

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

In the matter of an application for Leave to Appeal under and in terms of the Article 128(1) of the Constitution read with Section 5(c)(1) of the High Court of the Provinces (Special Provisions) Act, No. 19 of 1990 as amended by High Court of the Provinces (Special Provisions) (Amendment) Act, No. 54 of 2006.

Balamanage Amariyas,  
Medalanda, Dimbulgoda,  
Medamulana.

**PLAINTIFF**

**Supreme Court Case No.  
SC/Appeal No. 84/2025  
SC/HCCA/LA No. 198/2022  
Provincial High Court (Tangalle)  
No. 31/2020(F)  
District Court (Walasmulla)  
No. 724/L**

**Vs.**

Kodithuwakku Arachchige Seenihami,  
Beddewatta, Aththanayala,  
Medamulana.  
(Now Deceased)

**DEFENDANT**

1A. Senerath Arachchige Gunasinha,  
Beddawatta, Dimbulgoda,  
Medamulana.

1B. Senarath Arachchige Dharmasena,  
Beddawatta, Dimbulgoda,  
Medamulana.

1C. Senerath Arachchige Pathmini,  
Beddawatta, Dimbulgoda,  
Medamulana.

**SUBSTITUTED DEFENDANTS**

**AND**

Balamanage Amariyas,  
Medalanda, Dimbulgoda,  
Medamulana.

**PLAINTIFF-APPELLANT**

**Vs.**

Kodithuwakku Arachchige Seenihami,  
Beddewatta, Aththanayala,  
Medamulana.

**DEFENDANT-RESPONDENT**

1A. Senerath Arachchige Gunasinha,  
Beddewatta, Dimbulgoda, Medamulana.

1B. Senarath Arachchige Dharmasena,  
Beddewatta, Dimbulgoda, Medamulana.

1C. Senerath Arachchige Pathmini,  
Beddewatta, Dimbulgoda, Medamulana.

**SUBSTITUTED DEFENDANTS-  
RESPONDENT**

**AND**

1A. Senerath Arachchige Gunasinha,  
Beddewatta, Dimbulgoda,  
Medamulana.

1B. Senarath Arachchige Dharmasena,  
Beddewatta, Dimbulgoda,  
Medamulana.

1C. Senerath Arachchige Pathmini,  
Beddewatta, Dimbulgoda,  
Medamulana.

**SUBSTITUTED DEFENDANT**  
**- RESPONDENT - PETITIONERS**

Balamanage Amariyas,  
Medalanda, Dimbulgoda, Medamulana.

**PLAINTIFF - APPELLANT**  
**- RESPONDENT**

**AND NOW BETWEEN**

1A. Senerath Arachchige Gunasinha,  
Beddewatta, Dimbulgoda,  
Medamulana.

1B. Senarath Arachchige Dharmasena,  
Beddewatta, Dimbulgoda,  
Medamulana.

1C. Senerath Arachchige Pathmini,  
Beddewatta, Dimbulgoda,  
Medamulana.

**SUBSTITUTED DEFENDANT –**  
**RESPONDENT – PETITIONER –**  
**APPELLANTS**

**Vs.**

Balamanage Amariyas,  
Medalanda, Dimbulgoda, Medamulana.

**PLAINTIFF – APPELLANT –**  
**RESPONDENT - RESPONDENT**

**BEFORE :**           **YASANTHA KODAGODA, P.C., J.**  
                          **K. PRIYANTHA FERNANDO, J.**  
                          **K. M. G. H. KULATUNGA, J.**

**COUNSEL:**       Sapumal Bandara, with Gangulali De Silva Dayarathna,  
                          instructed by Yohan Peiris, for the Substituted Defendant-  
                          Respondent-Petitioner-Appellants.

Nuwan Peiris, instructed by Kaushalya Hapuarachchi, for  
the Plaintiff-Appellant-Respondent-Respondent.

**ARGUED ON:**     22.01.2026

**DECIDED ON:**    20.03.2026

**JUDGEMENT****K. M. G. H. KULATUNGA, J.**

1. The Plaintiff-Appellant-Respondent-Respondent, Balamanage Amariyas (hereinafter also referred to as “the plaintiff”), instituted action in the District Court of Walasmulla, bearing No. 724/L. The plaintiff, by his amended plaint dated 15.11.2006, sought a declaration that he is the permit-holder of and is entitled to possess the land morefully described in paragraph 2 of the amended plaint and the ejectment of the defendant from the said land depicted in the Plan No. 060706, dated 22.07.2006. The defendant, by way of the amended answer, did aver prescriptive possession but prayed only for the dismissal of the plaint. The action was dismissed by judgement dated 03.04.2013.
2. The plaintiff, being dissatisfied, preferred an appeal to the Provincial High Court of the Southern Province holden at Tangalle. The learned Judges of the Provincial High Court, by judgement dated 20.07.2016, ordered a trial *de novo*, based primarily on the fact that the learned Trial Judge failed to consider and evaluate the existence of a permit granted to the plaintiff. Consequent upon the said judgment, the learned District Judge proceeded with the trial *de novo*, and by judgement dated 27.08.2020, the plaintiff’s action was once again dismissed on the basis that the corpus was not identified and the plaintiff failed to establish and prove on a balance of probabilities that the plaintiff had a valid permit under the Land Development Ordinance (hereinafter referred to as “the LDO”).
3. The plaintiff appealed against this judgement, and the Provincial High Court, by judgement dated 24.06.2022, allowed the appeal and set aside the learned District Judge’s judgement and answered issues 1, 2, 5, and 6 in the affirmative and 7 as “yes”. The defendant’s issues 8 - 13 were answered against the defendant. Thereafter, it was ordered that decree be entered accordingly. End of the day, the plaintiff was granted relief as prayed for. The defendant has now preferred this appeal against the said

judgement of the Provincial High Court. Special Leave was granted on 16.06.2025 by this Court on the following question of law, as formulated in paragraph 18(f) of the petition dated 03.08.2022.

*“18(f). Did the Hon. Judges of the Provincial High Court of the Southern Province holden at Tangalle, exercising civil appellate jurisdiction, fail to appreciate that the plaintiff has not proved his entitlement to the land in question?”*

This question of law, when considered in the context of a *rei vindicatio* action and the facts of this matter, will be that the plaintiff had failed to prove title or ownership and that the Hon. Judges of the Provincial High Court failed to appreciate the same. Accordingly, it is necessary to consider if the plaintiff has proved,

- i. that the corpus was alienated to him on a valid permit issued under Section 19(2) of the LDO; and
- ii. the identity of the corpus.

#### **Evidence led at the trial.**

4. The trial proceeded on 13 issues, of which 1<sup>st</sup> - 7<sup>th</sup> issues were that of the plaintiff and the 8<sup>th</sup> - 13<sup>th</sup> were those of the defendant. In the course of this trial, *inter alia*, the plaintiff as well as the defendant gave evidence and several documents were tendered. The plaintiff, giving evidence, has clearly stated that, upon the Land Kachcheri held in 1979, he was placed in possession of the corpus and was the recipient of a permit under the LDO for the said land. It is also in evidence that he had obtained a transcript of the permit which is marked as P-1, and from 1979 to 1981, he was in possession of the said land and cultivated the same. However, in or around 1981, the defendant had prevented the plaintiff from harvesting and cultivating and prevented him from possessing the said land. This encroachment and disturbing of possession had been reported to the Divisional Secretary (*vide* P-3 to P-6).

5. The Divisional Secretary has intimated that this dispute should be resolved by a competent court of law after which this action had been instituted. The Commission Plan and Report, marked 'X' and 'X-1', have also been produced without objection, and the Defendant is said to be in unlawful possession of Lots 2 and 3 of the Commission Plan (marked X). In addition thereto, an extract of the Final Village Plan No. 350, depicting lot No. 310, is marked and produced as P-2. Then, letters P-6 and P-7 to establish that Lot No. 310 was originally depicted as Lot No. 76 and, upon a revision and re-survey, had been re-designated as Lot No. 310, were produced.
6. Upon filing of this action in the District Court, a Commission was issued to Licensed Surveyor Pandithasekara, who surveyed and superimposed Lot No. 310 of the Final Village Plan No. 350. The said Commission Plan bearing No. 060706 was marked and produced in the District Court marked 'X', and the Commission Report as 'X-1', according to which the said Lot No. 310 is now shown in three portions as Lots No. 1, 2, and 3.
  - i. Lot 1 is said to be uncultivated barren land, which is a thin strip of land, 12 perches in extent, along the eastern boundary of Lot No. 310;
  - ii. Lot 2, 3 roods and 37.8 perches in extent, containing coconut trees, and the defendants appear to claim the same; and
  - iii. Lot No. 3, 1 rood and 17.2 perches in extent, depicted as paddy land which also is claimed by the defendants.
7. The total combined extent of Lots No. 1, 2, and 3, depicted in the said Commission Plan and Reports, is 1 acre, 1 rood, and 27 perches. It is significant and relevant to note that this extent corresponds to the extent of land of Lot No. 310 as depicted in the Final Village Plan No. 350 marked and produced as P-2. This is the land that is described in paragraph 2 of the amended plaint.

8. As a matter of law, it is prudent to consider if a permit-holder can maintain a vindictory action, as some concern was expressed during the argument of this matter. The nature of the action instituted by the plaintiff is one of *rei vindicatio*. In ***D. P. Palisena v. K. K. D. Perera*** [1954] 56 NLR 407, the plaintiff, a permit-holder of a certain allotment of Crown land under the LDO, brought a vindictory action against the defendant, alleging that the defendant was a trespasser, and sought his ejectment from the land. The District Court initially dismissed the action, reasoning that a permit-holder is merely a “licensee” who possesses the land at the “will and pleasure of the Crown” and therefore lacks the legal standing to sue a third party for ejectment. On appeal, the Supreme Court set aside this decision, and Gratiaen, J., held that:

*“The learned judge has misunderstood the scope of the remedy asked for by the plaintiff and failed to appreciate the nature of a permit-holder's rights under the Land Development Ordinance. This was not a possessory action in which a person complaining of dispossession can in certain circumstances, without proof of his title, obtain a decree for the ejectment of a person who has dispossessed him otherwise than by due process of law. This is a vindictory action in which a person claims to be entitled to exclusive enjoyment of the land in dispute, and asks that, on proof of that title, he be placed in possession against an alleged trespasser.*

*It is very clear from the language of the Ordinance and of the particular permit P-1 issued to the plaintiff that a permit-holder who has complied with the conditions of his permit enjoys, during the period for which the permit is valid, a sufficient title which he can vindicate against a trespasser in civil proceedings. The fact that the alleged trespasser has prevented him from even entering upon the land does not afford a defence to the action; it serves only to increase the necessity for early judicial intervention.”*

Gratiaen, J., emphasised that as long as the permit-holder complies with the conditions of the permit, the law recognises a permit-holder’s right to exclusive enjoyment of the land. In the present instance, the plaintiff had proved that he is an alienee of a holding on a permit and that he is the owner.

9. Then, in **B. R. Chandrasena v. A. M. Lokubanda** (SC/Appeal No. 20/2010, decided on 18.12.2020), the plaintiff sought to eject the defendant, claiming rights under an LDO permit issued in 1974. The defendant argued that the plaintiff's permit (which was a copy issued in 1986) was a nullity; however the Supreme Court ultimately dismissed the appeal, affirming that the Plaintiff held a valid right to the land that had not been lawfully cancelled. His Lordship Justice Gamini Amarasekara considered the abovementioned dicta in **Palisena v. Perera** (supra) and held that while full 'ownership' in a *rei vindicatio* action typically requires strict proof of title, a permit-holder who has complied with the conditions of their permit possesses sufficient title to maintain an action against a trespasser for ejectment, and that for a permit-holder, the right to possession precedes the acquisition of the property as an owner.

His Lordship held as follows:

*“But in an action filed by a permit-holder under the Land Development Ordinance, who cannot be considered as an owner under section 2, it is my view that **even if he fails in proving his ownership to the land or getting the declaratory relief to declare him as the owner or title holder, he is still eligible to eject the trespasser, if he can prove that he is the permit-holder, since he has the right to possess due to the permit given through statutorily proclaimed process.** It must be noted that a permit-holder is not merely a licensee whose right to possess can be terminated by giving a notice. There is statutorily proclaimed procedure to cancel a permit. Till such process is taken place the permit-holder is the one who has the right to enjoy and possess the property; It is a right given through a process asserted by statutory law”* (emphasis added).

10. The plaintiff *qua* permit-holder is thus entitled to have and maintain a *rei vindicatio* action. As to what is required to be proved in a *rei vindicatio* action, His Lordship Justice Saleem Marsoof, in **Jamaldeen Abdul**

***Latheef v. Abdul Majeed Mohamed Mansoor*** [2010] 2 SLR 333, at pages 353-354, opined that there are three things a plaintiff in a rei vindicatio action is required to establish: (1) that he has title; (2) that the corpus still exists; and (3) that the defendant is in possession, as follows:

*“An important feature of the actio rei vindicatio is that it has to necessarily fail if the plaintiff cannot clearly establish his title. Wille’s Principles of South African Laws (9<sup>th</sup> Edition – 2007) at pages 539 – 540 succinctly sets out the essentials of the rei vindicatio action in the following manner:*

*‘To succeed with the rei vindicatio, the owner must prove on a balance of probabilities, first, his or her ownership in the property. Secondly, the property must exist, be clearly identifiable and must not have been destroyed or consumed. Thirdly, the defendant must be in possession or detention of the thing at the moment the action is instituted. The rationale is to ensure that the defendant is in a position to comply with an order for restoration.’”*

Once the plaintiff establishes these three essentials, he is entitled to the declaration of title, as well as the ejectment of the defendant. In the present action, the learned District Judge has found that the plaintiff failed to establish title and dismissed his action.

11. Proving title is also the proof of ownership. ‘Owner’ under the LDO is defined by Section 2 as follows:

*“‘owner’ means the owner of a holding whose title thereto is derived from or under a grant issued under this Ordinance and includes a permitholder who has paid all sums which he is required to pay under subsection (2) of section 19 and has complied with all the other conditions specified in the permit.”*

Then, Section 2 proceeds to define ‘permit-holder’ as follows:

*“‘permit-holder’” means any person to whom a permit has been issued and includes a person who is in occupation of any land*

*alienated to him on a permit although no permit has actually been issued to him.”*

Accordingly, the issuance of the permit in the prescribed form is not the determinate factor of “owner.”

12. The definition of ‘permit-holder’ is based on the premise that the alienation of State Land under the LDO precedes the issuing of the permit on the prescribed form. Then, ‘owner’ includes a permit-holder. Her Ladyship Chief Justice Dr. Shirani Bandaranayake, considering this definition, as amended, in ***Mapalagamage Leelawathie v. P. P. R. A. S. Perera*** (S.C. Appeal No. 166/2010, decided on 15.11.2012), opined as follows:

*“According to the said definition the permit-holders could be categorized into two groups. The first type would be the permit-holders who are possessed with the permits issued to them under the Land Development Ordinance. The other category would consist of persons who had not received a permit, but occupies the land alienated to him on a permit.”*

The plaintiff may not have received the permit in the prescribed form, but certainly the land had been alienated to him, and he had gone into possession and then been dispossessed by the defendant.

13. ‘Owner’ under the LDO is not premised on or circumscribed by the issue of the permit in the prescribed form. It is the entitlement to possess which is acquired by the decision to alienate and the alienation that precedes the issuance of the permit on the prescribed form. Thus, the permit issued on the prescribed form merely manifests the alienation upon a statutorily proclaimed process that has preceded. In contrast, the transfer of land or immovable property on a deed takes effect only upon the placing of the signatures by the transferor or donor and the due execution of the deed. It is at that point that the ownership transfers unless there be some condition to the contrary. Thus, proof of the deed is necessary to establish paper title. R. W. Lee, in **‘An Introduction to Roman-Dutch Law’** (1953,

5<sup>th</sup> Ed., Oxford University Press, pages 139-140), under the chapter ‘*How Ownership Is Acquired*’, considers this issue and states as follows:

*“Thus far we have spoken of transfer in general, making no distinction between movables and immovables. Nor was any such distinction known to the later Roman Law. Land and movables alike passed by delivery. But in Roman-Dutch Law it was otherwise. Custom, in its many varieties, demanded something more to perfect a title to land. In parts of Holland, as of Germany, the conveyance was required by local law to be passed before the court of the district in which the land was situated.”*

At page 139, footnote 3 reads as follows:

*“In the old law the person making cession of the land symbolized the transfer by handing over a sod or twig, later by handing over or throwing from him a straw (halm). Fock. And. i. 192. The handing over of the title-deeds sometimes served the same purpose. Ibid. This process (called ‘overdracht’ or ‘transport’) passed the property, though not followed by entry on the land. Ibid., p. 195, n. 1. The history of land transfer in R.-D. L. is considered by the Ceylon S.C. in *Appuhamy v. Appuhamy* (1880) 3 S.C.C. 61. In this Colony: **‘Traditio whether actual or symbolic is no longer necessary for the consummation of a sale of immovable property and has been replaced by the delivery of the deed’**, per Bertram C.J. in *Gunatilleke v. Fernando*, 21 N.L.R. at p. 265; confirmed in appeal to P.C., 1921 2 A.C. 357; 22 N.L.R. 385.”*

14. However, as opposed to that, when an alienation is made under the LDO, as the entitlement to possess and ownership take effect upon the alienation that precedes the actual issuance of the physical permit, the ownership in relation to a permit or grant under the LDO can be proved by establishing such alienation with reference to the land ledger, registration, and the relevant documentation maintained by the Land Commissioner, the Divisional Secretary, and the Registrar of Lands.

15. The defendant appellant, in his written submissions, argues otherwise, relying on the judgement of Alles, J., in ***Kassim Hameedu Lebbe v. Sultan Samoon*** [1968] 71 NLR 452, which had subsequently been referred to and cited by Her Ladyship Dr. Shirani Bandaranayake, C.J.,

in **Mapalagamage Leelawathie v. P. P. R. A. S. Perera** (supra), where Her Ladyship held as follows:

*“The document marked P1, has been issued by an officer who had been authorized to handover the land to the permit-holder. An examination of the said document clearly indicates that it is not a permit that had been issued in the prescribed form in terms of Section 25 of the Ordinance. The necessity to issue the permit on a prescribed form was referred to in **Kassim Hameedu Lebbe v M. Sultan Samoon** ((1968) 71 N.L.R. 452). It was said in that decision that the permit shall contain certain conditions and may contain other conditions which the Government Agent is authorized to include under provisions of the relevant Law. The document marked P1 appears to be a document that is temporary in nature, which had been issued until the permit is issued to the permit-holder. It does not contain any conditions or details regarding the grant of the permit. Therefore it is clear that the document marked P1 cannot be accepted as a permit in terms of the Land Development Ordinance.”*

16. In the aforesaid decisions, a document purported to be the permit was available and produced. Both Courts considered the validity of the said document vis-à-vis the relevant provisions of the LDO and the regulations made thereunder. Accordingly, in both the aforesaid decisions, the Courts pronounced upon the validity of the document produced and found that such document cannot be accepted as a permit in terms of the LDO, due to certain infirmities.
17. However, in the present appeal, it is in evidence that the original permit may not have been issued on the prescribed form or was not available for whatever reason. The plaintiff has subsequently obtained a transcript, so to say, which is referred to as a “පිටසන් කිරීමක්.” This, on a direct translation, will mean an ‘endorsement’, but in context, it is a ‘transcript’ of the details contained in the land ledger. In these circumstances, what was before the District Court as document P-1 was no more than certain details transcribed on a prescribed form. This does not contain the signature of the relevant Divisional Secretary or his authorised officer and also does not contain the metes and bounds or the description of the land.

To that extent, P-1 is certainly not a permit as contemplated by or issued in terms of the LDO in the first instance. This document, though made on the prescribed form, is no more than a document containing information and details of an alienation made by a permit issued under the LDO. Applying the aforesaid dicta, document P-1 is not a permit issued in terms of the LDO.

18. If the plaintiff tendered only document P-1 to establish his title, the failure to prove that P-1 is a valid permit will deny the relief sought by him in the District Court. However, the plaintiff, in the present instance, did not rely on P-1 to prove his title and the alienation of the land under a permit. The plaintiff tendered other evidence to establish the alienation. No doubt, P-1 is not a valid permit, but the plaintiff, on other evidence has established the fact of the said land being alienated under a permit.

**Is the Plaintiff the owner of the holding on a valid permit?**

19. The plaintiff claims that he is the owner of Lot No. 310 depicted in the Final Village Plan No. 350 by virtue of a permit issued under Section 19(2) of the LDO. In proof of which, a transcript of the permit was marked and produced as 'P-1', and the extract of the Final Village Plan No. 350 was marked and produced as 'P-2'. The main contention in this appeal is the validity of permit P-1. The argument advanced on behalf of the defendant is that P-1 does not contain details as to the extent or boundaries of the land in respect of which the said permits had been issued. It was also argued by the Respondent that this document is not an original, and the signature of the Divisional Secretary is absent and is, if at all, a forgery.
20. According to the plaintiff, he claims that he was issued with this transcript "P-1" on an application to the Divisional Secretariat. It is on the prescribed form of a Section 19(2) permit, but it is stated thereon that this has been prepared on the information contained in the land ledger No. 273 ("අංක 273 දරන ඉඩම් ලෙජරය අනුව පිටසන් කරන ලදී"). On the top right corner of page 01, there is an endorsement, "ඊ. ලේ. මු. (ii) 273 (ව. මු. 76)". It

also recites that the Divisional Secretary of Hambantota is permitting the petitioner to occupy the State Land called “Gonadeniya” situated at Giruwa North in Angunakolapalassa, in the district of Hambantota. On the second page, it further recites that Balamanage Amariyas (the plaintiff) is issued with this permit under the provisions of the LDO in respect of the land of the “Murugawela Project.”

21. It is true that the boundaries and the extent of land are not inserted in P-1. However, P-1 refers to land ledger No. 273. A copy of this land ledger had been led in evidence and marked and produced as “P-10”. According to which, ledger No. 273 was in respect of a land of the “Murugawela Project” alienated to the plaintiff. The alienation depicted in ledger No. 273 is confirmed by the correspondence and letters marked and produced as P-3, P-6, P-7, P-8, and P-9 to be Lot No. 76 of the Project, which now is the land depicted as Lot No. 310 in the Final Village Plan bearing No. 350 and alienated to the plaintiff. The learned Provincial High Court Judges have considered this correspondence, the land ledger, and the details on P-1, along with the evidence of the plaintiff and that of the officer from the Divisional Secretariat, and concluded that the totality of this evidence establishes, on a balance of probabilities, that a permit had been issued under Section 19(2) of the LDO in respect of Lot No. 310 of Final Village Plan No. 350 to the plaintiff. On this, the learned Provincial High Court Judges have found that there is evidence to establish and prove on the required civil standard that the plaintiff is in fact the owner and the permit-holder in respect of the said Lot No. 310.

### **Identity of the Corpus.**

22. Then, it is evident on the Commission Plan “X” and Report “X-1” that the said Lot No. 310 had been identified and thus exists and is now depicted in the superimposition made by the Licensed Surveyor Pandithasekara. What is most significant is that Lot No. 310 had been identified by the survey, as confirmed by the Report. On this evidence, there is a clear identification of the corpus. According to the said Report, the defendant

is in possession of Lots 2 and 3, which is within the corpus, as described in paragraph 2 of the amended plaint. Thus, the finding of the Provincial High Court on the identity of the corpus is correct and lawful.

23. The learned District Judge, in considering if the plaintiff had established his title, appears to have proceeded with the mindset and misconception that the production and proof of the permit on the prescribed form is required, as in proving of title on deeds. In that backdrop, the learned District Judge failed to appreciate and consider the other evidence, oral and documentary, to determine if the title or ownership of the plaintiff on an LDO permit had been proved. However, the Judges of the Civil Appellate High Court were not clouded by the said misconception. They proceeded to consider all the other evidence and came to the finding that the plaintiff has established that the said Lot No. 310 of the Final Village Plan bearing No. 350 had in fact been alienated to the plaintiff on a permit under Section 19(2) of the LDO and accordingly held that the plaintiff has sufficiently proved his title based on the LDO permit.
24. The plaintiff did appeal against the said finding based on the existence of the permit based on P-1. The defendant did not appeal against any finding that was against the defendant. Neither did the defendant appeal on any aspect of the learned District Judge's judgement nor make any cross appeal under Section 772 of the CPC. The relevant issues that are referable to the question of law on which leave has been granted are the plaintiff's issues Nos. 1 and 2 and the defendant's issues Nos. 8 and 9. The Provincial High Court Judges have in great detail considered this aspect in their judgement dated 24.06.2022 and found that the plaintiff has proved his title and answered the said issues in favour of the plaintiff.
25. In this context, the plaintiff claims title on a permit under Section 19(2) of the LDO. A permit issued on the prescribed form will be the primary evidence by which this fact may be proved. P-1 tendered is not the original permit nor a copy in that sense. This is why the trial judge concluded that title was not proved. The Provincial High Court however, considering the

totality of the evidence including the land ledger, oral evidence of the Land Officer of the Divisional Secretariat, and the correspondence P-3 to P-9, found that the corpus has been alienated to the plaintiff by a permit under Section 19(2) of the LDO, and also that Lot No. 310 of the Final Village Plan bearing No. 350 was the land that was alienated to the plaintiff on a permit, which is depicted in plan P-2 and identified by the Commission Plan X.

26. In the above circumstances, I find that the Provincial High Court judgment, dated 24.06.2022, was lawful and correct. For the aforesaid reasons, I answer the question of law on which leave was granted in the negative.

27. Accordingly, the judgement of the Provincial High Court is hereby affirmed, and the appeal is dismissed. However, we make no order as to costs, and the parties will bear their own costs.

**JUDGE OF THE SUPREME COURT**

**YASANTHA KODAGODA, P.C., J.**

I agree.

**JUDGE OF THE SUPREME COURT**

**K. PRIYANTHA FERNANDO, J.**

I agree.

**JUDGE OF THE SUPREME COURT**

*Corrected version as at 06.05.2026.*