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

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

1. **Binara Yohan Arumathnthirige**,
   No. 07, Palatugahawatta,
   Goviyapana,
   Ahangama.

2. **Bikers Cafe (Pvt) Ltd,**
   No. 77, Sea Street,
   Galle.

**Case No: - CA/WRIT 81/2025**

**PETITIONERS**

Vs.

1. **P. B. T. Pradeep Kumar**
   Director General,
   Coast Conservation and Coastal Resource Management Department,
   Ministry of Environment,
   Colombo 10.

2. **S. A. Maharachchi**
   Area Engineer,
   Coast Conservation and Coastal Resource Management Department,
   Divisional Engineers Office,
   Peellagoda,
   Unawatuna.

3. **K. R. Uduwalawa**
   Secretary,
   Ministry of Environment,
   "Sobadam Piyasa", No. 416/C/1,
   Robert Gunawardane Mawatha,
   Battaramulla.

4. **Dr. Dammika Patabadi**
   Ministry,
   Ministry of Environment,
   "Sobadam Piyasa", No. 416/C/1,
   Robert Gunawardane Mawatha,
   Battaramulla.

5. **H. G. N. D. Jayaweera**
   Officer in Charge,
   Police Station,
   Ahanagama.

6. **G. D. S. Wijayantha**
   Principal,
   Ga/ Rohana College,
   Ahangama.

7. **Hon. Attorney General**
   Attorney General's Department,
   Colombo 12.

**RESPONDENTS**

Before: **M. T. MOHAMMED LAFFAR, J. (President C/A)- Actg.**
**K. M. S. Dissanayake, J.**

Counsel: Saliya Pieris, P.C with Geeth Karunarathna and Jagadeesha Ranasinghe and Nisal Hennadige for the Petitioners.

Tashya Gajanayake, S.C. for the Respondents.

Supported on: 21. 02. 2025

Decided on: 26.03.2025

**MOHAMMED LAFFAR, J. (President of The Court of Appeal- Actg)**

We heard the learned Presidents Counsel for the Petitioners in support of this application. We heard the learned State Counsel appearing for the Respondents as well. The Petitioners are seeking reliefs, *inter alia,*

1. A Writ of Certiorari quashing the decision of the 1st Respondent marked as P31 directing the Petitioners to remove all unauthorised constructions with immediate effect.
2. A Writ of Prohibition preventing the 5th Respondent from arresting the Petitioners.
3. A Writ of Prohibition preventing the 1st to 5th Respondents from prosecuting the Petitioner under the Coast Conservation Act no 57 of 1981 (as amended).
4. A Writ of Mandamus compelling 1st to 4th Respondents to extend the permit issued to the Petitioners.

Moreover, the Petitioners are seeking several interim orders particularly staying the decision of the cancelation of P31, preventing the Respondents from prosecuting the

Petitioner, preventing the 5th Respondent from arresting the Petitioner and preventing the Respondents from demolishing the buildings in dispute.

**FACTUAL MATRIX**

The Petitioners are aggrieved by the decision of the 1st Respondent, dated 17.01.2025, cancelling their permit (CCRM/ADC/8075, marked as P-14a). The cancellation was based on alleged violations of the permit conditions, specifically Condition No. 2, which requires maintaining a 15-meter distance landward from the coastal protection line, and Condition No. 3, which mandates adherence to the construction plan submitted to the Coast Conservation and Coastal Resource Management Department (CCCRMD). The Petitioners contend that the cancellation was arbitrary and influenced by a written complaint from the 6th Respondent, who disputes the ownership of the land in question. They further allege that their amended construction plan (CCRM/ADC/7652) has been pending approval since June 2024. Following the cancellation, the 1st Respondent filed a police complaint at the Ahangama Police Station, seeking the demolition of the Petitioners' constructions and their prosecution under the Coast Conservation Act No. 57 of 1981. The 1st Petitioner was informed by the 5th Respondent (OIC) on 27.01.2025 that he would need to record a statement regarding the complaint. The Petitioners in their Petition fear arrest, prosecution, and the demolition of their constructions, which they claim are worth over 30 million rupees.

It is settled law that the Court is guided to consider balance of convenience and a *prima facie* case in favour of the Petitioner in issuing interim orders. In the case at hand, the land in dispute is state land, and the Petitioners have no ownership rights over it. The pleadings and documents indicate that the constructions in question are unauthorized. *Prima facie*, the Petitioners have no legal right to possess or enjoy the property. The land falls under the provisions of the Coast Conservation Act, and the Respondents are empowered by law to take action against the Petitioners for non compliance with the directions issued under the Act. The affidavit reveals that the Petitioners have been summoned to provide a statement, and they are obligated to comply with the law and cooperate with the authorities during the investigation. There is no immediate indication that the Petitioners will be arrested, and there is no basis for them to anticipate arrest at this stage.

When a Magistrate is exercising powers within the purview of the Coast Conservation Act, the Writ court should not interfere with those functions, either directly or indirectly. If the Petitioners believe they will not receive justice from the Magistrate, they are entitled to challenge the Magistrate's order through the appropriate forum, such as an appeal or revision. Since such alternative remedies are available in law, seeking discretionary relief through prerogative Writs is not justifiable at this stage.

This Court is of the opinion that at this juncture a necessity does not arise to issue interim orders against the respondents. As such, the application for interim orders is refused. However, this court has decided to issue notices only on the Respondents. Upon tendering issue notices on the Respondents.

**JUDGE OF THE COURT OF APPEAL**

**President Court of Appeal (Acting)**

**K. M. S. Dissanayake, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**