mindful that the Respondents have not demonstrated that they sought clarification from the Survey General as to whether the land is, in fact, state land.

I am mindful that although the Survey General has submitted R4 in respect of the said land, there is no indication as to how the Survey General formed the opinion that the land is state property. Furthermore, I note that the land is identified as ‘*Palliddan*’; however, in R5, particularly in P.Plan No. 7528, there is no reference whatsoever to the name of the land.

For the foregoing reasons, I hold that the Respondents could not have reached the conclusion that the land in question is state property without proper evidence from the Survey General.

In light of the letter marked as “P6,” I allow the application of the Petitioners.

Accordingly, I issue a Writ of Certiorari quashing the Notice to Quit dated “P5.” I further issue a Writ of Prohibition restraining the Learned Magistrate of Mallakam from making any order against the Petitioners in Case No. 96906/DS/25.

This order does not preclude the 1<sup>st</sup> Respondent, Divisional Secretary of Vali North Thellipalai, from taking action against the Petitioners under the said Act to recover possession, if evidence establishes that the land in question is state land.

Application allowed.

**JUDGE OF THE COURT OF APPEAL**

**Amal Ranaraja, J.**

**I AGREE**

**JUDGE OF THE COURT OF APPEAL**