

**IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA.**

In the matter of an appeal from the Judgment of the Court of Appeal dated 11.09.2019, under and in terms of the provisions of inter-alia Article 128 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

The Surveyors Institute of Sri Lanka,
Professional Centre,
275/75, Bauddhaloka Mawatha,
Colombo 07.

Petitioner

SC Appeal No. 87/2021
SC SPL LA No. 382/2019
C.A. (Writ) App. No. 61/2012

Vs.

1. The Land Survey Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
2. Mr. S. M. W. Fernando,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 2A. Dr. K. Thavalingam,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.

- 2B. Mr. Nihal Gunawardena,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 2C. Mr. P.M.P. Udayakantha,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
3. Dr. K. Thavalaingam,
Additional Surveyor General and
the Vice Chairman of the Land
Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 3A. Mr. K. W. N. D. Karunaratne,
Additional Surveyor General and
the Vice Chairman of the Land
Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 3B. Mr. P.M.P. Udayakantha,
Additional Surveyor General and
the Vice Chairman of the Land
Survey Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 3C. Mr. S. M. P. P. Sangakkara,
Additional Surveyor General and
the Vice Chairman of the Land
Survey Council,

Surveyor General's Office,
P.O. Box 506, Colombo 05.

4. Mr. W. R. S. Wickramarachchi,
Director of the Institute of Surveying
and Mapping,
Survey Camp, Diyathalawa.
- 4A. Mr. S. D. P. J. Dampegama,
Director of the Institute of Surveying
and Mapping,
Survey Camp, Diyathalawa.
- 4B. Mr. W. M. S. Weerasinghe,
Director of the Institute of Surveying
and Mapping,
Survey Camp, Diyathalawa.
5. Mr. K. R. M. U. Bandara,
Dean, Faculty of Geometrics,
University of Sabaragamuwa,
P.O.Box 02, Belihuloya.
6. Mr. Gerald A. de Silva,
19, Watson Pieris Mawatha,
Moratuwa.
- 6A. Mr. D. D. Y. Abeywardena,
Bibulewatta, Godawela, Nihiluwa.
- 6B. Mr. M. Kaluthanthri,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
7. Mr. Mahendra de Alwis,
32/13, Mount Lavinia Road,
Dehiwala.

- 7A. Mr. W. A. A. Wijerathne,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
8. Mr. C. de S. Gunathilake,
18, Centre Road, Jayanthipura,
Battaramulla.
9. Mr. G. D. S. K. Gunaratne,
Acting Secretary of the Land Survey
Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
10. Mr. T. Asoka Peiris,
Secretary of the Ministry of Land and
Land Development,
Ministry of Land and Land
Development,
80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.
- 10A. I. H. K. Mahanama,
Secretary of the Ministry of Land and
Land Development,
Ministry of Land and Land
Development,
80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.
- 10B. Mr. W. H. Karunarathne
Secretary of the Ministry of Lands
and Parliamentary Reforms,
"Mihikatha Medura",
Land Secretariat,
No. 1200/6,

Rajamalwatta Avenue,
Battaramulla.

11. Hon. Janaka Bandara Tennakoon,
Minister of Lands and Land
Development,
Ministry of Lands and Land
Development,
80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.
- 11A. Hon. M .K. D . S. Gunawardane,
Minister of Lands and Land
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- 11B. Hon. John Amaratunga,
Minister of Lands and Land
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Ministry of Lands and Land
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80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.
- 11C. Hon. Gayantha Karunathilaka,
Minister of Lands and Parliamentary
Reforms, Ministry of Lands ,
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18. G. D. I. Galpaya,
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Hedigalla, Gurulubedda.
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86/A, Sri Wickrema Rajasinghe
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27. S. M. D. D. P. Jayathilake,
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28. M. A. A. Karunajeewa,
212, Gamagoda, Warakagoda,
Neboda.
29. K. P. G. Karunanayake,
19/3A, Mallawapitiya, Kurunegala.
30. M. M. Karunarathna,
"Lahiru", Heeloya, Bandarawela.
31. K. V. Krishnarajah,
303/1A, Court Road, Trincomalee.
32. E. P. P. Kumara,
92, Kurunduwatta, Mattaka.
33. W. P. C. A. Kumara,
289/3, Medagamuwa, Kotugoda.
34. S. K. Kuruppuarachchi,
99, Dhammananda Mawatha,
Paththalagedara, Veyangoda.

35. H. L. R. Lionel,
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36. J. P. K. Liyanage,
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Boralesgamuwa.
37. M. G. M. Naleem,
14, Hospital Road, Hambantota.
38. D. A. H. Nilanthika,
185, Pasbage Watta,
Pattunupitiya, Nawalapitiya.
39. P. A. T. P. Peramunarachchi,
16, Ja-Ela Watta,
Andiambalama.
40. K. L. S. P. Perera,
189, Jaya Mawatha,
Kandawala, Katana.
41. M. T. S. D. Perera,
12/210, Near Bairaha Farm,
Nirmala Mariya Mawatha,
Katana.
42. W. R. A. Perera,
130, Handupalpola, Millewa,
Horana.
43. A. D. R. Premalal,
"Sandareka", Gangoda Landa Road,
Rambadagalla, Ridigama.

44. L. N. G. C. Priyangani,
16, Ja-Ela Watta, Andiambalama.
45. J. A. J. Priyantha,
79, 4th Lane, Pilonminawatta,
Dodangoda.
46. R. M. Pushpadewa,
Dangolla, Hoambawa.
47. M. B. S. I. S. B. S. L. M. Rameez,
59/4, Marikkar Street, Puttalam.
48. S. K. Ranasinghe,
"Vigini", 311C, Kaduwela Road,
Malabe.
49. R. M. I. J. B. Ranathunge,
Ranapana, Galigamuwa Town.
50. M. R. A. L. N. D. Ratnapala,
206/B, Thalgasmote, Veyangoda.
51. R. M. S. B. Rathnayake,
Kambiyawatta, Gelioya.
52. A. Samarakoon,
"Saman", Goyambokka, Tangalle.
53. S. M. J. S. Samarasinghe,
265/6, Roswill Place, Dalugama,
Kelaniya.
54. K. Santhirakumaran,
Kumaran Kalamanram Road,
Kaluwanchikudy 8.

55. K. Sivananthan,
1/4, B 41, Farm Road, Mattakkuliya,
Colombo 15.
56. S. Sivanantharajah,
65/271, Vystwyke Road,
Colombo 15.
57. O. G. W. Sunil,
359 B, Opatha, Ganegoda.
58. W. K. Suraweera,
76/1, Meegamma North,
Wattegama.
59. H. L. N. Susantha,
Nagahagoda, Nindana,
Ambalangoda.
60. W. T. M. S. B. Tennakoon,
71/A, Napana, Gunnepana.
61. K. Thadchanamoorthy,
255A, "Laxmi Bhawan",
Thesigar Road, Karaitivu-8.
62. S. Thevendra,
BQ 9G, Manning Town Fiats,
2, Matha Road, Colombo 8.
63. W. M. V. Thilakaratna,
Sri Sumanawansa Mawatha,
Kabillawela South, Bandarawela.
64. G. Upul,
"Dulani", Pallewela,
Denagama, Hakmana.

65. W. M. T. S. Weerasinghe,
25D, Temple Road,
Nalldarankattuwa.
66. W. A. S. K. Wijayasinghe,
A8/3/2, Mangala Road, Colombo 8.
67. N. J. Wijenayake,
331/19, Dewala Road,
Katuwana, Homagama.
68. T. D. U. C. Wijesena,
94, Epalawatta, Urapola.
69. U. K. S. P. Wijesinghe,
168/9, New Town, Ratnapura.
70. S. K. Wijewardana,
170, Ruchirapura, Batuwandara,
Madapatha.

RESPONDENTS

AND NOW BETWEEN

The Surveyors Institute of Sri Lanka,
Professional Centre,
275/75, Bauddhaloka Mawatha,
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**PETITIONER-PETITIONER-
APPELLANT**

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Surveyor General and the Chairman
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- 2D. Mr. S. M. P. P. Sangakkara,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.

- 2E. Ms. A. L. C. Perera,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.

- 2F. Mr. W. T. M. S. B. Thennakoon,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 2G. Mr. A. Dissanayake,
Surveyor General and the Chairman
of the Land Surveyor Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 2H. Mr. S. Sivanantharajah,
Surveyor General and the Chairman
of the Land Surveyor Council,
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- 2I. Mr. W. S. L. C. Perera,
Surveyor General and the Chairman
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- 3F. Mr. A. Dissanayake,
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Surveyor General's Office,
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- 3G. Mr. R. Palihakkara,

Additional Surveyor General and
the Vice Chairman of the Land
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4C. Mr. A. Dissanayake,

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- 4D. Mr. N. J. Wijenayake,
Director of the Institute of Surveying
and Mapping,
Survey Camp, Diyathalawa.
- 4E. Mr. K. K. S. Rathnayake
Director of the Institute of Surveying
and Mapping,
Survey Camp, Diyathalawa.
- 4F. Mr. U. K. S. P. Wijesinghe,
Director of the Institute of Surveying
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Survey Camp, Diyathalawa.
- 4G. Mr. F. L. Karunaratne,
Director of the Institute of Surveying
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Survey Camp, Diyathalawa.
5. Mr. K. R. M. U. Bandara,
Dean, Faculty of Geometrics,
University of Sabaragamuwa,
P.O. Box 02, Belihuloya.
- 5A. Mr. N. K. Wickramarachchi,
Faculty of Engineering,
University of Moratuwa.
- 5B. Prof. K. M. C. Konthesingha,
Faculty of Engineering ,
University of Jayawardanepura.

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P.O. Box 506, Colombo 05.
- 6C. Mr. N. A. Gunawardene,
Surveyor General's Office (LSC),
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Surveyor Generals' Office(LSC),
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8. Mr. C. de S. Gunathilake,
18, Centre Road, Jayanthipura,
Battaramulla.
- 8A. Mr. J. M. Wijewardene,
100-A-8, Ruwan Pedesa,
Yakkala Road, Gampaha.
9. Mr. G. D. S. K. Gunaratne,

Acting Secretary of the Land Survey
Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.

- 9A. Mr. P. D. Anurasiri,
Acting Secretary of the Land Survey
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Surveyor General's Office,
P.O. Box 506, Colombo 05.
- 9B. Mr. G. D. S. L. Kulathunga,
Acting Secretary of the Land Survey
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- 9C. Mr. P. D. Anurasiri,
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- 9D. Mr. C.J. Wellage,
Secretary of the Land Survey
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- 10C. Mr. R. A. A. K. Ranawaka,
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- 10E. Mr. W.A. Chulananda Perera,
Secretary of the Ministry of Lands,
"Mihikatha Medura",

Land Secretariat,
No. 1200/6, Rajamalwatta Avenue,
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10F. Mr. H. M. B. P. Herath,
Secretary of the Ministry of Tourism
and Lands,
"Mihikatha Medura",
Land Secretariat,
No. 1200/6, Rajamalwatta Avenue,
Battaramulla.

10G. Mr.Somaratne Vidanapathirana,
Secretary of the Ministry of Tourism
and Lands,
"Mihikatha Medura",
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80/5, Govijana Mandiraya,
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11D. Hon. S. M. Chandrasena,
Minister of Lands and Parliamentary
Reforms, Ministry of Lands,
80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.

11E. Hon. S. M. Chandrasena,
Minister of Lands
80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.

11F. Hon. Harin Fernando,
Minister of Tourism and Lands,
“Mihikatha Medura”,
Land Secretariat,
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Dodangoda.
46. R. M. Pushpadewa,
Dangolla, Hoambawa.
47. M. B. S. I. S. B. S. L. M. Rameez,
59/4, Marikkar Street, Puttalam.
48. S. K. Ranasinghe,
“Vigini”, 311C, Kaduwela Road,
Malabe.
49. R. M. I. J. B. Ranathunge,
Ranapana, Galigamuwa Town.
50. M. R. A. L. N. D. Ratnapala,
206/R, Thalgasmote, Veyangoda.
51. R. M. S. B. Rathnayake,
Kambiyawatta, Gelioya.
52. A. Samarakoon,
“Saman”, Goyambokka, Tangalle.
53. S. M. J. S. Samarasinghe,
265/6, Roswill Place, Dalugama,
Kelaniya.
54. K. Santhirakumaran,
Kumaran Kalamanram Road,
Kaluwanchikudy 8.
55. K. Sivananthan,
1/4, B41, Farm Road, Mattakkuliya,

Colombo 15.

56. S. Sivanantharajah,
65/271, Vystwyke Road,
Colombo 15.
57. O. G. W. Sunil,
359 B, Opatha, Ganegoda.
58. W. K. Suraweera,
76/1, Meegamma North,
Wattegama.
59. H. L. N. Susantha,
Nagahagoda, Nindana,
Ambalangoda.
60. W. T. M. S. B. Tennakoon,
71/A, Napana, Gunnepana.
61. K. Thadchanamoorthy,
255A, "Laxmi Bhawan",
Thesigar Road, Karaitivu-8.
62. S. Thevendra,
BQ 9G, Manning Town Fiats,
2, Matha Road, Colombo 8.
63. W. M. V. Thilakaratna,
Sri Sumanawansa Mawatha,
Kabillawela South, Bandarawela.
64. G. Upul,
"Dulani", Pallewela,
Denagama, Hakmana.
65. W.M.T.S. Weerasinghe,

25D, Temple Road,
Nalldarankattuwa.

66. W. A. S. K. Wijayasinghe,
A8/3/2, Mangala Road, Colombo 8.
67. N. J. Wijenayake,
331/19, Dewala Road, Katuwana,
Homagama.
68. T. D. U. C. Wijesena,
94, Epalawatta, Urapola.
69. U. K. S. P. Wijesinghe,
168/9, New Town, Ratnapura.
70. S. K. Wijewardana,
170, Ruchirapura, Batuwandara,
Madapatha.

RESPONDENT-RESPONDENTS

01. W.S.S.A. Fernando,
Member, Land Survey Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
02. R.L.K. Jayasundara
Member, Land Survey Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.
03. M.G. Nazoor,
Member, Land Survey Council,
Surveyor General's Office,
P.O. Box 506, Colombo 05.

Added Respondent

BEFORE : JAYANTHA JAYASURIYA, PC, CJ.
K. KUMUDINI WICKREMASINGHE, J.
ACHALA WENGAPPULI, J.

COUNSEL : Faisz Musthapha P.C. with Thushani Machado
for the Petitioner-Appellants in S.C. Appeal No.
85/2021

Dr. Romesh de Silva PC with Ruwantha Cooray
and Thilini Vidanagamage instructed by Sanath
Wijewardena for the Petitioner-Appellant in SC.
Appeal No. 86/2021.

Sanjeewa Jayawardena, PC with Rajeev
Amarasuriya instructed by Sanath Wijewardena
for the Petitioner-Appellant in SC. Appeal No.
87/2021.

Dr. K. Kanag Iswaran PC with Razik Zarook
PC, Rohana Deshapriya and Chanakya Liyanage
for the 11th Respondent-Respondent in SC.
Appeal No85/21 and 4th Respondent-Respondent
in SC. Appeal No86/21 and for the 18th , 19th ,
21st , 23rd, 25th, 27th, 28th, 30th, 31st, 33rd - 36th, 39th -
42nd, 44th, 45th, 59th, 61st, 63rd - 65th. 68th
Respondent-Respondents in SC. Appeal No.
87/21.

Manohara Jayasinghe DSG for the Hon. Attorney
General.

R.C. Gooneratne for the 70th Respondent-
Respondent in SC Appeal No. 87/21.

ARGUED ON : 04th March, 2024, 12th June, 2024, 13th June, 2024,
26th July, 2024 and 05th August,2024.

DECIDED ON : 22nd November, 2024.

ACHALA WENGAPPULI, J.

In view of the reasoning, the answers to the question of law and the orders of Court made in the consolidated judgment of S.C. Appeal No. 85/2021 pronounced in open Court today, the appeal of the Appellant in S.C. Appeal No.87/2021 is hereby allowed.

Parties will bear their costs.

JUDGE OF THE SUPREME COURT

JAYANTHA JAYASURIYA, PC, CJ.

I agree.

CHIEF JUSTICE

K. KUMUDINI WICKREMASINGHE, J.

I agree.

JUDGE OF THE SUPREME COURT