

**Attorney General undertakes to maintain Status-Quo in the Mylathamadu
Mathavanai pastoral land case**

When the Provincial High Court of Batticaloa on 22nd January 2021 took up for hearing the Writ Application filed by the Livestock Farmers Society and by other farmers, all Respondents cited in the Writ Petition were represented in Court by the Attorney General. The Divisional Secretaries of Earavur and Chenkalady, Commissioner General of Forests, Mahaweli Authority and the Senior Superintendent of Police Batticaloa Division, Minister of Mahaweli Authority Chamal Rajapaksa were all represented by the Attorney General in Court. On behalf of the said Government authorities, the State Counsel appearing on behalf of them moved for time to file objections on behalf of the parties.

Counsel for the Petitioners brought to the attention of Court the recent incidents affecting the farmers resulting in the Farmers being abducted by outsiders and trespassers and being severely assaulted. Further the farmers were taken to the Maha Oya Police station who produced the farmers at the Magistrate Court of Dehiyatha Kandiya on charges that they had destroyed the cultivation on the said pastoral land. However, the Magistrate being explained the facts enlarged the farmers on bail and also ordered that the outsiders too be charged for the offence of abduction. It was brought to the notice of the Provincial High Court of Batticaloa that the 6 farmers were so badly beaten that they had to be hospitalised at the Mavadivembu Hospital, Batticaloa for treatment. Counsel submitted that, this kind of criminal offences are being committed by thugs and outlaws supported by politicians and government officials. Number of cattle had been killed wilfully by the said thugs having shot the animals by firearms and by other means. Complaints were made not only to the police but other authorities as well. But no action was taken and the farmers received no relief whatsoever from the state. Counsel further submitted that the livelihood of livestock farmers was at stake because they are dependent on the cattle and the cattle products for their livelihood. Counsel also stated that, it was the duty of state authority specially the Divisional Secretary, Mahaweli Authority to punish the offenders and protect the farmers who are making use of pastoral land for generations. Counsel added that there is evidence and letters written to that effect have been annexed with the petition to show that the pastoral land was being used for the purpose of cattle grazing with the knowledge and approval of the Government Agent for a considerable period of time.

Replying to the submission made by the Counsel for the Petitioners, the State Counsel submitted that, the state is objecting to the application on the grounds that the land does not belong to the Provincial Council, that the Petitioners did not have the *locus standi* and that the Mahaweli Authority has the controlling power of the reserved land. However, at the conclusion of the proceedings the State Counsel representing the Attorney General gave an undertaking the court to maintain the *Status -Quo* and prevent any disturbance to the farmers tending to their cattle on the pastoral land. When the State Counsel mentioned to Court that, the harvesting of the cultivation is presently going on, the Counsel for the Petitioners intervened and stated that, the cultivation itself was an illegal act and therefore the harvest should not be a matter to stand in the way of undertaking to maintain the *status*

- *quo*. The court directed the undertaking be explained to the Respondents. The dates for the objection for the Respondents was fixed for 5th March 2021.

In this case the Petitioners have filed an application for a Writ moving Court to issue a mandate in the nature of Writ of *Mandamus* directing the Forest Officers, the Divisional Secretaries and the Police to punish the offenders for offences committed under the law. The Petition stated, that the unlawful acts by the offenders were supported by the politicians, and the Government Officers and also by the Governor of Eastern Province. The Petitioners also have requested for a Stay Order to prevent the illegal activities of the trespassers on the said pastoral land.

Mr. K.S.Ratnavale AAL appeared with Mr. Narayanapillai AAL, Mr. M.Uvais AAL, Mr.V.S. Niranchan AAL, Ms. C.Ranitha Gnanarajah AAL and Dr. T.Jeyasingham AAL appeared for the Petitioners. Mr. S. Prashanthan State Counsel appeared for the Divisional Secretaries, Forest Department, Mahaweli Authority and the Minister of Mahaweli Authority.