

Gemunu S. Wijewardana v Ministry of Public Enterprise and Kandy City Development

RTIC Appeal (In-Person Hearing)/ [662]/[2018]- Minute adopted as part of the formal meeting of the Commission on [05.02.2019]

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Gemunu S. Wijewardana

Notice issued to: Secretary, Designated Officer (DO), Ministry of Public Enterprise and Kandy City Development

Appearance/ Represented by:

Appellant – Absent
PA – Absent

RTI Request filed on	16.04.2018
IO responded on	16.04.2018 (Acknowledgement) 16.11.2017 (Response)
First Appeal to DO filed on	17.05.2018
DO responded on	No response
Appeal to RTIC filed on	02.08.2018

Brief Factual Background:

The Appellant had by request dated 16.04.2018, requested following information,

1. *Whether Paththini Baddeggedara also known as Kudalpotha in the Panala Divisional Secretariat Division was taken over or possessed by the Janatha Estate Development Board from the Land Reform Commission?*
2. *If so, whether they can provide the Gazette relating to it,*
3. *Whether the land liquidated to Serendib Concrete was given in a Gazette notification,*
4. *Who divided the land and made it a part of Katugampola Estate? Was it Janantha Estates Development Board or by company of Serendib Concrete Products? Or else was it the Land Development Commission?*
5. *Whether, when Kudalupotha land also known as Paththini Baddeggedara land was made part of Katugampola Plantation, was there an agreement or a Gazette notification?*
6. *Under Appeal Number 1292/84 and under Supreme Court case Number SC 13/96, Whether Pannala Estate (once used to be the land where Janatha Estate Development Provincial Council was situated) is already liquidated by the Serendibon Concrete Company or the Janatha Estates Development Board to the Kurunegala Plantation Limited?*

The Information Officer (IO) on 16.11.2017 responded stating following,

1. *This land is under possession and manage by the Kurunegala Plantation Limited from 1992,*
2. *This Land has been leased out by the Janatha Estates Development Board to Kurunegala Plantation Limited,*
3. *Katugmapola Area Estate has been leased out by Janatha Estates Development Board to Kurunegala Plantations Limited for 53 years by the Extra Ordinary Gazette of the Democratic Socialist Republic of Sri Lanka No. 719/15 dated 18th June 1992. Kudalpotha Division is one of the Divisions of Katugampola Area Estates. Janatha Estates Development Board is the present owner of this land.*

Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 17.05.2018. As the DO too failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 02.08.2018.

Matters Arising During the Course of the Hearing:

The matter is re-fixed for hearing on 23.04.2019 for an in depth consideration of the information requested.

The Appeal is adjourned due to the absence of both parties.
