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

*In a matter of an application for Writs of
Certiorari and Mandamus, under and in
terms of Article 140 of the Constitution of
the Democratic Socialist Republic of Sri
Lanka.*

YASO MENIKE MARASINGHE,
No. 270, Matale Road,
Dambulla.

PETITIONER

No. CA/WRT/026/2023

-Vs-

01.Hon. HARIN FERNANDO

Minister Of Tourism and Lands,
Ministry Of Tourism and Lands,
“Mihikatha Madura”,
Land Secretriatic,
No. 1200/6, Rajamalwatta Rd,
Battaramulla.

1A. Hon K.D LAL KANTHA,

Minister Of Agriculture,
Livestock, Land and Irrigation,
Ministry Of Agriculture,
Livestock, Land and Irrigation,
“Mihikatha Madura”,
Land Secretariat,
No. 1200/6, Rajamalwatta Rd,
Battaramulla.

02.PIYAL JAYASURIYA,

Divisional Secretary,
Divisional Secretariat,
Dambulla.

2A.Mrs. N. M UPEKSHA KUMARI

Divisional Secretary,
Divisional Secretariat,
Dambulla.

**03.URBAN DEVELOPMENT
AUTHORITY,**

6th and 7th Floors,
“Sethsiripaya”,
Battaramulla.

04.Hon ATTORNEY GENERAL,

Attorney General’s Department,
Colombo 12.

RESPONDENTS

Before : JUSTICE R. GURUSINGHE

JUSTICE ANNALINGAM PREMASHANKER

Counsel: Gamini Hettiarachchi, Attorney- at- Law with Rangana Warnasinghe, Attorney- at- Law instructed by Navodini Gajanayake, Attorney- at- Law for the PETITIONER.

Mihiri De Alwis, Senior State Counsel with Diniti Wijesekara, State Counsel for the RESPONDENTS.

Written Submission of the Petitioner : 19.08.2016

Written Submission of the Respondents :- -

Argued on :- 17.06.2026

Judgement on :- 31.08.2026

JUDGEMENT

ANNALINGAM PREMASHANKER, J.

01. FACTUAL MATRIX

The Petitioner is the legal daughter of **Marasinghe Mudiyanseelage Marasinghe**, who is the owner of the Land called **Meegahamula Assedduma** situated in Dambulla, in extent of eight (8) Acres. The

said Land was gifted to him subject to performing duties at DAMBULLA CAVE TEMPLE by virtue of the Deed bearing No. 4696 dated 27.05.1961 by Ehalagedara Balamenika.

02. FACTUAL MATRIX 02

In the year 1980s, action taken by the Respondents to acquire certain Lands for public purposes, and the Petitioner's father's Land also listed as Lot B5 in the state notice. Petitioners father said M. M. Marasinghe transferred the said Land to the Petitioner by Deed of transfer Bearing No. 3233 of 18.12.1989. Although the said Land was acquired for urgent public purpose in 1980, possession of the said Land was not been obtained until 2006. The Petitioner and her predecessors were allowed to be in the occupation.

03. FACTUAL MATRIX 03

On 20.04.2006, a notice from the predecessor of the 2nd Respondent was received by the Petitioner, which was addressed to her deceased father, M. M. Marasinghe, to handover the possession of the said Land to the state. The Petitioner through her husband, acting on behalf of the late father of the Petitioner, objected to the transfer of possession of the Land other than a portion in extent of 70 feet × 15. The above Land is extent of 45.5 perches (70 feet × 15) has been used for Dambulla dedicated Economic Centre and the Respondents have not yet paid compensation.

04. ADDITIONAL ACTION

Thereafter, then Additional Government Agent had published a notice in the gazette 716/13 dated 28.05.2013 in respect of acquisition of Lot 7 of the Survey General's preliminary plan No. M931 in extent of 0.642 hectares. Out of the said Lot 7, a portion of Land in extent of 45.5 perch already acquired. The remaining parts has been subdivided as Lots 132, 133, 134, and 135. The Respondents have decided to divest Lot 135 to M. M. Marasinghe in 2018 in extent of 0.294 hectares. The 3rd Respondent granted permission to construct commercial building in the Land Lot No.135.

05. NO ACTION

Thereafter, several requests have been made to the Authority to divest Lands in lot 132, 133, 134, and 135 but proper steps have not been taken. The Petitioner alleges that said Land have not been utilized for public purposes more than 37 years, and the Petitioner has been allowed to have continuous possession of the said Land.

06. PETITIONER'S RELIEF

Having plead above, the Petitioner ask the court;

- a. Issue notices on the Respondents
- b. Issue a Writ of Mandamus Compelling and directing one or more or all the 1st to 3rd Respondents to divest Lot No. 132 of the Survey General's amended plan No. 931 to the Petitioner.
- c. Issue of Writ of Mandamus compelling and directing one or more or all the 1st to 3rd respondents to divest Lot No. 135 of the Survey General's amended Plan No. 931 to the Petitioner.
- d. Issue of Writ of Mandamus compelling and directing one or more or all the 1st to 3rd Respondents to pay compensation for the acquisition of Lot No. 133 and 134 of the Survey General's amended Plan No. 931 to the Petitioner
- e. Issue of Writ of Mandamus compelling and directing one or more or all the 1st to 3rd Respondents to pay compensation for the acquisition of part of land in extent of 45.5 perches which was used for Dambulla Dedicated Economic Center to the Petitioner.
- f. Grand cost; and
- g. Such other and further reliefs that your Lordship's Court shall seem meet.

07. RESPONDENTS' POSITION

The Respondent, by The Statement of Objections dated 05.02.2025 states that Respondents has taken all the steps to meet claims of the Petitioner, but the Petitioner has failed to submit requested Affidavit for divest and failed to participate at the inquiry. The Petitioner's conduct is the impediment to the progress of the all steps, such as;

- Fails to participate at the inquiry held under Section 9 of the Land Acquisition Act
- Fails to tender required Affidavit in respect of divesting lot No. 135
- Failed to participate at the necessary steps for granting compensation

08. FAILURE

The said Land was acquired in the year 1980 for Public Purposes. The Respondent admits the entire Land was not used even in the year 2025. The Petitioner alleges that the Land (portion) have been used for illegal activities to some private persons with the concurrent of certain officials.

09. UNREASONABLENESS

The Petitioner further states that the Land was acquired for Greater Dambulla Agents, but the acquisition was not pursued due to various reasons. Therefore, the said Land acquisition is unreasonable and in equitable.

10. ASSISTANCE

The Respondent cannot allowed to maintain that the conduct of the Petitioner is the hurdle for their actions. The Petitioner is a layman with some sort of support and etc. Therefore, it is excepted that the Government officials should take more interest and solve the issue of the people.

11. CONCLUSION

Having analyzed the entire facts of the case, this court grants reliefs for the Petitioner as prayed for in prayer

b. Issue a Writ of Mandamus Compelling and directing one or more or all the 1st to 3rd Respondents to divest Lot No. 132 of the Survey General's amended plan No. 931 to the Petitioner.

c. Issue of Writ of Mandamus compelling and directing one or more or all the 1st to 3rd respondents to divest Lot No. 135

**of the Survey General's amended Plan No. 931 to the
Petitioner.**

**d. Issue of Writ of Mandamus compelling and directing one
or more or all the 1st to 3rd Respondents to pay
compensation for the acquisition of Lot No. 133 and 134
of the Survey General's amended Plan No. 931 to the
Petitioner**

AND

**e. Issue of Writ of Mandamus compelling and directing one or
more or all the 1st to 3rd Respondents to pay
compensation for the acquisition of part of land in extent
of 45.5 perches which was used for Dambulla Dedicated
Economic Center to the Petitioner.**

No order for the cost is made.

On this 31st day of August 2026

JUDGE OF THE COURT OF APPEAL

R. GURUSINGHE, J.

I agree.

JUDGE OF THE COURT OF APPEAL