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

In the matter of an Appeal against the Judgment dated 29.01.2015 of the Provincial High Court of the North Western Province (Civil Appeals) in the case NWP/HCCA/KUR/121/2010, District Court of Kurunegala in case No: 5853/L

SC Appeal No: 160/2015

SC/HCCA/LA No: 89/2015

NWP/HCCA/KUR/Appeal No: 121/2010

D.C. Kurunegala Case No: 5853/L

1. Hikkaduwa Liyanage Sudanth Priyankara
2. H.M. Suddharma Kumari

Both of Chaminda Kumara Mawatha, Weherawatta, Wehera, Kurunegala

Plaintiffs

Vs.

Kiriya Devayalage Siripala, Weherawatta, Wehera, Kurunegala

Defendant

AND

Kiriya Devayalage Siripala, Weherawatta, Wehera, Kurunegala

Defendant- Appellant

Vs.

1. Hikkaduwa Liyanage Sudanth Priyankara
2. H.M. Suddharma Kumari

Both of Chaminda Kumara Mawatha, Weherawatta, Wehera, Kurunegala

Plaintiffs- Respondents

AND NOW

H.M. Suddharma Kumari,
Of Chaminda Kumara Mawatha, Weherawatta, Wehera, Kurunegala

2nd Plaintiff- Respondent-Appellant

Vs.

Kiriya Devayalage Siripala, Weherawatta, Wehera, Kurunegala

Defendant- Appellant-Respondent

Hikkaduwa Liyanage Sudanth Priyankara,

Of Chaminda Kumara Mawatha, Weherawatta, Wehera, Kurunegala

1st Plaintiff-Respondent-Respondent

BEFORE: **Hon. S. Thurairaja PC, J.**
Hon. K. Kumudini Wickremasinghe, J.
Hon. M. Sampath K.B. Wijeratne, J.

COUNSEL:	Geeshan Rodrigo instructed by Buddhika Gamage for the 2nd Plaintiff-Respondent-Appellant
	W. Dayaratne PC with Rajika Jayawardene instructed by Mrs C. Dayaratne for the Defendant-Appellant-Respondent.
WRITTEN SUBMISSIONS:	By the 2nd Plaintiff-Respondent-Appellant on 28.05.2025.
	By the Defendant-Appellant-Respondent on 05.09.2024.
ARGUED ON:	24.06.2025
DECIDED ON:	03.02.2026

K. KUMUDINI WICKREMASINGHE, J.

This is an appeal from a judgment of the Provincial High Court of the North Western Province (Civil Appeals), dated 29.01.2015 which set aside the judgment of the District Court of Kurunegala case bearing No: 5853/L dated 28.12.2009.

The Plaintiff-Respondent-Appellant (hereinafter referred to as the "Appellant") along with the Plaintiff-Respondent-Respondent (hereinafter referred to as the 1st Plaintiff) instituted the initial action before the District Court of Kurungela against the Defendant-Appellant-Respondent (hereinafter referred to as the "Respondent") seeking a declaration of Title to the land morefully described in the schedule of the plaint, ejectment, damages and for an order for deposit money in court alleged to be borrowed by the Respondent.

The Respondent stated that there had been a transaction by the Respondent, with the Appellant similar to what is related in the plaint, which is alleged to be regard to the land described in the schedule of the answer and in which the boundaries have not been described in relation to a plan. According to the Respondent, the transaction mentioned therein is alleged to be a transfer of

property without any formal document and that an advance of Rs. 100,000/- had been paid by the Respondent and an amount of Rs. 50,000/- was to be paid at the execution of a formal document which had never happened. Therefore had prayed for a dismissal of Appellants action, declaration on prescription and in the alternative to recover the money lent to the Appellant and for damages for improvements.

The Appellant filed replication to meet the said cross claim and denied the same. The matter was taken up for trial on 19.02.2003. The Learned District Court Judge thereafter delivered the judgment in favour of the Appellant. Aggrieved by which the Respondent appealed to the Provincial High Court of the North Western Province. The Learned High Court Judge after considering the oral submissions and the written submissions of the parties, decided in favour of the Respondent, setting aside the judgment of the District Court holding that the Appellants had failed to establish title to the said Lot 45, failed to identify the said Lot 45 on the land and failed to show that the Respondent is in the that Lot 45.

Aggrieved by the said judgment the Appellant is before this Court challenging the judgement of the Provincial High Court of the North Western Province (hearing civil appeals). This Court by Order dated 22.09.2015, granted Leave to Appeal on the questions of law stated 13 (a to e) of the Petition dated 09.03.2015, as set out below.

(a) Did the Provincial High Court err by failing to correctly apply the principles of law relating to declaration of title, in relation to a crown grant.
(b) Did the Provincial High Court err by coming to the conclusion that the Petitioners have not identified the land by way of a plan, whereas the learned Judges referred to a definite lot in the Government Plan.
(c) The Learned Judges in the Provincial High Court have not realised by allowing the appeal, not only the Plaintiffs action been dismissed but

also declared that the Respondent is the owner of the crown land, without any document at all.

(d) The right of a beneficiary of a crown grant in terms of the Land Development Ordinance had been totally disregarded by the Learned Judge in deciding the matter in favour of the Respondent.

(e) The Learned Judges have totally disregarded the documentary proof led in evidence, especially P4.

My analysis hereafter will be confined to examining the aforesaid questions of law based on which leave was granted.

The first matter for consideration by this court is **"Did the Provincial High Court err by failing to correctly apply the principles of law relating to declaration of title, in relation to a crown grant."** This question of law is considered together with the second question of law, namely: **"Did the Provincial High Court err by coming to the conclusion that the Petitioners have not identified the land by way of a plan, whereas the learned Judges referred to a definite lot in the Government Plan".**

Turning to the facts of the instant case, one Hikaduwa Liyanage Wijepala, had been the beneficiary of a grant under section 19(4) of the Land Development Ordinance and after his death in terms of the said ordinance the Appellant is the life interest holder and the 1st Plaintiff had been the nominee of such permit, which was followed by a grant in his favour by the District Secretariat. The 1st Plaintiff who is the son of Hikaduwa Liyanage Wijepala has been named as the 1st Plaintiff as he is presently overseas.

The Respondent is alleged to have given out a loan for a portion of money required by the Appellant for an emergency which was paying alimony for divorce, without any formal documentation. In lieu of the interest component for the abovementioned loan, the possession of the land in question had been handed over to the Respondent by the Appellant**.** However, when the Appellant wanted to settle the debt, the Respondent had refused to vacate the said land.

It is the Respondents contention that the land in issue is not a state land and is in close proximity to the state land in which the Appellant lives. Further, there was no commission by the Appellant to identify the land to eject the Respondent if they succeed for a judgment in their favour. The Respondent further stated that this was made clear by the fact that the Appellant could not give a valid answer when questioned about the boundaries *(Vide page 162).* The Respondent further stated that he has spent a considerable sum in improving the land and building including repairs of the dilapidated house and cultivating the land.

In considering the legal regime governing declarations of title in respect of Crown land alienated under the **Land Development Ordinance**, it is first necessary to appreciate the nature of the interest conferred by the State upon an alienee. State land is held by the State as sovereign, and any occupation or enjoyment by private persons arises exclusively through statutory mechanisms established under the Ordinance. In terms of Section 19(2) of the LDO, a person does not initially acquire ownership; rather, he receives a permit authorising occupation, subject to fulfilment of instalments, development conditions, and compliance with the terms endorsed by the Government Agent.

A permit-holder is therefore not an owner at general law, but a statutory occupier with restricted and conditional rights. Only upon satisfaction of the statutory conditions enumerated in Section 19(4) does the State issue a grant, at which point the alienee becomes the "owner" of the "holding" within the special meaning assigned by Section 2. Even then, the ownership conferred remains circumscribed by prohibitions on subdivision, restrictions on alienation, and the special regime of succession established in Chapter VII of the LDO.

The jurisprudence of the Supreme Court has consistently affirmed that the title conveyed by a permit or grant must be understood within the structure of the Ordinance. In ***Palisena v. Perera*** **[1954] 56 NLR 407** the Court held that the interest of a permit-holder is sufficient to maintain a *rei vindicatio*

against a trespasser, notwithstanding that the full rights of ownership under the general law are absent.

This principle was reiterated in ***Bandaranayake v. Karunawathi*** **[2003] 3 SLR 295** and relied upon by Justice Sisira de Abrew in ***K.A.Chandralatha v Keeralage Parakrama SC Appeal 188/2011 decided on 18.07.2018***, where His Lordship held that a permit-holder, once identification of the corpus and the validity of the permit are established, possesses standing to vindicate the land against an encroacher. The Court emphasised that the State's grant of a permit, coupled with compliance with the statutory metes-and-bounds description required under Section 41 of the Civil Procedure Code, suffices to constitute *"title"* for the limited purposes of maintaining such an action.

However, while this statutory title suffices to maintain an action for ejectment of a trespasser, this Court has drawn a firm distinction between (a) a declaration confirming the plaintiff as the lawful permit-holder or successor under the LDO, and

(b) a declaration of ownership of the corpus, which remains State land unless and until a grant is issued.

This distinction is articulated with clarity in ***Kalanchige Chandralatha v Iddagoda Hewage Somasiri and Others SC/HCCA/LA 87/2020 decided on 02.07.2025***, where Justice Janak de Silva held that although a plaintiff who proves entitlement under a permit and where relevant, succession under Section 68, may be granted relief by way of restoration of possession, such a plaintiff cannot obtain a declaration of *"title to the corpus" as owner, "which is admittedly state land granted on a permit".*

The Court relied on ***Attorney General v. Herath*** **[1960] 62 NLR 145** to affirm that full ownership necessarily includes *jus utendi, jus fruendi and jus abutendi;* since a permit-holder (and even a grantee) enjoys these rights only within limitations, the classical notion of ownership cannot be attributed to them. In the same vein, the Court cited the reasoning in ***Jinawathie v.***

Emalin Perera **[1986] 2 SLR 121**, observing that the LDO structure does not contemplate conferral of unfettered dominion over State land.

Thus, in cases involving Crown land alienated under a permit, courts may properly make declarations that a plaintiff is the lawful permit-holder or lawful successor nominated in accordance with Chapter VII, provided such succession was pleaded, proved, and registered in compliance with Sections 56–60. However, courts cannot proceed to declare that the plaintiff is the "owner" of the land when the land continues to vest in the State and the plaintiff has received no grant under Section 19(4). To do so would contradict the scheme of the Ordinance and would incorrectly elevate a conditional statutory right of occupation into full dominion under the general law.

In the resolution of disputes concerning Crown grants, courts also construe the nature of competing possession. ***K.A.Chandralatha v Keeralage Parakrama SC Appeal 188/2011 decided on 18.07.2018*** makes clear that an **encroacher** upon Crown land alienated on a permit cannot acquire prescriptive title under Section 3 of the Prescription Ordinance, since possession with a "secret and dishonest intention" is not adverse within the meaning of the statute. The judgment affirms the longstanding principles articulated in ***Corea v. Appuhamy*** **[1911] 15 NLR 65** and ***Gunawardene v. Samarakoon*** **[1958] 60 NLR 481**, extending their reasoning to trespassers upon State land by holding that clandestine or unlawful possession can never mature into prescriptive ownership against a permit-holder or the State.

Accordingly, when a plaintiff establishes the validity of the permit and identifies the land in accordance with statutory requirements, the court must both (a) declare that the plaintiff is the lawful permit-holder, and (b) order ejectment of the encroacher.

The consequence of these principles is that in actions concerning Crown grants and lands held under the LDO, the scope of declarations the court may grant is carefully confined.

A court may:
(1)**Declare that the plaintiff is the lawful permit-holder**, or lawful successor entitled under Chapter VII;
(2) **Affirm the validity of the permit or grant**;
(3) **Order ejectment of trespassers or encroachers**; and
(4) **Restore possession** to the statutory holder.

However, unless and until a grant has been issued under Section 19(4), the court may not declare that the plaintiff is the *owner* of the corpus. The State remains the sovereign owner, and courts cannot, through declaratory relief, bypass the statutory conditions for alienation established by Parliament.

The law recognises a special form of statutory title under the Land Development Ordinance which allows a permit-holder or properly constituted successor to vindicate possession, but does not entitle such person to a judicial declaration of absolute ownership of Crown land. The jurisdiction of the court is therefore confined to affirming rights granted under the Ordinance, nothing more, nothing less and all declarations must reflect the carefully delineated hierarchy between State ownership and statutorily conferred occupational rights.

When the facts of this matter is considered against the applicable statutory framework under the **Land Development Ordinance** and the principles governing identification in a *rei vindicatio* action, the High Court placed strong reliance on alleged inconsistencies in boundary identification. The High Court noted that the Appellant did not mechanically recite the boundaries exactly as they appeared in the grant *(Vide page 97),* had not commissioned a fresh survey *(Vide page 100)*, and referred to "30 perches" although the Government Plan referred to 0.095 hectares *(Vide page 102).* The High Court further emphasised the evidence of the Land Officer, who admitted that he had not visited the land *(Vide pages 122, 129)* and could not confirm whether the Appellant was physically positioned within Lot 45 of Final Plan 1261. From these matters the High Court concluded that the Appellant had (i) not established title, (ii) failed to identify the land, and (iii) not proved that the

Respondent was in Lot 45. That court relied heavily on ***Latheef and Another v Mansoor and Another*** **[2011] BLR 189** to stress that a plaintiff must fail if he cannot prove identification, irrespective of whether the defendant's case collapses.

However, the District Court Judge did not merely rely on the limitations of the Respondent's case. Rather, the District Judge correctly appreciated the nature of the Appellant's entitlement as one derived from a grant issued under Section 19(4) of the LDO. A grant issued under that Section confers a statutory title recognised by law and, as reaffirmed in ***Kalanchige Chandralatha v Iddagoda Hewage Somasiri and others SC/HCCA/LA 87/2020 decided on 02.07.2025***, does not require the Appellant to establish absolute ownership under the general law. The District Court correctly held that where land is State land alienated under the LDO, the inquiry into title does not involve the classical tripartite rights of ownership; rather, the court's question is whether the Appellant has the statutory entitlement to possession superior to that of the Respondent. On that basis, identification is often satisfied by credible evidence reflective of Government Plans, boundary features, the evidence of State officers, and possession consistent with the grant.

Thus, although the High Court faulted the Appellant for not repeating boundaries verbatim or commissioning a new survey, the District Court Judge correctly observed that the land was adequately identified through the reference to the northern road boundary, which is a clear and permanent physical marker recognised by courts as sufficient for identification under ***Section 41 of the Civil Procedure Code.*** The District Judge further relied on the testimony of the Land Officer, who, despite not having visited the precise spot, nevertheless confirmed that the parcel described by the Appellant and occupied by the Respondent lay within State land alienated under the LDO. In cases involving Crown land, the testimony of the State's own land officer, corroborating the Appellant's description and confirming the State character of the land, is significantly probative. The High Court erred in

dismissing this evidence entirely merely because the officer had not stepped onto the land himself.

Moreover, the District Court correctly considered that the Respondent had not only admitted in a Section 66 application that the land was State land and that any sale required Divisional Secretary approval, but had also attempted to take the benefit of an unenforceable transaction, one explicitly nullified under Section 46 LDO and unenforceable under the Prevention of Frauds Ordinance. Such conduct goes directly to the Respondent's reliability when describing the identity or location of the land.

Finally, the High Court misapplied ***Latheef v Mansoor.*** That authority affirms that a plaintiff must independently establish his claim in a *rei vindicatio,* irrespective of deficiencies in the defendant's case; however, it does not elevate the requirement of identification to a rigid technical ritual where the plaintiff's statutory entitlement is affirmed by Government records and official testimony. In the present matter, the Appellant's case was supported by the crown grant, the Government Plan, the Divisional Secretary's confirmation, the identification of the northern road boundary, and the evidence of the Land Officer regarding the State's ownership and succession record. The District Court correctly did not rely on the Respondent's contradictions to "supply" proof of title, but relied on the Appellant's statutory grant, the Government Plan, the identification of the road boundary, and the testimony of the State land officer. All these elements together constitute sufficient identification in a *rei vindicatio* involving Crown land.

For these reasons, I am of the view that the District Court Judge correctly held that the Appellant had established entitlement, properly identified the land, and proved that the defendant was in unlawful occupation. The District Court's judgment rests on firm statutory footing and accords fully with the established jurisprudence on State land under the Land Development Ordinance and I am inclined to agree with the reasoning of the Learned District Court Judge. The High Court's contrary findings rested on an

incorrect elevation of technical omissions and a failure to appreciate the statutory character of the land and the Appellant's title under the LDO.

I will be considering the remaining three questions of law on which leave has been granted together due to their similar nature. Namely that "**The Learned Judges in the Provincial High Court have not realised by allowing the appeal, not only the Plaintiffs action been dismissed but also declared that the Respondent is the owner of the crown land, without any document at all."**, **"The right of a beneficiary of a crown grant in terms of the Land Development Ordinance had been totally disregarded by the Learned Judge in deciding the matter in favour of the Respondent."** and **"The Learned Judges have totally disregarded the documentary proof led in evidence, especially P4."**

The law relating to succession to land alienated under the Land Development Ordinance ("LDO") constitutes a closed and comprehensive statutory code, expressly displacing all other systems of succession pursuant to Section 170. Such land is initially alienated by permit, and upon fulfilment of the conditions prescribed in Section 19(2), the State is compelled to issue a grant under Section 19(4). Accordingly, a nomination of a successor validly made under the permit automatically carries over and becomes the nomination of the "owner" upon issuance of the grant.

The LDO establishes a hierarchical system of succession anchored in Sections 48A, 48B, 49, 51, 52–67, 68 and 72, read with Rules 1 and 2 of the Third Schedule. The statutory point of departure is the superior right of the surviving spouse. Under Sections 48A and 48B, the spouse of a deceased permit-holder or grantee succeeds automatically, even if not nominated, and irrespective of arrears. This succession is subject to strict statutory limitations: the spouse may not dispose of the land or nominate successors, save where the spouse was expressly nominated by the deceased. Only upon the failure of the spouse to succeed, defined in Section 68(1) as refusal or failure to enter possession within six months, does the nominated successor's right arise.

Where a nomination exists, Section 49 gives primacy to the nominated successor, who becomes entitled upon the death of the permit-holder or owner, subject only to the prior right of the spouse. However, this entitlement itself is conditional: the nominated successor must enter possession within six months; failure or refusal triggers the statutory consequence of "failure to succeed" under Section 68(2).

Where no valid nomination exists, or where the nomination is unlawful (for example, naming a person outside the permitted class under Section 51), or where a nominated successor fails to succeed, the land devolves by operation of law under Section 72, which incorporates the order of priority in Rule 1 of the Third Schedule. The pre-2022 hierarchy favoured sons over daughters, but Act No. 11 of 2022 removed gender-preferential succession, establishing a revised order: children; grandchildren; parents; siblings; uncles and aunts; nephews and nieces, with the older preferred over the younger. Crucially, Rule 1(d) requires that, where a member of a class has developed the land, the right devolves upon the developer, even if younger. This statutory hierarchy operates only upon the failure of both spouse and nominated successor, and not in parallel with them.

The LDO permits nomination of successors but also allows cancellation and replacement of nominations, as regulated in Sections 52–67 of the LDO, provided the nomination is made in the prescribed form and registered under Section 58. A nomination not registered is invalid. The Act is, however, silent on renunciation of rights by a statutory successor.

One of the most significant procedural safeguards is that no disposition of a permit or holding is valid without prior written approval of the Divisional Secretary or Government Agent, as mandated by Sections 19(6), 19(7) and 46. Any purported transfer, pledge, sale, or agreement made in violation of these provisions is null and void, and does not affect the chain of statutory succession.

Justice Mahinda Samayawardhena in ***W.M. Dhanapala Menike v Dayananda Colombage and Others*** **SC Appeal 166/2017 decided on**

09.11.2023 reaffirmed that succession to land alienated under the Land Development Ordinance is governed exclusively by the statutory scheme in Chapter VII, and that no other law of succession has any application. The Court emphasised that the rights of the spouse, the nominated successor, and those entitled under Rule 1 of the Third Schedule arise strictly in the sequence prescribed by the Act, and that succession must follow the mandatory statutory pathway rather than any private arrangement or extraneous legal doctrine. In particular, successors, whether spouse, nominee, or statutory heir, must enter possession within six months, failing which they are deemed to have failed to succeed, thereby divesting their entitlement and activating the next tier of succession.

The Court's pronouncement concerned the exclusivity of the LDO's succession code, stating: *"In terms of section 170… no other law relating to succession of land is applicable in respect of any land alienated under this Ordinance."* This principle renders private deeds, informal renunciations, and external succession doctrines without effect. Once the statutory conditions for devolution are met, whether through spouse, nomination, or operation of law, the Act alone determines entitlement, and succession occurs automatically and conclusively within the four corners of the Ordinance.

Turning to the facts of the instant case, Hikaduwa Liyanage Wijepala was the beneficiary of the grant under section 19(4) of the **Land Development Ordinance** and following his death, on request of the Appellant who is the life interest holder and the 1st Plaintiff who was his son, the 1st Plaintiff had been named the nominee of such permit issued by the Divisional Secretariat.

During the course of the trial the Appellant marked the crown grant, a letter dated 14.06.2000 issued by the Divisional Secretary Kurunegala vesting the land described in the said crown grant to the 1st Plaintiff as P4 and the Preliminary plan dated 07.12.1985 as P6. The Appellant called the land officer attached to the Divisional Secretariat to prove the abovementioned documents. The Land Officer stated in evidence that the grant in question did

not have a nominee; however, in the permit a nominee had been named, which was the 1st Plaintiff.

The District Court concluded that (1) the land in dispute is government land held under a grant to the late Wijepala (2) the Respondent's affidavit P.8 (filed in the Section 66 proceedings) admitting the land to be State land and acknowledging the need for prior approval for sale fatally undermined his contrary evidence in cross-examination; (3) no lawful prior written approval under the Land Development Ordinance was produced and therefore any asserted transfer or pledge was void under the statutory prohibition on alienation; (4) the alleged improvements that were claimed to have been made by the Respondent were unproved because no commission or assessment was obtained; and (5) on the question of succession the widow (the 2nd plaintiff) is the statutorily preferred person to succeed under the LDO and the son's claim cannot succeed while she remains alive and unmarried.

Measured against the statutory matrix, the District Judge accepted contemporaneous administrative documentary evidence (the crown grant, the Divisional Secretary's endorsement and the preliminary plan) and rightly put decisive weight on the Respondent's own sworn concession in the Section 66 affidavit that the land was State land and that any sale required prior approval, an admission that materially fortified the statutory presumption that the land is held under the Ordinance and that any private "transfer" lacking the written sanction of the Government Agent or Divisional Secretary is void. That conclusion is compelled by Section 46 (and the companion provisions in Chapter IV and VII) which render dispositions in breach of the statutory regime null; it is reinforced by the jurisprudence that a permit-based nomination, duly made and not revoked, remains effective and passes with the grant.

The Respondent's claim that P4 is invalid because the original grant does not itself contain a nomination overlooks the operation of the Land Development Ordinance, which treats the permit as the foundation of title and recognises nominations made at the permit stage unless lawfully revoked. The High

Court's characterisation of P4 as "*neither a grant nor a permit"* fails to consider that the Ordinance vests in the Government Agent and Divisional Secretary the statutory responsibility to determine, recognise, and record succession upon the death of a permit-holder or grantee. This authority flows from Sections 19(4), 48A, 48B, 52–67, 68 and 105, which collectively require the prescribed officer to assess entitlement, determine whether the spouse, nominated successor or statutory heir succeeds, and make the corresponding entries in the official registers of permits and grants. P4, an official communication dated 14.06.2000, expressly identifies Lot 45 of Final Plan No. 1261, traces its original alienation to Wijepala, and records the Divisional Secretary's decision that, pursuant to the statutory scheme, the land "has been transferred to the 1st Plaintiff." Such a document is in substance a statutory confirmation of succession, issued within the scope of the powers conferred by the Ordinance.

The Court of Appeal held in ***Piyasena v Wijesinghe and Others [2002] 2 Sri L R 242,*** "*the nomination of a successor under the permit becomes converted to nomination made by her as the owner of the land," and "the issuance of a grant changes the status of a permit holder to that of an 'owner' who derives title to the land in question."*

The witness, S. H. R. Mudiyanse, the Land Officer attached to the Divisional Secretariat, gave evidence confirming the administrative history of the land. He stated that, according to the crown grant marked P1, the land originally stood in the name of the late Wijepala, and that thereafter the Divisional Secretariat had taken steps to process a transfer of inheritance in favour of his son, Sudath Priyankara, the 1st Plaintiff. He explained that the relevant documentation pertaining to this transfer was in the custody of the Divisional Secretary and had been produced in these proceedings as P4. On that basis, he testified that all procedural requirements had been completed and arrangements were made to effect the transfer of Wijepala's grant to the 1st Plaintiff.

During cross-examination, however, the witness clarified that the nomination reflected in the record was not one made by Wijepala during his lifetime. Rather, he stated that the Appellant, the widow of Wijepala, together with Wijepala's child, the 1st Plaintiff, had jointly requested that a permit be issued in the 1st Plaintiff's name, and it was pursuant to that collective request that the permit was prepared.

Furthermore, the absence of the title "grant" or "permit" on P4 does not undermine its legal validity. The Ordinance does not limit the prescribed authority to only those forms but, under Section 105, requires the maintenance of registers and the recording of all alterations and changes related to permits and grants. Consequently, P4 serves as a valid record of such a change, fulfilling the statutory duty of implementing succession under Sections 48A, 48B, 68, and 72. This makes it clear that a nomination made under the permit remains effective and seamlessly transitions upon the issuance of the grant, reinforcing the appellant's position that the permit-based nomination suffices for succession. Accordingly, the District Judge properly rejected any informal, post hoc claims of transfer or improvements that lacked the necessary statutory approvals, thereby upholding the statutory pathway of succession.

Accordingly, having applied the statutory text of the LDO and the controlling authority in jurisprudence, and having considered the contemporaneous administrative documents and the trial court's credibility findings, the District Judge's conclusion that succession and entitlement devolved in accordance with the Ordinance was legally sound; the High Court's contrary conclusion, which effectively declared ownership in the absence of the statutory process and in disregard of the permit-borne nomination and the respondent's own admissions, cannot stand.

When considering all the above discussed circumstances, it is evident that the Learned District Court Judge has come to the correct and rational conclusion.

Having examined the facts of the case, and the material placed before this court, I allow the appeal of the Appellant and uphold the judgement of the District Court of Kurunegala. I set aside the Judgement of the Provincial High Court of North Western Province (Civil Appeals).

I answer all the questions of law on which leave has been granted in the affirmative.

Appeal Allowed.

JUDGE OF THE SUPREME COURT

S.Thurairaja PC, J.
I agree.

JUDGE OF THE SUPREME COURT

M. Sampath K.B. Wijeratne , J.
I agree.

JUDGE OF THE SUPREME COURT