

In the Court of Appeal of the Democratic Socialist Republic of Sri Lanka

In the matter of an application for Order in the nature of Writ of Mandamus under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka

**1. Environmental Foundation
(Guarantee) Limited**

3A, 1st Lane, Kirulapone,
Colombo 05.

2. Mr. I.A. Percy Perera

Chairman
“Thalangama Wewa Ashritha
Grameeya Thethbim Arakshaka
Ha Kalamanakarana Kamituwa”
435/B, Akuregoda,
Thalangama South,
Battaramulla.

CA/WRIT/

21 /2018

3. Mr. E. O. Samarakkody

Secretary
“Thalangama Wewa Ashritha
Grameeya Thethbim Arakshaka
Ha Kalamanakarana Kamituwa”
435/B, Akuregoda,
Thalangama South,
Battaramulla.

Petitioners

vs.

- 1. Central Environmental Authority,**
104, Denzil Kobbekaduwa
Mawatha,
Battaramulla.
- 2. Professor R. K. LalMervin Dharmasiri**
Chairman,
Central Environmental Authority,
104, Denzil Kobbekaduwa
Mawatha,
Battaramulla.
- 3. P.B Hemantha Jayasinghe**
Director General
Central Environmental Authority,
104, Denzil Kobbekaduwa
Mawatha,
Battaramulla.
- 4. Kaduwela Municipal Council**
Kaduwela Municipal Council,
Kaduwela.
- 5. W.G. Chandana Pushpakumara**
58/09, Muttetugoda Road,

8th Lane,
Thalahena,
Malambe.

-Respondents

On this the 8th day of January 2018.

To his Lordship the President and other Honourable Judges of the Court of Appeal of the Democratic Socialist Republic of Sri Lanka.

The **Petition** of the Petitioners appearing through *Niluka Dissanayake*, its Registered Attorney at Law, states as follows:

1. The Petitioners state that
 - a. the **1st Petitioner** hereinabove mentioned is a non-profit making Company Limited by Guarantee, incorporated under the Laws of Sri Lanka, having its registered office at the address given hereinabove. The objects of the 1st Petitioner includes, *inter alia*, monitoring state departments and regulatory agencies and ensuring that the public interest in protecting the environment is fully considered in their administrative activities and enforcing laws relating to the conservation of nature and protection of the environment, through legal means.

A true Copy of the Certificate of Incorporation under the Companies Act No. 07 of 2007 and Articles of Association of the 1st Petitioner are annexed herewith

respectively marked as “**A1(a)**” and “**A1(b)**” and are pleaded as part and parcel hereof.

- b. The 1st Petitioner has been registered with the Central Environment Authority (hereinafter referred to as the “CEA”) as a national level non-governmental organization engaged in environmental activities since 1981.

*A copy of the said registration letter is annexed hereto marked **A1 (c)** and pleaded as part and parcel hereof.*

- c. The Petitioners further state that since its inception in 1981, the 1st Petitioner has engaged in litigation of over 200 cases concerning the protection, conservation and enhancement of the environment and natural resources in Sri Lanka, achieving significant victories in several landmark cases in the Sri Lankan legal history to wit:

I. *Bulankulama v. Minister of Industrial Development (Eppawala case)* –

S.C. Application No. 884/99 (F/R)

II. *Environmental Foundation Limited v. Urban Development Authority of Sri Lanka And Others (Galle Face Green Case)* -

S.C. Application No. 47/2004 (F/R)

III. Geethani Wijesinghe v. Hon. Patali Champika Ranawake, Minister of Environment and Natural Resources. (Air Pollution Case) -

S.C. Application No. No. 87/2007 (F/R)

- d. the 2nd Petitioner is the Chairman of the committee formulated by the residents of the area and members of the community that are strongly opposed to the destruction of the Thalangama environmentally sensitive area, which is under threat due to the inaction of the 1st to 3rd Respondents as morefully described hereinafter.
 - e. the 3rd Petitioner is the Secretary of the committee formulated by the residents of the area and members of the community that are strongly opposed to the destruction of the Thalangama environmentally sensitive area, which is under threat due to the inaction of the 1st to 3rd Respondents as morefully described hereinafter.
2. The Petitioners state that the Petitioners prefer the instant application in the interest of general public and with the objective of protecting the vastly depleting natural resources and the environment of Sri Lanka and preserving those resources for the future generations.
 3. The Petitioners state that:
 - a. the **1st Respondent** above named is the Central Environmental Authority of Sri Lanka, established under the National Environmental Act No. 47 of

1980 (as amended) and is empowered by the said Act to administer the provisions of the said Act and the regulations made thereunder and to *inter alia* exercise powers or discharge any functions within limits of the Environmental Protection Areas declared under Section 24C and 24D of the said Act and to issue directives to any person engaged in activities detrimental to the environment to take measures preventing such damage and in the failure to comply with the said directives to make an application to the Magistrate to suspend the said activities until the due conformity of the said directives;

- b. the **2nd Respondent** is the Chairman of the 1st Respondent.
 - c. the **3rd Respondent** is the Director General of the 1st Respondent.
 - d. the 4th Respondent is the Kaduwela Municipal Council established under the Municipal Councils Ordinance and has capacity to sue and be sued in its name.
 - e. the **5th Respondent** is a private party illegally engaged in the activities of construction and land filling within the “Thalangama Environmental Protection Area” as morefully described hereto.
4. The Petitioners state that,

- a. the history of the Thalangama Lake and the surrounding paddy fields which principally forms the “Thalangama Environmental Protection Area” dates back to the 16th century.
- b. the Thalangama tank and its surrounding environs is an important habitat for water birds, and other flora and fauna functioning as an urban biodiversity refuge.
- c. according to the National Wetland Directory of Sri Lanka prepared and published by the 1st Respondent itself (jointly with two other parties),.

“Forty-one plant species have been recorded in the area. 90 bird species (13 are migrants), 12 species of reptiles, 10 species of mammals and 15 freshwater fish species have also been recorded from the tank and its environs.”

A true copy of the relevant extract from the National Wetland Directory of Sri Lanka (2006) is annexed herewith marked as “A2” and pleaded part and parcel hereof.

- d. the importance of this unique urban biodiversity refuge in several aspects has been recognized by many environmentalists,

“There are only a few sites in Sri Lanka where in the course of a day one can see over a hundred species. These would be sites such as Yala, which provide a matrix of habitats. In the endemic rich rainforests, seeing that many species is almost impossible. Given that, seeing 70 species of birds [in four hours and 15 minutes] in a site is a good tally and given Talangama Wetland's urban location it demonstrates

how rich a wildlife refuge it is and how precious it is as an educational and recreational resource for Colombo's growing population”.

A true copy of the relevant web page containing the article titled “The little known bird paradise” published in the Sunday Times dated 11/04/2010 is annexed herewith marked as “A3” and pleaded part and parcel hereof.

- e. in addition to its importance being an urban biodiversity refuge, the paddy fields irrigated by the Thalangama Tank which comprises the Environmental Protection Area provides a valuable source of income to around 175 paddy farmers in the surrounding villages and also has an important flood retention capacity within the Greater Colombo flood detention area.
- f. recognizing the uniqueness and importance of the area then Minister of Environment and Natural Resources by an Order dated 23/02/2007 published in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 declared the Thalangama tank and its environs as an Environmental Protection Area (EPA) under Sections 24C and 24D of the National Environmental Act No. 47 of 1980 (as amended).

A true copy of the Gazette Extraordinary No. 1487/10 dated 05/03/2007 is annexed herewith marked as “A4” and pleaded part and parcel hereof.

- g. under and in terms of the aforesaid Gazette Extraordinary No. 1487/10 dated 05/03/2007 only permitted uses such as cultivation of paddy and traditional

fishing activities as stipulated in the said Gazette were allowed to be conducted within the “Thalangama Environmental Protection Area”.

5. The Petitioners state that in/or about July 2016 the 1st Petitioner was informed by the (2nd Petitioner organization) “Thalangama Wetland Protection and Management Committee”, a community based organization established for the purpose of preservation and protection of the “Thalangama Environmental Protection Area”, that an illegal construction is being carried out by the 5th Respondent in a land situated within the “Thalangama Environmental Protection Area“ and as a result of such activity severe and irreparable damage may be caused to the sensitive environment of the said wetland.

6. The Petitioners state that the 1st Petitioner having obtained the aforementioned information as to the detrimental and harmful activities in such a sensitive and important area conducted a field visit in the concerned area on or about 13/07/2016 and obtained firsthand knowledge about the said activities. The 1st Petitioner has conducted several further site visits thereafter.

The photographs depicting the said illegal activities on the said land are annexed herewith compendiously marked as “A5” and pleaded as part and parcel hereof.

7. The Petitioners state that upon inspection it was evident that an area of over 50 perches of the “Thalangama Environmental Area” has been illegally filled by unknown persons.

8. The Petitioners state that, in subsequent investigations, the Petitioners were made aware of a purported Survey Plan, in which the a portion of the said land depicted as lot X5A in Plan No. 6494 dated 12/05/2012 made by S. Wickramasinghe licensed surveyor, containing an extent of 12.75 perches is a paddy land situated well within the area declared by the aforementioned Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked “A4” as the “Thalangama Environmental Protection Area”.

A true copy of the said Plan No. 6494 dated 12/05/2012 made by S. Wickramasinghe licensed surveyor is annexed herewith marked as “A6” and pleaded part and parcel hereof.

9. The Petitioners state that prior to the 1st Petitioner being made aware of the aforementioned illegal activities, 2nd and 3rd Petitioners have sent,
- a. letters dated 30/06/2016 and 02/07/2016 addressed to the President of the Republic informing of the said illegal activities and requesting him to intervene in the matter.

True copies of letters dated 30/06/2016 and 02/07/2016 are annexed herewith respectively marked as “A7(a) & A7(b)” and pleaded part and parcel hereof.

- b. a letter dated 13/07/2016 addressed to the 2nd Respondent informing him of the said illegal activities and requesting the prevention of the said activities.

A true copy of the letter dated 13/07/2016 is annexed herewith marked as “A8” and pleaded part and parcel hereof.

10. The Petitioners state that in the aforementioned circumstances the 3rd Respondent, informed the 4th Respondent by letter dated 22/06/2016, that the officers of the 1st Respondent have observed during a field visit, that the 5th Respondent is constructing a foundation for a house within the “Thalangama Environmental Protection Area” which is not a permitted use under the aforementioned Gazette Extraordinary No. 1487/10 and directed the 5th Respondent to stop the said illegal activities forthwith and further informed that the failure to comply with the said direction would result in an legal action being instituted against the 5th Respondent.

A true copy of the letter dated 22/06/2016 is annexed herewith marked as “A9” and pleaded as part and parcel hereof.

11. The Petitioners state that upon confirmation of such illegal activities of the 5th Respondent continuing, the 1st Petitioner by letter dated 26/07/2016 informed the 3rd Respondent *inter alia* that despite the instructions given by letter dated 22/06/2016 marked A9, the 5th Respondent was conducting the said construction works at an accelerated pace and informed the 3rd Respondent to intervene and prevent the blatant violation of the 1st Respondent’s own direction.

A true copy of the letter dated 26/07/2016 is annexed herewith marked as “A10” and pleaded as part and parcel hereof.

12. The Petitioners state that the 1st Petitioner received a letter dated 10/08/2016 from the 1st and 2nd Petitioners, regarding their concern as to the plight of events and

formally requesting the 1st Petitioner to take appropriate steps to prevent the aforementioned activities.

A true copy of the letter dated 10/08/2016 is annexed herewith marked as "A11" and pleaded part and parcel hereof.

13. The Petitioners state that the 1st Petitioner received a letter dated 12/08/2016 by the Assistant Director (complaints unit) of the 1st Respondent, addressed to the Director (Natural Resource Management Unit) of the 1st Respondent and copied to the legal officer of the 1st Petitioner requesting the said Director (Natural Resource Management Unit) to take necessary actions with regard to the aforesaid complaint made by the 1st Petitioner.

A true copy of the letter dated 12/08/2016 is annexed herewith marked as "A12" and pleaded as part and parcel hereof.

14. The Petitioners further state that having observed the continuous construction works carried out by the 5th Respondent and the failure of the 1st Respondent to prevent such activities, the 1st Petitioner sent a letter of demand dated 18/08/2016 to the 3rd Respondent *inter alia* informing the 3rd Respondent that despite the warning letter dated 22/06/2016 marked A9, the construction carried out by the 5th Respondent is reaching its completion. The 1st Petitioner further informed the 3rd Respondent that the 1st Respondent has not acted in a timely manner to take appropriate measures to prevent the said activities and requested the 3rd Respondent to take immediate action to prevent the same.

A true copy of letter dated 18/08/2016 is annexed herewith marked as “A13” and pleaded part and parcel hereof.

15. The Petitioners state that the 4th Respondent by letter dated 26/09/2016 informed the 5th Respondent that the said land is within the “Thalangama Environmental Protection Area” and directed the 5th Respondent to forthwith halt development activities on the said land forthwith and further directed the 5th Respondent to return the approved building plan to the 4th Respondent for the cancelation of the same.

A true copy of the letter dated 26/09/2016 is annexed herewith marked as “A14” and pleaded part and parcel hereof.

16. The Petitioners further state that the 1st Petitioner requested the 4th Respondent by letter dated 12.12.2017 to clarify the current status of the cancellation of the approved building plan that was issued to the 5th Respondent.

A true copy of the letter date 12/12/2017 is annexed herewith marked as “A14(a)” and pleaded part and parcel hereof.

17. The Petitioners state that therefore any development activities by the 5th Respondent in the aforesaid land is illegal and unlawful. In any event, the Petitioners state that the said land is situated within an “Environmental Protection Area”, and any purported approval whatsoever and/or howsoever granted to such land is null and void *ab initio*.

18. The Petitioners state that despite the said notification made by the said letter marked A13 the 1st Respondent failed to take any effective measure to prevent the aforementioned illegal activities and in the circumstances the Petitioner sent another letter of demand dated 16/11/2017 to the 2nd Respondent *inter alia* informing that the failure of the 1st Respondent to prevent such activities would not only be detrimental to the wetland habitat but would also set a bad precedent to such other private land owners within the “Environmental Protection Area”.

19. The Petitioners state that in the hereinabove mentioned letter the Petitioner indicated to the 2nd Respondent that Section 24B of the National Environmental Act No. 47 of 1980 (as amended) could be invoked by the 1st Respondent to prevent such activities and further indicated that the failure of the 1st Respondent to take such measure would leave the 1st Petitioner no alternative but to institute legal action to compel the 1st Respondent to carry out its statutory obligations.

A true copy of the letter dated 16/11/2016 is annexed herewith marked as “A15” and pleaded as part and parcel hereof.

20. The Petitioners state that having realized the continuous failure of the 1st Respondent to take effective measures, the 1st Petitioner sent letter dated 22/11/16 to the Minister of Mahaweli Development and Environment informing him of the failure of the 1st Respondent to prevent the aforementioned illegal activities within the “Thalangama Environmental Protection Area” and drew the Minister’s attention to the fact that the 5th Respondent is believed to be an administrative assistant to the Deputy Minister of Mahaweli Development and

Environment itself and further requested the Minister to intervene in the said matter to prevent the detrimental damage caused by such illegal activities and to take measures to demolish the aforementioned illegal construction constructed within an “Environmental Protection Area” .

A true copy of the letter dated 22/11/2016 is annexed herewith marked as “A16” and pleaded part and parcel hereof.

21. For the purpose of full disclosure the Petitioners state that;

- a. the said land depicted as lot X5A in Plan No. 6494 marked A6 is part of a paddy land in an approximate extent of 03 Roods, which several parties have attempted to fill illegally in/or about 2004.
- b. upon a complaint made by the paddy cultivators of the surrounding paddy fields the Assistant Commissioner of Agrarian Development of the Colombo District instituted action in the Magistrate Court of Kaduwela to prevent the said parties from continuing with the land filling activities.
- c. the learned Magistrate by an Order dated 22/07/2005 issued a permanent restraining order under the provisions of the Agrarian Development Act No.46 of 2000 concerning the said land.

True copies of Complaint, Interim Order dated 06/05/2005 and Order dated 22/07/2005 in the case record in Case No. 49856 is annexed herewith compendiously marked as “A17” and pleaded as part and parcel hereof.

- d. upon the request made by the 5th Respondent the Commissioner General of Agrarian Development has issued a Determination dated 22/06/2016, under Section 28 of the Agrarian Development Act No.46 of 2000, that the said Lot X5A in Plan No. 6494 is not paddy land and imposed certain conditions regarding the activities allowed on the said land.

A true copy of the said Determination dated 22/06/2016 is annexed herewith marked as "A18" and pleaded as part and parcel hereof.

- e. the "Pragathi Govi Sanvidanaya" an organization comprising of the paddy cultivators of the concerned area, has by a letter dated 04/07/2016 addressed to the Commissioner General of Agrarian Development protested against the said Determination indicating that the concerned land is in fact paddy land.

A true copy of the letter dated 04/07/2016 is annexed herewith marked as "A19" and pleaded as part and parcel hereof.

- f. the Assistant Commissioner (Legal) of the Department of Agrarian Development by a letter dated 04/07/2016 informed the Assistant Commissioner of Agrarian Development of the Colombo District to inquire in to the said grievances and to take appropriate action.

A true copy of the letter dated 04/07/2016 is annexed herewith marked as "A20" and pleaded as part and parcel hereof.

- g. the Commissioner General of Agrarian Development has not taken any effective steps regarding the said grievances to this date and the Petitioner

reserves the right to institute action against the Commissioner General of Agrarian Development to quash the said determination dated 22/06/2016 and to compel him to take legal action against the 5th Respondent under the provisions of the Agrarian Development Act No.46 of 2000.

22. Without prejudice to the aforesaid, the Petitioners state that;
 - a. by the aforementioned Determination dated 22/06/2016 the Commissioner General of Agrarian Development has imposed among other conditions that the said land should not be filled in any manner whatsoever.
 - b. the 5th Respondent has blatantly violated the said condition not only by filling the said land but also by constructing on the land.

23. The Petitioners state that as demonstrated by letter dated 22/06/2016 marked A9, the 1st Respondent itself has recognized the fact that the land in question is well within the “Thalangama Environmental Protection Area” and to the best of the Petitioners’ knowledge the 5th Respondent has not challenged the said determination in any legal forum whatsoever, thus being estopped from taking up a contrary stance at a later stage.

24. The Petitioners state that the Petitioners verily believe that the Respondents are acting in collusion and with ulterior motives and the 1st to 3rd Respondent’s inaction to take steps against the 5th Respondent, despite the clear and unambiguous mandate given in Sections 24B of the National Environmental Act No. 47 of 1980 (as amended) is amounting to a silent and willful sanctioning of the detrimental activities within a protected and environmentally sensitive area thus in the long term paving for its complete destruction.

25. The Petitioners state that the 1st to 3rd Respondents being the guardians of the Environmental Protection areas declared under the National Environmental Act No. 47 of 1980 (as amended) are holding such powers in public trust and are accountable not only to the present citizenry of the Republic but to the unborn future generations for its protection and preservation and the 1st to 4th Respondents are obliged under the Public trust doctrine to preserve and protect the natural environment since the destruction of which would adversely affect the entire human kind.
26. The Petitioners state that in the event the 5th Respondent is allowed to continue with his illegal activities it would create a wrong precedent and others may engage in illegal land filling in the concerned area where there is a significant demand for residential lands thus further threatening the already adversely affected wetland habitat.
27. The Petitioners further state that the “Thalangama Environmental Protection Area” sustains extensive paddy cultivation and the continuation of such illegal land fillings and constructions would result with irreparable damage being caused to the said cultivations including the obstruction and disruption of the irrigating systems within the paddy fields, thus threatening the livelihood of hundreds of people.
28. In the circumstances the Petitioners state that the Petitioners are left with no other effective alternative other than invoking the Writ jurisdiction of Your Lordship’s Court seeking to compel the aforesaid 1st to 3rd Respondents to take appropriate steps according to the mandate given to them by Section 24B of the National Environmental Act No. 47 of 1980 (as amended) to preserve and protect

the, “Thalangama Environmental Protection Area” more particularly the land identified as lot X5A in the Plan No. 6494 marked A6.

29. The Petitioners state that the inaction and tacit sanctioning of the 5th Respondent’s illegal activities within an Environmental Protection area by the 1st to 3rd Respondents is a blatant violation of the provisions of the National Environmental Act No. 47 of 1980 (as amended) and in the circumstances the inaction of the 1st to 3rd Respondents constitutes, a quasi-decision which is *ex facie* illegal, unlawful and null and void *ab initio*.

30. The Petitioners state the inactions of the 1st to 4th Respondents to preserve the Environmentally protected Area, namely, “Thalangama Environmental Protection Area” more fully described in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked as “A6” is a continuing infringement of the rights of the general public and the construction erected by the 5th Respondent is illegal and any purported approval given in respect of such construction is null and void *ab initio* and is of no force or avail in law.

31. In the circumstances, the Petitioners state that cause has arisen to seek from Your Lordship's Court,

- a. an order in the nature of a **Writ of Mandamus** compelling the 1st and/or 2nd and/or 3rd Respondents to take appropriate legal steps to preserve and protect the “Thalangama Environmental Protection Area” more fully described in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked as “A6”.

- b. an order in the nature of a **Writ of Mandamus** compelling the 1st and/or 2nd and/or 3rd Respondents to take steps to institute legal action against the 5th Respondent under Section 24B of the National Environmental Act No. 47 of 1980 (as amended) as indicated by the Document marked A9 ,regarding the 5th Respondent's illegal activities within the "Thalangama Environmental Protection Area" more particularly the land identified as lot X5A in the Plan No. 6494 marked A13.

- c. an order in the nature of a **Writ of Mandamus** compelling the 1st and/or 2nd and/or 3rd Respondents to take necessary legal steps to restore the "Thalangama Environmental Protection Area" more particularly the land identified as lot X5A in the Plan No. 6494 marked A13 to its original pristine condition.

- d. an Order in the nature of a **Writ of Mandamus** compelling the 4th Respondent to take steps under Section 42H of the Municipal Councils Ordinance to demolish the illegal construction erected by the 5th Respondent in the land identified as lot X5A in the Plan No. 6494 marked A13.

- e. an Order in the nature of a **Writ of Prohibition** against the 4th Respondent preventing the 4th Respondent from issuing any Development Permits and/or certificates of conformity in respect of any land falling within the "Thalangama Environmental Protection Area" more fully described in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked as "A6".

32. The Petitioners further state that since it is a very arduous task to restore a once damaged wetland habitat, irreparable loss and damage would be caused and the instant application would be rendered nugatory unless Your Lordships' Court be pleased to grant and issue an interim order restraining the 5th Respondent and/or his employees, servants or anyone acting under him from continuing the construction works carried out within the “Thalangama Environmental Protection Area” more particularly the land identified as lot X5A in the Plan No. 6494 marked A5.

33. For purposes of full disclosure the Petitioners state that the said plan marked A5 has a reference to a previous plan bearing No. 2313/9000 dated 16th June made by S.Wickramasinghe Licensed Surveyor, which has reference to 7 further allotments of land, of which allotments the Petitioners have no information concerning ownership. In the said circumstances the Petitioners reserve their right to institute separate action to have the said allotments of land restored to its original condition in the event such ownership information is discovered.

A true copy of the plan bearing No. 2313/9000 dated 16th June 2003 made by S.Wickramasinghe Licensed Surveyor is annexed herewith marked as “A21” and pleaded as part and parcel hereof.

34. The Petitioner respectfully seeks the indulgence of Your Lordships' Court to reserve its right to:

- a. amend pleadings, add any person/persons as parties to this application in the event of further material revealing their complicity of the actions complained in the preceding paragraphs; and

- b. tender any further evidence or affidavits and documents as necessary substantiating the averments contained above.

35. The Petitioners state that the Petitioners have not invoked the jurisdiction of Your Lordships' Court previously in respect of matters pleaded herein.

36. The Affidavits of Dr. Eric Wikramanayake the Chairman of the 1st Petitioner Organization, the 2nd Petitioner Mr. I. A. Percy Perera and the 3rd Petitioner Mr. E. O. Samarakkody are annexed herewith in support of the averments contained herein.

Wherefore, the Petitioners plead that Your Lordship's Court be pleased to;

- a. issue **Notice** on the Respondents.
- b. **Call for and Examine the record** in this matter
- c. issue an order in the nature of a **Writ of Mandamus** compelling the 1st and/or 2nd and/or 3rd Respondents to take appropriate legal steps to preserve and protect the "Thalangama Environmental Protection Area" more fully described in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked as "A6".
- d. issue an order in the nature of a **Writ of Mandamus** compelling the 1st and/or 2nd and/or 3rd Respondents to take steps to institute legal action against the 5th Respondent under the Section 24B of the National Environmental Act No. 47 of 1980 (as amended) as indicated by the

Document marked A9 with regarding the 4th Respondent's illegal activities within the "Thalangama Environmental Protection Area" more particularly the land identified as lot X5A in the Plan No. 6494 marked A13.

- e. issue an order in the nature of a **Writ of Mandamus** compelling the 1st and/or 2nd and/or 3rd Respondents to take necessary legal steps to restore the "Thalangama Environmental Protection Area" more particularly the land identified as lot X5A in the Plan No. 6494 marked A13 to its original pristine condition as far as attainable.
- f. issue an Order in the nature of a **Writ of Mandamus** compelling the 4th Respondent to take steps under Section 42H of the Municipal Councils Ordinance to demolish the illegal construction erected by the 5th Respondent in the land identified as lot X5A in the Plan No. 6494 marked A13.
- g. issue an Order in the nature of a **Writ of Prohibition** against the 4th Respondent preventing the 4th Respondent from issuing any Development Permits and/or certificates of conformity in respect of any land falling within the "Thalangama Environmental Protection Area" more fully described in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked as "A6".
- h. grant and issue an **Interim Order** preventing the 4th Respondent from issuing any Development Permits and/or certificates of conformity in

respect of any land falling within the “Thalangama Environmental Protection Area” more fully described in the Gazette Extraordinary No. 1487/10 dated 05/03/2007 marked as “A6” during the pendency of this application.

- i. an order for **Costs**,
- j. grant **such other and further relief** Your Lordship's Court shall seem meet.

Attorney- at -Law for the Petitioners.