

1963

Present : H. N. G. Fernando, J.

D. H. GUNASEKERA and 10 others, Petitioners, and MINISTER OF LANDS AND AGRICULTURE and another, Respondents

S. C. 447 of 1962—Application for a Writ of Certiorari and an Injunction on the Minister of Lands and Agriculture and on the Permanent Secretary to the said Minister

Compulsory acquisition of land for public purpose—Declaration of Minister—Incapacity of Courts to question it—Land Acquisition Act (Cap. 460), s. 5 (1) (2).

In proceedings under the Land Acquisition Act for the compulsory acquisition of a land, the declaration of the Minister that the land is required for a public purpose cannot be questioned in the Courts.

APPPLICATION for a writ of *certiorari* and an injunction on the Minister of Lands and Agriculture and on the Permanent Secretary to the said Minister.

H. W. Jayewardene, Q.C., with *H. Rodrigo* and *N. R. M. Daluwatte*, for petitioners.

H. Deheragoda, Crown Counsel, for 1st and 2nd respondents.

May 13, 1963. H. N. G. FERNANDO, J.—

This is an application in which relief is sought against proceedings taken under the Land Acquisition Act (Cap. 460) for the compulsory acquisition of certain lands. Counsel for the Petitioners concedes that a declaration under section 5 (1) of the Act has been published by the Minister in the *Gazette*. The consequence of the publication of that declaration is that sub-section (2) of section 5 operates to render the declaration conclusive evidence that the land was needed for a public purpose. The question whether the land should or should not be acquired is one of policy to be determined by the Minister concerned and even if that question may have been wrongly decided, sub-section (2) of section 5 renders the position one which cannot be questioned in the Courts. The application is refused with costs fixed at Rs. 210.

Application refused.

