

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

CA-WRT-375/22

Panambarage Seuwandi Rashmika Fernando

199A

Rukaththana Road

Nainmadama Central

AND presently of

No. 18, Galayaya

Naindmadama Central

Petitioner

Vs.

1. U.S.N. Fernando

Divisional Secretary

Divisional secretariat

Wennappuwa

2. Lakmali A. Jayasinghe

Land Commissioner General's department

"Mihikatha Medura"

Land Secretariat

1200/6
Rajamalwaththa road
Battaramulla.

3. K.D. Bandula Jayasinghe
Land Commissioner General's department
"Mihikatha Medura"
Land Secretariat
1200/6
Rajamalwaththa road
Battaramulla

4. Paththini Kuttige Nishantha Lakmal Nonis
No. 2/19, Galyaya, Nainamadama Central

5. Paththini Kuttige Reeta Selin Nonis
No/ 2/19, Galyaya, Nainamadama Central

6. Attorney General
Attorney General's Department
Colombo 12.

Respondents

Before : N. Bandula Karunarathna, P/CA, J.
B. Sasi Mahendran, J.

Counsel: Hilary Livera for the Petitioners
S. Dunuwile, SC for the 1st-3rd and 6th Respondents.
Chamath Fernando for the 4th and 5th Respondents

Inquired On: 11.12.2024

Written

Submissions: 16.10.2025 (by the Petitioner)

On

Order On: 28.01.2025

ORDER

B. Sasi Mahendran, J.

This order pertains whether to allow the amended petition.

The Petitioner invoked the writ jurisdiction of this Court by petition dated 14.10.2022 seeking *inter alia* writs of Certiorari to quash the decision contained in the letters marked P34 and the decision contained in the letter marked P32 by which the 1st Respondent confirmed the issuance of permits to the land described in the schedule on 4th and 5th Respondents.

The issue pertaining in this instance is whether the Petitioner has the right over the land depicted as Lot 01 in Plan 2443 dated 27.02.1984 in extent of 0.052 Hectares marked as P2 on the basis of her grandfather namely Panambarage Peduru Fernando had possession over the said land and had cultivated and developed the same.

In contrast, the 4th and 5th Respondents claim the lands depicted in the said plan on the basis of the possession of their predecessor namely P.K. Lasaras Nonis.

The 1st and 2nd Respondents upon direction of the Human Rights Commissioner have decided to issue two permits to the 4th and 5th Respondents in respect of the lands in question. This

was revealed through their objections dated 02.05.2023. But in the Counter objections, the Petitioner did not challenge these documents.

The Petitioner has however filed an amended petition on 21.06.2024, almost one year after the documents were produced before this Court.

According to the amended petition, the Petitioner seeks an additional relief to quash the decision marked P36. We are of the view that the Petitioner was aware of this document when filing the Counter Objections. But the Petitioner has taken one year to challenge this document to delay the enjoyment of the fruits of the victory of the other party.

We are of the view that moving to amend the petition does not serve any purpose.

Therefore, we dismiss the application with costs of Rs. 50,000/-.

JUDGE OF THE COURT OF APPEAL

N. Bandula Karunarathna,J (P/CA)

I AGREE

PRESIDENT OF THE COURT OF APPEAL