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

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*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.*

**MEREGNGA ANIL,**

Stage 4,

Nayagoda, Rathgama.

**PETITIONER**

**No. CA/WRT/573/2026**

**-Vs-**

**01. C. B. K GURUSINGHE**

Divisional Secretary- Hikkaduwa,  
Divisional Secretariat,  
Hikkaduwa.

**02. BANDULA ABEYSEKARA,**

Divisional Secretary- Rathgama,  
Divisional Secretariat,  
Rathgama.

**03. REGISTRAR,**

Magistrate's Court, Galle.

**04. CHANDANA RANAWEERA  
ARACHCHI**

Land Commissioner General,  
Land Commissioner General's  
Department, "Mihikatha Madura",  
No. 1200/6, Rajamalwatta Road,  
Battaramulla.

**05. Hon. ATTORNEY GENERAL,**  
Attorney General's Department,  
Colombo 12.

**RESPONDENTS**

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**Before :** **JUSTICE R. GURUSINGHE**

**JUSTICE ANNALINGAM PREMASHANKER**

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**Counsel:** **Saliya Peris, President Counsel, with Pavithra Manujaya, Attorney- at- Law, instructed by Amila Kumara, Attorney- at- Law for the PETITIONER.**

**Yuresha Fernando, Deputy Solicitor General for the RESPONDENTS.**

Supported on :- 31.07.2026  
Order on :- 28.08.2026

**ORDER**

**ANNALINGAM PREMASHANKER, J.**

**01.**The Petitioner, by this Application, sought Writs of Certiorari quashing the orders of the Learned Additional Magistrate dated

19.06.2026, and fiscal order dated 13.07.2026 and a writ of prohibition against the registrar for the court to take steps to execute court orders and writ of mandamus directing the issue of a grant.

**02.**The Petitioner alleges that the Learned Additional Magistrate has made an eviction order on 02.10.2013 in case numbers 15673 and 95674 of Additional Magistrate Court, Galle. Now, the Additional Magistrate have made order for execution dated 19.06.2026 in both cases. Accordingly, the fiscal is taking steps to evict the petitioner from the said premises.

**03.**The Petitioner further states he has constructed a House utilizing all of their earnings and evicting them will cause immense difficulties.

**04.**The Petitioners' concern is that the Respondents are trying to implement the order made in 2013 which was made against one K. Pradeep Indrasamantha.

**05.**The Petitioner further states that the Respondents are taking steps to evict him from the said premises, which is *Ultra Virus*, against the principle of fair hearing, and the Respondents have not given an opportunity to place his position.

**06.** Having plead the above facts, the Petitioner seek from this Court to squash the Additional Magistrate decision to evict him to others from the said premises.

**07.** When considering the averments of the Petitioner and affidavit, this Court feels that the petitioner is attempting to mislead this Court by furnishing lies.

**08.** The Petitioner at one point states that the said K. Pradeep Indrasamantha, is unknown to him, but in the same document he averred that he said K. Pradeep Indrasamantha was the husband of his own sister who was separated.

**09.** The Petitioner claims that he is unaware of eviction orders made by Additional Magistrate in the year 2013, but it is difficult to accept same as true.

**10.** The Petitioner states that the order of 02.10.2013 to evict the defendant Pradeep and his dependence, but the Petitioner claims that he is not the dependant of K. Pradeep. This position cannot be accepted, as the Petitioner is and was the Brother in Law of Pradeep, and the Petitioner went in occupation in the said premises, because of Pradeep's relationship. Hence, this Court conclude that the petitioner is dependant of Pradeep.

**11.**The Petitioner in this Application moves for writ of Mandamus directing Respondents to issue grants for the said property, which shows the said property was is and was state property. Hence, utilizing substantial earnings on state property can considered foolishness and the Petitioner acted at his own risk.

**12.**By taking into consideration all the averments and the affidavits this Courts fails to see any illegality and/ or rationality and/ or wrong in the actions of the Respondents warranting the issue and propagating the case.

**13.**Hence, this Court refuse notices on the Respondents and the writ application is dismiss inlimine.

**On this 28<sup>th</sup> day of August 2026**

**JUDGE OF THE COURT OF APPEAL**

**R. GURUSINGHE, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**