

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

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

**CA (WRIT) APPLICATION
NO. 475/2026**

Jayanthi Ambalam Paramalingam
No. 74/6,
Arthysoody Road,
Kantharmadam

PETITIONER

Vs.

1. M. Piiratheepan
Government Agent,
District Secretariat,
Jaffna.
2. P. Jeyakaran
Additional Government Agent (Lands),
District Secretariat,
Jaffna.
3. N. Pirabhakaran
Divisional Secretary,
Divisional Secretariat,
Delft.

4. Director (Defence and Co-ordination)
Presidential Secretariat,

5. Additional Secretary
Parliament Affairs and Policy,

6. Sampath Thuyacontha
Secretary,

4th to 6th Respondents:
Ministry of Defence,
Defence Headquarters Complex,
Sri Jayawardenepura Kotte.

7. P.B. Terney Pradeep Kumara
Director General,
Department of Coast Conservation &
Coastal Resource Management,
04th Floor,
Ministry of Fisheries Building,
New Secretariat,
Maligawatta,
Colombo 10.

8. Ceylon Petroleum Corporation
No. 609,
Dr. Danister de Silva Mawatha,
Colombo 09.

9. D. J. A. S. De S. Rajakaruna
Chairman

10. Mayura Neththikumarage
Managing Director

11. V. Shanmuganathan
Managing Director (Acting)

09th to 11th Respondents:
Ceylon Petroleum Corporation,
No. 609,
Dr. Danister de Silva Mawatha,
Colombo 09.

12. The Attorney General
Attorney General's Department,
Hulftsdorp Street,
Colombo 12.

RESPONDENTS

Before	:	Hon. Rohantha Abeysuriya PC, J. (P/CA)
	:	Hon. K. Priyantha Fernando, J. (CA)
Counsel	:	Aswida Benadict instructed by R.M.S.P. Rathnayake for the Petitioner.
		Chaya Sri Nammuni, DSG for the 8 th , 9 th , 10 th , 11 th and 12 th Respondents.
Written Submissions on	:	07.07.2026 for the Petitioner.
		08.07.2026 for the 8 th , 9 th , 10 th & 11 th Respondents
Supported on	:	26.06.2026
Decided on	:	31.08.2026

K. Priyantha Fernando, J. (CA)

1. The Petitioner has filed this application seeking to;
 - (i) Quash the decision, if any, to permit any other person construct a petrol shed in Delft;
 - (ii) To compel the Respondents to give the official permission to the Petitioner to run a petrol shed;
 - (iii) To suspend the decision of the respondents to give another person the dealership until the conclusion of this matter.
2. The gravamen of the Petitioner is that she has not been given a licence to officially commence operations of a petrol shed whereas a third party was given such permission. The basis for the Petitioner's concern and allegation is that Delft Island has a limited occupancy and there would be not enough consumers for two petrol stations.

THE PETITIONER'S CASE:

3. For more than five decades, the Petitioner's predecessor, A.T. Ambalam, and thereafter the Petitioner herself have continuously pursued the continuation of a fuel dealership which originally operated under the authority of the Respondents, including the Ceylon Petroleum Corporation (CPC). The inability to recommence operations did not arise due to any omission, neglect or default on the part of the Petitioner or her predecessor. Instead, every interruption was occasioned by acts of the State itself, first by reason of the armed conflict-related security, thereafter by the compulsory acquisition of the leased premises for national security purposes, and subsequently through prolonged administrative delays, inconsistent decisions, and inaction on the part of the respondents. Yet, the Petitioner to date sells fuel in Delft Island as a dealer under the CPC.
4. It was her position that whenever a State authority required a further approval, recommendation, clearance or procedural compliance, she complied. She exhausted every available administrative avenue for nearly two decades following the end of the war, expended

substantial time, effort and resources in reliance upon the representations, recommendations and approvals granted by the Respondents.

5. Notwithstanding the foregoing, whilst her application remained pending solely due to administrative inaction, the Respondents proceeded to approve the establishment of an entirely new Fuel Filling Station under a separate dealership without first resolving the Petitioner's pending application, without undertaking the regulatory processes prescribed by the Ministry of Energy's own Regulatory Framework marked 'P16' and without considering the Petitioner's preexisting rights, approvals, legitimate expectation and the broader public interest.
6. It was submitted that the Petitioner's claim is not founded upon a mere expectation of obtaining a new commercial opportunity but it originates from a dealership and Fuel filling Station which had already been lawfully established by her late father pursuant to the approval granted by the Government and the CPC in the early 1970's. It was Petitioner's claim that acting upon those approvals her predecessor acquired leasehold rights over State land, invested substantial private funds in constructing the Fuel Station, obtained all requisite operational approvals, and operated the dealership for several decades in the service of the residents of Delft Island.

THE POSITION OF THE RESPONDENTS:

7. Although the Petitioner states that her father was given permission to operate a 'pack depot' on which he commenced selling fuel in barrels as far back as 1970's and annexed a survey plan P6 to state that the said State land was sought to be acquired to be given to her father, no documents have been produced to show that the State land had in fact been fully acquired and whether after such acquisition, had been given to her father. It was contended that the said land had not been acquired and given to her father since 'P8' is a section 2 notice dated 10.06.2009 where the land was to be acquired for the purpose of the constructing a transmission tower mast for the Navy. Thus, if the land was acquired and handed over to the Petitioner's father, there would be no requirement to reacquire it, as it would be state land and the State would either have to cancel the permit or grant and take over the land. A further acquisition would be unnecessary. Thus, after this land was taken over by the Navy, the Petitioner has been requesting for alternate and to replace the land that her father had been possessing, and which had not been taken over by the Navy.

8. Although a land had been identified, the extension of the lot of 20 perches was near the coast and the express written permission of the Coast Conservation Department was required to construct a filling station, since storage tanks are dug underground. The Department of Coast Conservation had stated that the land is filled with limestone which makes it unsuitable to have any underground tanks, which may lead to a leak and eventually pollution of the sea. It was Respondents' position that the only option for the Petitioner is to look for another suitable land.
9. It is common ground that the Petitioner has written to other authorities as at 2024 but has annexed no letters or correspondence written in 2025 or even 2026 to pursue obtaining another suitable land.
10. For a DoDo (Dealer-owned-Dealer-operated) dealership, the Petitioner has to produce a Deed or some title of a land for her to commence construction. It is seen that the Petitioner was made aware of the documents that were required to be submitted for her to get a dealership regularized in her name. By letters dated 25.07.2016 'P9' and 03.05.2017 'P11' the CPC has written to the Petitioner requesting her to submit the necessary details, including the said land. By the letter dated 13.01.2020 'P12' the 5th Respondent-Additional Secretary has informed the 3rd Respondent-Divisional Secretary to make the necessary arrangements to allocate a suitable alternative parcel of land for the reconstruction and operation of the Fuel Filling Station, in view of the fact that the original land had already been acquired and utilized by the Sri Lanka Navy.
11. The Coordinating Officer to the 6th Respondent-Secretary Ministry of Defence by letter dated 20.08.2020 'P13' has recommended the 4th Respondent-Director (Defence and Co-ordination) to take the necessary steps to facilitate the allocation of a suitable alternative parcel of land for the establishment of a Fuel Station by obtaining such land through the ministry of Lands and the 3rd Respondent-Divisional Secretary. By the letter dated 22.04.2021 'P14', the 3rd Respondent has informed the 5th Respondent of the discussions held between the Petitioner, the 3rd Respondent, and the Commanding Officer of the Delft Division regarding the allocation of an alternative parcel of land for the establishment of the Fuel Filling Station. Thereafter, by letter dated 05.05.2021 'P15', the 5th Respondent has informed the Petitioner, *inter alia*, that approval had been granted for the establishment of a Fuel Station on a parcel of State Land in the extent of 15 perches, situated near the Mavilithurai Lighthouse in the Delft East J/06 Division. Since the Petitioner has made numerous representations to the 1st, 2nd, and 3rd

Respondents regarding the inadequacy of the 15-perch land allocation, the 3rd Respondent, by letter dated 19.05.2023 (P17) has informed the Petitioner that the 1st Respondent had instructed the 3rd Respondent to allocate to the Petitioner a parcel of State land in extent of 20 perches by adding a further 5 perches to the land previously allocated to the Petitioner.

12. The final paragraph of 'P17' issued by the Divisional Secretary states as follows:
*"Consequently, by adding an additional 05 perches to the land previously allocated, permission is hereby granted to conduct a petrol filling station on a 20-perch plot of state land in the Mavilithurai Kalangarai Vilakku (Lighthouse) area, **subject to obtaining the necessary approvals** from the relevant departments. You are requested to develop and utilize the said land promptly".* (the emphasis was added). Assumed without deciding that any legitimate expectation arisen in the mind of the Petitioner as a result of P17, **it is subject to the condition of taking required approvals from other Government Departments.**
13. Thereafter, the Petitioner has proceeded to attempt to obtain the approvals, clearances and consents required from the relevant State authorities and private institutions for the establishment of the proposed Fuel Filling Station. It was stated by the Petitioner that despite numerous requests and follow-up communications made to the Department of the 7th Respondent-Director General, Department of Coast Conservation & Coastal Resource Management seeking the requisite approval for the construction of a Fuel Filling Station, she was not provided with any decision, response, update or feedback regarding the status of the said application.
14. Being aggrieved by the prolonged delay and inaction on the part of the Department of the 7th Respondent, the Petitioner then sought the intervention of H.E. the President. Consequently, by letter dated 11.01.2024 'P18' the Secretary to the President (Public Relations) has directed the 7th Respondent to take necessary steps in respect of the Petitioner's request and to inform the Petitioner of the status of the approval sought. The 7th Respondent has informed the Petitioner by letter dated 30.01.2024 'P19' that the parcel of land proposed was not suitable for the said purpose; in the event an alternative parcel of land complying with the applicable coastal reservation requirements was identified and allocated, the 7th Respondent's Department would consider granting the requisite approval for the construction and operation of the Fuel Filling Station.

15. The Petitioner was informed that a decision had been taken on 18.06.2026 by the 3rd Respondent together with the 8th Respondent to grant approval for a separate fuel dealership to establish and operate a Fuel Filling Station within Delft Island. She has been further informed that the said decision was communicated or proposed to be communicated to the 1st Respondent on 19.06.2026 for the purpose of implementation and further action.
16. The Petitioner states that having regard to the present population of Delft Island, there is no demonstrated necessity for the establishment and operation of two separate Fuel Filling Stations; the fuel demand generated by the existing population, businesses, fishing community and tourism sector is limited and may not be sufficient to sustain two independent dealerships on a commercially viable basis; in such circumstances, the operation of two Fuel Filling Stations would likely result in both dealerships competing for a limited customer base, thereby undermining their economic sustainability; such a situation may eventually lead to the reduction of services, interruption of fuel suppliers, financial failure of one or both operators, or eventual closure of one or both facilities; the ultimate prejudice arising from such a situation would be suffered not by the operators alone but by the residents of Delft Island who depend upon the continuous availability of fuel for transportation, fishing, commerce and other essential activities.

THE LAW RELATING TO DEALERSHIP:

17. The State has sole authority on granting licences to sell fuel in Sri Lanka, section 5B of Ceylon Petroleum Corporation Act encapsulates this sole and exclusive authority vested with the CPC to sell fuel and lubricants.
18. Section 5E of the Act states that, with the written authority of the CPC, such other person who is **authorized**, can sell petroleum products. Thus, it is clear that any sale of Petroleum products will have to be carried out, with the written authority of the CPC.
19. There are two types of dealerships that have been given this written permission to operate filling stations as per section 5E, namely CoDo (Company-owned-Dealer-operated) and DoDo (Dealer-owned-Dealer-operated) operations. As colloquially referred to, CoDo - is CPC owned filling stations where the land is owned/or otherwise have title by the CPC, and they construct

the filling station with their funds and they hand over the operations, via written agreement, to a CoDo dealer to run and operate the filling station. This land can be under the direct ownership of the CPC or leased by the CPC where they have leasehold rights. DoDo dealers are those dealers who have land of their own, either owned or leased, and they construct a filling station with their own funds and get the written agreement of the CPC to sell fuel.

20. It is common ground that the Petitioner is a DoDo dealer. Whereas the fuel station greenlit to be constructed is to be a CoDo dealership.

ANALYSIS:

21. In actual fact, in the light of an absence of a permit, grant or the acquisition to the state of a land owner by her or her father, there is no obligation on the State to provide alternate land although the Respondents had attempted to do so on the basis that Petitioner's father had been occupying the land. CPC is not responsible for giving land to the Petitioner. If at all, it would be the Divisional Secretary who is the custodian of state land, who has to locate a land and the Coast Conservation and other authorities who have to approve its use. Therefore, the right of the CPC cannot be challenged and CPC cannot be held responsible for the Petitioner not obtaining a suitable land. CPC's only responsibility is to grant a dealership to the Petitioner. In fact, the CPC had been selling petrol to the Petitioner even as at March 2026 in order to honour the fact that she and her father had been selling petroleum in barrels on a pack permit.
22. It is common ground that as far back as 2016 and 2017, the CPC had written to the Petitioner letters detailing the documentation she has to submit in order for her to get a DoDo Dealership. The most important factor, clearly, is a suitable land, a deed to the land/or lease. However, the Petitioner has failed to submit the same. Thus, as this a DoDo filling station where the potential dealer seeking dealership has to submit documents, the Petitioner cannot have legitimate expectation to get a dealership to her name as she does not fill the eligibility criteria.
23. By P19 dated 30.01.2024, the Divisional Secretary has stated that land identified cannot be utilized for a fuel station due to reasons given in the said letter. The 7th Respondent has stated that if any other land is given to the developer maintaining the coastal reservation their department will consider granting approval. The only alternative left for the Petitioner is to

seek another land that is suitable for a filling station. The Petitioner has shown no right or entitlement to a land but mere expectation because of previously occupying the land.

24. The Writs of *Certiorari* and Prohibition are sought on the basis that the Petitioner has an inherent right to a dealership and there is no necessity to have 2 filling stations in Delft and not to grant dealership to anyone else. However, no evidence adduced to establish that there is no necessity for 2 filling stations. The Petitioner has no authority to determine the number of filling stations needed and she has not submitted any material to validate her claim. However, all her claims are to prevent the CPC from giving any ‘separate dealership to any other person’ other than the Petitioner and the Writs of Mandamus is to process her dealership. These reliefs are futile because the CPC is not in a position to process any dealership without a land and the Petitioner has not established that she is entitled to a state land.
25. In paragraph 46 of the Petition, it is stated that: “*grave and irreparable loss will be caused to the petitioner if the establishment of the new Fuel Filling Station is permitted to proceed and the...*”. In paragraph 44 it is stated that: “*the development has created an imminent threat to the Petitioner’s rights and interests*”. In paragraph 42, it is stated that: “*the discussions and approvals pertaining to the long-standing claim*” and it is clear that this is a personal application, not filed in the public interest. However, there is an attempt made to cloak this as a public interest litigation stating that the CPC has not obtained the proper approvals to construct a filling station.
26. As borne out by ‘P10’, the petitioner had been as her father had, permitted to distribute fuel in barrels. Even as at March 2026, she had been given this permission. It is apparent that the co-operative society who will be getting the CoDo dealership has been consistently selling petrol in barrels (conducting a packed depot) unlike the Petitioner, whose sales have been sporadic. (vide document marked as ‘X’). It is the said party who has established entitlement to have the dealership.
27. The Petitioner has not been able to fulfill the basic eligibility to have a land (which the other party has) and therefore, not a contender for a dealership and does not have a right to stop the process of the construction of the fuel station with CPC funds. The other party (to whom authority to run the dealership was given) has not been made a party and it would be the said party’s CoDo dealership that is halted. Since the Petitioner has not complied with the

requirements and not eligible to get a DoDo dealership, even if the other party is stopped from commencing a dealership, the Petitioner would not get a dealership without a land. Thus, the stopping of a fuel station from being constructed would actually be against the public interest and be detrimental to the interests of the people of Delft and the country at large.

28. Furthermore, the Petitioner has sought no document to be quashed. It is trite law that a specific document must sought to be quashed. In the case of *Finest Tea Exports Ltd and another v Chulananda Perera and others* CA/WRT/0209/2017 decided on 04.10.2019, the Court of Appeal commented on the question of not filing the decision and not praying the same before the Court as follows:

“The Petitioners also seek a writ of certiorari quashing the decision of the 3rd to 6th Respondents and/or anyone or more of them not to permit the Petitioners to upgrade the whole quantity of tea contained in the said consignments. However, there is no such decision before Court. In Weerasooriya v. The Chairman, National Housing Development Authority and Others [C.A. Application No. 866/98, CAM. 08.03.2004] Sripavan J. (as he was then) held that the court will not set aside a document unless it is specifically pleaded and identified in express language in the prayer to the petition.”.

29. The alleged legitimate expectation cannot be entertained. As per Wade and Forsyth’s *Administrative Law* (11th Edition, page 452), the test that ought to be applied to determine if an assurance gives rise to a legitimate expectation is whether a fair reading of the promise would reasonably lead to such an understanding.

“A crucial requirement is that the assurance must itself be clear, unequivocal and unambiguous. Many claimants fail at this hurdle after a close analysis of the assurance. The test is how, on a fair reading of the promise, it would have been reasonably understood by those to whom it was made...”

30. A reasonable reliance on the representation of the Divisional Secretary in ‘P17’ would not result in the creation of a legitimate expectation as it is explicitly mentioned that the assurance given was subject to the Petitioner obtaining ***“the necessary approvals from the relevant departments”***.

31. In Galappaththy v. Secretary to the Treasury and 2 Others [1996] 2 Sri L. R. 109, Justice Dr. R. B. Ranaraja held as follows,

"The Petitioner who has by his own conduct breached the conditions of P1, which entitled him to the benefit of importing a vehicle on concessionary terms, cannot claim its benefit as of right..."

32. While in the instant matter there has been no 'breach' of conditions, there has been a failure to meet the necessary requirement of acquiring a suitable land. Moreover, it is clear that the Respondents have followed procedure by requiring the Petitioner to fulfil the necessary requirements to carry out a DoDo dealership. In doing so, the Respondents have not frustrated any legitimate expectation of the Petitioner to be granted the opportunity to run a DoDo dealership, as the Petitioner does not have one.

33. For the foregoing reasons, there is no *prima facie* arguable case for the Petitioner which warrants notice to be issued. In the circumstance, I refuse to issue notice on the Respondents and accordingly dismiss this application without costs.

Judge of the Court of Appeal

Hon. Rohantha Abeyesuriya PC, J. (P/CA)

I agree.

President of the Court of Appeal