

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, Prohibition, and Mandamus* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

C.A. (Writ) Application

No: 0372/2017

Ecotech Lanka Limited,
No. 37A,
Thekkawatta,
Gohagoda Road,
Katugastota.

PETITIONER

Vs.

1. Kandy Municipal Council,
Hill Street,
Kandy.

2. Chandana Tennakoon,
Municipal Commissioner/ Competent Authority,
Kandy Municipal Council,
Hill Street,
Kandy.

2A. A. Nawaratne,
Municipal Commissioner/ Competent Authority,
Kandy Municipal Council,
Hill Street,
Kandy.

2B. K.K.G.I.D.P. Wijethilaka,
Municipal Commissioner/ Competent Authority,
Kandy Municipal Council,
Hill Street,
Kandy.

2C. Chandrasiri Wijenayake,
Mayor,
Kandy Municipal Council,
Hill Street,
Kandy.

3. B.H.N. Jayawickrama,
Commissioner of Local Government,
Central Province,
Department of Local Government- Central
Province,
Provincial Council Complex,
Pallekele, Kundasale.

3A. Nishantha Jayawickrama,
Commissioner of Local Government,
Central Province,
Provincial Council Complex,
Pallekele, Kundasale.

4. Special Commissioner/ Secretary,
Harispattuwa Pradeshiya Sabha,
Barigama-Halloluwa Road,
Nugawela.

5. Sarath Premawansa,
Chief Secretary,
Central Provincial Council,
Pallekele, Kundasale.

- 5A. Gamini Rajarathna,
Chief Secretary,
Central Provincial Council,
Pallekele, Kundasale.

- 5B. G.H.M.A. Premasinghe,
Chief Secretary,
Central Provincial Council,
Pallekele, Kundasale.

6. Central Environmental Authority,
104, Denzil Kobbekaduwa Mawatha,
Battaramulla.

7. P.B. Hemantha Jayasinghe,
Director General,
Central Environmental Authority,
104, Denzil Kobbekaduwa Mawatha,
Battaramulla.

8. Anura Dissanayake,
Secretary,
Ministry of Mahaweli Development and
Environment,
'Sobadam Piyasa', No. 416/C/1,
Robert Gunawardena Mawatha,
Battaramulla.

8A. Anil Jasinghe,
Secretary,
Ministry of Mahaweli Development and
Environment,
'Sobadam Piyasa', No. 416/C/1,
Robert Gunawardena Mawatha,
Battaramulla.

8B. Anura Dissanayake,
Secretary,
Ministry of Mahaweli Development and
Environment,
'Sobadam Piyasa', No. 416/C/1,
Robert Gunawardena Mawatha,
Battaramulla.

9. Sri Lanka Sustainable Energy Authority,
Block 05, 1st Floor,
BMICH,
Buddhaloka Mawatha,
Colombo 07.

10. His Excellency,
Hon. Maithripala Sirisena,
President,
Minister of Mahaweli Development and
Environment (Head of the Cabinet of Ministers).
11. Hon. Ranil Wickramasinghe,
Prime Minister and
Minister of National Policies & Economic
Affairs.
12. Hon. Nimal Siripala de Silva,
Minister of Transport and Civil Aviation.
13. Hon. Mangala Samaraweera,
Minister of Finance and Mass Media.
14. Hon. John Amarathunga,
Minister of Tourism Development and Christian
Affairs.
15. Hon. Gamini Jayawickrama Perera,
Minister of Sustainable Development and
Wildlife, Minister of Buddha Sasana.
16. Hon. S.B. Dissanayake,
Minister of Social Empowerment and Welfare.
17. Hon. W.D.J. Seneviratne,
Minister of Labour and Trade Union
Relations, and Sabaragamuwa Development.

18. Hon. Lakshman Kiriella,
Minister of Higher Education and Highways.
19. Hon. Dr. Sarath Amunugama,
Minister of Special Assignments.
20. Hon. Rauff Hakeem,
Minister of City Planning and Water Supply.
21. Hon. Anura Priyadarshana Yapa,
Minister of Disaster Management.
22. Hon. Susil Premajayantha,
Minister of Science, Technology and Research.
23. Hon. Dr. Rajitha Seneratne,
Minister of Health, Nutrition and Indigenous
Medicine.
24. Hon. Mahinda Samarasinghe,
Minister of Ports and Shipping.
25. Hon. Vajira Abeywardena,
Minister of Home Affairs.
26. Hon. S.B. Navinne,
Minister of Internal Affairs,
Wayamba Development and Cultural Affairs.

27. Hon. Rishad Bathiudeen,
Ministry of Industry and Commerce.
28. Hon. Patali Champika Ranawaka,
Minister of Megapolis and Western
Development.
29. Hon. Mahinda Amaraweera,
Minister of Fisheries and Aquatic Resources
Development.
30. Hon. Navin Dissanayake,
Minister of Plantations Industries.
31. Hon. Ranjith Siyambalapitiya,
Minister of Power and Renewable Energy.
32. Hon. Duminda Dissanayake,
Minister of Agriculture.
33. Hon. Vijith Vijayamuni Zoysa,
Minister of Irrigation and Water Resource
Management.
34. Hon. Thalatha Athukorala,
Minister of Justice and Foreign Employment.
35. Hon. P. Harrison,
Minister of Rural Economy.

36. Hon. Kabir Hashim,
Minister of Public Enterprises Development.
37. Hon. Gayantha Karunathilaka,
Minister of Lands and Parliamentary Reforms.
- 37A. W.M.D.J. Fernando,
Secretary to the Cabinet Ministers,
Office of the Cabinet Ministers,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.
38. Hon. Sajith Premadasa,
Minister of Housing and Construction.
39. Hon. Arjuna Ranatunge,
Minister of Petroleum Resources Development.
40. Hon. U. Palani Digambaram,
Minister of Hill Country, New Villages,
Infrastructure and Community Development.
41. Hon. Chandrani Bandara,
Minister of Women and Children's Affairs.
42. Hon. Akila Viraj Kariyawasam,
Minister of Education.

43. Hon. M.H.A. Haleem,
Minister of Posts, Postal Services and Muslim
Affairs.
44. Hon. Faiszer Mustapha,
Minister of Provincial Councils and Local
Government.
45. Hon. Dayasiri Jayasekera,
Minister of Sports.
46. Hon. D.M. Swaminathan,
Minister of Prison Reform,
Rehabilitation, Resettlement and Hindu Affairs.
47. Hon. Chandima Weerakkody,
Minister of Skills Development and Vocational
Training.
48. Hon. Sagala Ratnayake,
Minister of Law and Order and Southern
Development.
49. Hon. Harin Fernando,
Minister of Telecommunication and Digital
Infrastructure.
50. Hon. Mano Ganesan,
Minister of National Co-existence Dialogue and
Official Languages.

51. Hon. Daya Gamage,
Minister of Primary Industries.
52. Hon. Thilak Marapana,
Minister of Foreign Affairs and Development
Assignments.
53. Hon. Malik Samarawickrama,
Minister of Development Strategies and
International Trade.
54. Ranjith Madduma Bandara,
Minister of Public Administration and
Management.
55. Field Marshal Hon. Sarath Fonseka,
Minister of Regional Development.

(10th to 55th Respondents are the members of the
Cabinet of Ministers and collectively constitute
the Cabinet of Ministers)

56. Sumith Abeysinghe,
Secretary to the Cabinet of Ministers,
Office of the Cabinet of Ministers,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.

57. Anuradha Jayaratne,
Deputy Minister of Mahaweli,
Development of Environment,
'Sobadam Piyasa', No. 416/C/1,
Robert Gunawardena Mawatha,
Battaramulla.
58. Hon. Attorney General,
Attorney General's Department,
Hulftsdorp Street,
Colombo 12.
59. Solventer (Pvt.) Limited,
210, Stanley Thilakaratne Mawatha,
Nugegoda.
60. AC & RF Engineering (Pvt.) Limited,
210, Stanley Thilakaratne Mawatha,
Nugegoda.
61. Recycle Energy (Pvt.) Limited,
210, Stanley Thilakaratne Mawatha,
Nugegoda.
62. Ceylon Electricity Board,
50, Sir Chittampalam A. Gardiner Mawatha,
Colombo 02.

RESPONDENTS

Before : Dhammika Ganepola, J.
Adithya Patabendige, J.

Counsel : Dr. Sunil Abeyrathne with instructed by Buddika Alagiyawanna for the
Petitioner.
Kumar Dunusinghe with Punyajith Dunusinghe instructed by Manouri
Herath for the 1st, 2nd and 4th Respondents
Nayomi Kahawita, SSC for all Respondents except 1st, 2nd, 4th, 41st, 42nd,
44th and 45th Respondents.

Argued on : 13.01.2026

Written Submission

Tendered on : 09.03.2026 by the Petitioner
13.03.2026 by the 8th and 10th Respondents

Decided on : 24.03.2026

Adithya Patabendige, J.

The Petitioner, Ecotech Lanka Limited, invokes the writ jurisdiction of this Court seeking, *inter alia*, mandates in the nature of *writs of certiorari, prohibition and mandamus* in respect of the termination of a Lease Agreement entered into with the 1st Respondent, the Kandy Municipal Council (KMC), concerning the rehabilitation and operation of the Gohagoda dumpsite and the implementation of an Integrated Solid Waste Management Project. The Petitioner challenges the decision to terminate the said lease and the subsequent actions taken by the Respondents in relation to the management of the dumpsite. The Respondents oppose the application, contending that the termination was justified due to the Petitioner's failure to comply with contractual obligations, environmental requirements, and operational standards.

Confinement to Prayer (b)

When this application was taken up for argument on 13th January 2026, learned Counsel for the Petitioner informed the Court that the Petitioner would confine its case solely to prayer (b) of the Petition and would not pursue the remaining reliefs. Prayer (b) seeks to impugn the document marked **P41**.

Factual Background

The Petitioner is a limited liability company incorporated in Sri Lanka and claims to possess expertise in integrated solid waste management systems.

The 1st Respondent is the Kandy Municipal Council, the local authority responsible for municipal administration within the Kandy Municipal limits, including the collection and disposal of solid waste. The 2nd Respondent is the Municipal Commissioner and Competent Authority of the KMC, while the remaining Respondents are public authorities and officials connected with provincial administration and environmental regulation.

For several decades, municipal waste generated in the Kandy Municipal area was disposed of at the Gohagoda dumpsite near the Mahaweli River. The accumulation of waste over a prolonged period has resulted in serious environmental and public health concerns, including air pollution, water contamination, and nuisance to surrounding communities.

To address these issues, KMC took steps to establish an Integrated Solid Waste Management System for the Kandy Municipal area. Following preliminary studies conducted with the assistance of the University of Peradeniya, the 1st Respondent called for Expressions of Interest from private sector entities on 28th April 2008, marked **1R1**, for the rehabilitation of the dumpsite and the implementation of a comprehensive waste management project.

Several proposals were received, including the Petitioner's. Upon evaluation, the Petitioner was selected to undertake the project. The Petitioner relies on a document marked **P3** as evidencing the award of the project. The 1st and 2nd Respondents, however, contend that the said document is merely a report submitted to a municipal committee and not a formal Letter of Award.

Subsequently, on 18th January 2010, the Petitioner and the 1st Respondent entered into Lease Agreement No. 2185 whereby approximately 4.9649 hectares of land comprising the Gohagoda dumpsite were leased to the Petitioner for a period of thirty years. The lease agreement was marked as **P4**, and the English translation as **P4a**.

Under the terms of the lease agreement, the Petitioner undertook to rehabilitate the dumpsite and establish an integrated solid waste management system, including facilities for waste processing, compost production, and energy generation. The 1st Respondent undertook to permit use of the land for the project, supply municipal waste, and provide assistance, including relocation of occupants residing within the leased premises.

The implementation of the project required environmental clearance from the Central Environmental Authority (CEA). The Petitioner submitted the relevant Environmental Impact Assessment documentation marked **P5**, and approval was granted by the CEA on 14th November 2011, marked **P6**, subject to conditions, valid for a period of three years.

Following the grant of approval, the Petitioner commenced operations at the site in or about November 2011. The Petitioner states that the dumpsite was at that time in a severely degraded condition due to decades of uncontrolled dumping.

The Petitioner asserts that delays in implementing certain components of the project, including waste-to-energy facilities, were attributable to factors beyond its control, including technical difficulties relating to the composition of waste, financial constraints, and the continued presence of residents within the project area.

The Respondents dispute these assertions and state that the Petitioner failed to implement the project in accordance with the feasibility study and the obligations under the Lease Agreement. They further contend that the Petitioner delayed obtaining regulatory approvals, failed to achieve the required environmental standards, and did not fulfil several contractual conditions, including operational targets and payment obligations. The 1st and 2nd Respondents also state that substantial assistance was provided by the KMC to facilitate the project, including machinery, infrastructure support, relocation of residents, and financial assistance (vide **1R2** and **1R3**).

The 1st and 2nd Respondents further contend that the Environmental Impact Assessment approval granted to the Petitioner expired on 14th November 2014 and was not renewed thereafter, and that the Petitioner continued operations without valid environmental clearance. It is also their position that the sanitary conditions at the dumpsite remained unsatisfactory and that the project failed to operate in an environmentally acceptable manner.

According to the 1st and 2nd Respondents, the project subsequently deteriorated, resulting in malfunctioning waste management operations, continued accumulation of garbage, and environmental pollution. They state that, due to a lack of funds and failure to meet project objectives, the Petitioner abandoned the project in or about October 2015 without notice, necessitating the 1st Respondent's (**1R6, 1R7, 1R8**) takeover of the dumpsite's management.

The 1st and 2nd Respondents also refer to legal proceedings instituted by the CEA and to actions relating to public nuisance arising from conditions prevailing at the site (**1R5**).

In terms of the Lease Agreement, disputes arising between the parties were referred to the relevant provincial authorities. Following consultations, the 3rd Respondent and the Secretary to the Ministry of Local Government of the Central Province conveyed their decision dated 18th September 2017, marked **P40**, regarding the cancellation of the project, and thereafter the Lease Agreement was terminated by the 1st Respondent, dated 19th September 2017, marked **P41**.

The 1st and 2nd Respondents maintain that the termination was effected due to the Petitioner's failure to obtain necessary environmental approvals for a considerable period of time and failure to comply with the conditions stipulated in the Lease Agreement. They further state that the continuation of the project had become untenable in view of the increasing accumulation of waste and the environmental risks posed to the city of Kandy.

Aggrieved by the termination of the Lease Agreement and the subsequent actions taken by the Respondents in respect of the Gohagoda dumpsite, the Petitioner instituted the present application seeking relief in the exercise of the writ jurisdiction of this Court.

Clause 3(2)(i) of the Lease Agreement

The material before the Court discloses that **P40** embodies the decision of the 3rd Respondent taken pursuant to Clause 3(2)(i) of the Lease Agreement entered into between the Petitioner and the 1st Respondent. Under that clause, any problematic situation arising in connection with the agreement was to be referred to the Commissioner of Local Government of the Central Province, the 3rd Respondent, and the Secretary of the relevant Ministry, who were empowered to take the necessary action. It is common ground that the dispute between the parties was so referred, following which the decision contained in **P40** was communicated.

Consequent upon the decision of the 3rd Respondent, Document **P41** was issued by the 1st Respondent.²

Contractual Nature

Moreover, the dispute between the parties arises entirely out of the Lease Agreement marked **P4**, entered into between the Petitioner and the 1st Respondent. The rights and obligations of the parties, including the mechanism for resolving disputes, are governed by the terms of that agreement. Clause 3(2)(i) expressly provides for the reference of disputes to the competent provincial authorities. The impugned documents **P40** and **P41** are referable to actions taken within that contractual framework.

No statutory provision has been identified that confers upon the Respondents any special public law power in respect of the termination of the lease. Nor has the Petitioner demonstrated that the impugned actions involve the performance of a statutory duty owed to the public at large. The dispute concerns the performance, continuation, and termination of a commercial arrangement relating to the operation of a solid waste management project. Such matters fall squarely within the realm of private law.

It is a trite law that the writ jurisdiction under Article 140 of the Constitution concerns the legality of administrative or quasi-judicial action in the public law domain. It is not intended to provide a forum for adjudicating disputes arising from contractual obligations or for enforcing private rights, particularly where an adequate remedy lies in ordinary civil proceedings.

In the case of *Lanka Marine Services (Pvt) Ltd. v Sri Lanka Ports Authority and 7 others 2010 (B.L.R.) 187* states as follows.

- a) a distinction needs to be drawn between duties which are statutory and duties arising merely from contract. Contractual duties are enforceable as matters of private law by ordinary contractual remedies.
- b) certiorari lies where statutory authorities with powers vested by Parliament exercise those powers to the detriment of the public. It does not lie to remedy grievances arising from an alleged breach of contract.
- c) the Statute being superior, reflects the will of Legislators and takes priority over the private contract.

Conclusion and Order

In view of its entirety, the application amounts to an attempt to challenge the consequences of a contractual dispute under the guise of a writ application. Accordingly, this Court is of the view that the reliefs sought by the Petitioner are not amenable to review in the exercise of jurisdiction under Article 140 of the Constitution.

For the reasons set out above, the Application of the Petitioner is dismissed.

I make no order as to costs.

JUDGE OF THE COURT OF APPEAL

Dhammika Ganepola, J

I agree.

JUDGE OF THE COURT OF APPEAL