

**R. Manikkavasagar v District Land Reform Board**

RTIC Appeal (In-Person Hearing 1800/2019- Order adopted as part of the formal meeting of the Commission on 11.02.2020

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and 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

**Director General** : D.G.M.V. Hapuarachchi

**Appellant:** R. Manikkavasagar

**Notice issued to:** Designated Officer, Land Reform Board

**Appearance/ Represented by:**

Appellant – R. Manikkavasagar  
S. Gowthami (TSA)  
R. Jeyaraj (TSA)  
PA - U.T. Wasana Somikelum

<b>RTI Request filed on</b>	23.05.2019
<b>IO responded on</b>	No response
<b>First Appeal to DO filed on</b>	19.06.2019
<b>DO responded on</b>	No response
<b>Appeal to RTIC filed on</b>	24.07.2019

**Brief Factual Background:**

The Appellant had requested the following items of information, by an information request dated 23.05.2019:

*“I lived near to Road no B71 (Hatton-Norton Highway) more than 100 years from my parents. But recently the management of Wanarajah sued against me to evict from stated land. Therefore I am requesting following information.*

- *A document related to true owner of marked land (green colour) which attached herewith as P1.*
- *Can go for a legal action by the management if stated land belongs to LRC.”*

As the IO failed to respond within the time period stipulated under the Act the Appellant on 19.06.2019 lodged an appeal with the DO. As the DO too failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 24.07.2019

**Matters Arising During the Course of the Hearing:**

At the time of the Appeal hearing, the Appellant informed the Commission that he wishes to know whether the particular land in question is owned by the Government or by a Private Estate (Wanarajah Estate). It was also mentioned by the Appellant that there had been a case heard at the District Court which is now a pending appeal before the Supreme Court (SC Appeal No 232/2017). Upon being queried as to his connection with the land, the Appellant submitted that he worked and lived on the said estate with leave and license of the Estate owner.

The Commission questioned the Public Authority as to whether the concerned property is a State land, however it was noted that the Public Authority was not aware of the matter.

**Order:**

In consideration of the facts arising from this appeal, it is ascertained that the Supreme Court has not come to a finding as to whether the property in respect of which the information has been requested is a state land or not (in judgment 232/2017 made available for the perusal of this Commission). Therefore, the Public Authority is directed to inform the Commission at its next hearing whether the property is owned by the state (State Land) or otherwise.

The Appeal is adjourned.

Next Date of Hearing: 26.05.2020

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

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RTIC Appeal (Documentary Proceeding) 1800/2019- Order adopted as part of the formal meeting of the Commission on 21.07.2020

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and 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

**Director General** : D.G.M.V. Hapuarachchi

**Appellant:** R. Manikkavasagar

**Notice issued to:** Designated Officer, Land Reform Board

**Matters Arising During the Course of the Hearing:**

In view of the prevailing situation in the country due to the threat posed by COVID 19, and as such in order to minimise interaction between persons, the appeals scheduled for in-person hearings in terms of Rule 20 of the RTI Commission's Appeal and Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017) will be considered as documentary proceedings under Rule 19. As such this appeal is considered by the Commission based on the documents present on file to date and the parties are notified of the directions below. This is subject to change at a later point.

**Order:**

On consideration of the Appeal, the Commission noted that the Public Authority has not complied with the Order dated 11.02.2020, which sates as follows,

“...Therefore, the Public Authority is directed to inform the Commission at its next hearing whether the property is owned by the state (State Land) or otherwise.”

The Public Authority is directed to take steps to comply with the said order with immediate effect and to revert to the Commission regarding the same within three weeks of the receipt of this communication, failing which the Commission will consider steps to be taken under Section 39 (4) of the RTI Act.

The Appeal is adjourned.

Next Date of Hearing: 15.09.2020

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

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RTIC Appeal (Documentary) 1800/2019 - Order adopted as part of the formal meeting of the Commission on 15.09.2020

**Chairman:** Mr. Mahinda Gammampila  
**Commission Member:** Mr. S. G. Punchchihewa  
**Commission Member:** Dr. Selvy Thiruchandran  
**Commission Member:** Ms.Kishali Pinto-Jayawardena

**Appellant:** R. Manikkavasagar  
**Notice issued to:** Designated Officer, Land Reform Board

**Matters Arising During the Course of the Hearing:**

The PA has not responded to and is therefore in default of the Order issued by the Commission dated 21.07.2020,

*“On consideration of the Appeal, the Commission noted that the Public Authority has not complied with the Order dated 11.02.2020, which states as follows,*

*“....Therefore, the Public Authority is directed to inform the Commission at its next hearing whether the property is owned by the state (State Land) or otherwise.”*

*The Public Authority is directed to take steps to comply with the said order with immediate effect and to revert to the Commission regarding the same within three weeks of the receipt of this communication, failing which the Commission will consider steps to be taken under Section 39 (4) of the RTI Act.”*

Both parties are required to be present for an In – Person hearing on 24.11.2020.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

***The Appeal is adjourned.***

**Next date of hearing:- 24.11.2020**

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RTIC Appeal (Documentary) 1800/2019 - Minute adopted as part of the formal meeting of the Commission on 24.11.2020

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

**Appellant:** R. Manikkavasagar  
**Notice issued to:** Designated Officer, Land Reform Board

**Matters Arising During the Course of the Hearing:**

In view of the prevailing situation in the Western Province from October 27<sup>th</sup> – November 23<sup>rd</sup> 2020 with curfew imposed in certain areas due to the threat posed by COVID 19, and as such in

order to minimize interaction between persons, the appeals scheduled for in-person hearings in terms of Rule 20 of the Commission's Rules on Fees and Appeal Procedures of the RTI Commission's Appeal (Gazette No. 2004/66, 03.02.2017) were postponed during the aforementioned period.

**Order:**

Accordingly, this Appeal will be taken up for hearing on 02.02.2021 in regard to which formal notices of the RTI Commission will be sent to both parties in due course.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

*The Appeal is adjourned.*

**Next date of hearing: - 02.02.2021**