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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Hon. DUDLEY KARUNARATHNA ESQR.,
Retired High Court Judge.

**Inquiring holder under Section 2 of the Statute of the Powers of Supervision of the Administration of Local Authorities
No. 04 of 1991 of the Western Province**

I, Pestheruwe Liyanaralalage Reginold Rosmand Cooray Wijewarnasooriya, Chief Minister and Minister of Law and Order, Finance and Planning, Education, Employment, Housing and Constructions, Local Government and Local Administration, Transport and Culture, of the Provincial Council Western Province, do hereby appoint you to be one man Tribunal to examine and report as to whether the matters set out under Section 2(1) Statute of the Authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province have been performed by the Panadura Urban Council and it's Chairman Hon. S. Wijith Priyantha De Silva respectively under the powers vested in him under Section 2(2) statute of Western Provincial Council.

Matters to be inquired into relating to Panadura Urban Council :-

1. Commission of an offence under Sections 2(1)(a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council of Western Province by allowing the Council to operate without a duly accepted budget from 01.01.2007 to date in the act of performing by the Panadura Urban Council.
2. Commission of an offence/offences stated in Section 2(1)(a) and or 2(1)(c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by passing a resolution to the effect that an Assessment Number should be assigned to an allotment of land marked Lot 2 in Plan No. 616 made by Mr. G. Saranasena, Licensed Surveyor, situated outside the limits of Urban Council in the act of performing by the Panadura Urban Council.
3. Commission of an offence stated in Section 2 (1) (a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by

allowing to continue with a bank overdraft amounting to Rupees Eleven Million Four Hundred and Forty Eight Thousand Three Hundred and Thirty Eight and cents Thirty Seven (Rs. 11,448,338.37) or an approximate amount as at 31.12.2006 or an adjacent date in relation to the common fund of the Council in the act of performing by the Panadura Urban Council.

4. Commission of an offence stated in Section 2(1)(a) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by defaulting payment of loan installments payable to the Local Loans and Development Fund in respect of a loan amounting to (Rs. 48,50,000) Rupees Four Million Eight Hundred and Fifty Thousand or and approximate sum during the period from 16.04.2006 to 07.06.2007, in the act of performing by the Panadura Urban Council.

Matters to be probed into in relation to Mr. S. Wijith Priyantha De Silva Chairman, Panadura Urban Council.

1. While functioning as the Chairman of the Panadura Urban Council on or about 29.12.2006 in taking action to get the budget passed for the year 2007, acting in contrary to Section 178 (a) of the Urban Council Ordinance and thereby Committing and offence/ offences mentioned in Section 2 (1) (a) and or 2 (1) (c) of the statute No. 4 of 1991 for the Supervision of the Administration of Local Authorities.
2. While functioning as the Chairman of the Panadura Urban Council on or about 29.12.2006 in conducting the Special General Meeting of the Panadura Urban Council without quorum and acting in contrary to Section 2 (c) of the Urban Council by laws and thereby committing and offence / offences mentioned in the Section 2 (1) (a) and or 2 (1) (c) of the statute No. 4 of 1991 for the Supervision of the Administration of Local Authorities.
3. While functioning as the Chairman of the Panadura Urban Council on or about 02.07.2007 in taking action to issue Assessment Nos. to lots of lands situated outside the administrative limits of the Panadura Urban Council, bearing Nos. 2a, 2b, 2c, 2d and 2e depicted in Plan No. 2298 prepared by the Licensed Surveyor, W. A. Rohana S. Perera thereby committing and offence mentioned in the Section 2 (1) (a) of the statute No. 4 of 1991 for the Supervision of the Administration of Local Authorities.
4. Commission of offence/offences stated in Section 2(1)(a) and/or 2(1)(c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province by allowing the Common Fund of the Panadura Urban Council to operate subject to a Bank Overdraft amounting to Rupees Six Million Four Hundred and Forty Eight Thousand One hundred and Eighty one and cents Sixty Two (Rs. 6,448,381.62) or an approximate amount without a resolution of the Council and thus acting in contrary to Section 26 (2) of the Urban Councils Ordinance, while functioning as Chairman of the Panadura Urban Council.
5. Commission of offence/ offences stated in Section 2(1)(a) and / or 2 (1) (c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province, by acting in contrary to Sub-section 151 (1) (a) of the Urban Councils Ordinance failing to debit the charges recovered from the factories in the Industrial Zone situated within the City Limits of Panadura for the cleansing services rendered to those factories to the Common fund during the period 06.12.2006 to 24.05.2007 while functioning as Chairman of the Panadura Urban Council.
6. Commission of offence/ offences stated in Section 2(1)(a) and / or 2 (1) (c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province, by acting in contrary to Section 26 (2) of the Urban Councils Ordinance by making a decision on 15.11.2006 or thereafter, to register M. H. H. Priyadarshanie of 236, Malamulla, Panadura, as a supplier of the Panadura Urban Council, without a Council Resolution, while performing as Chairman of the Panadura Urban Council.

7. Commission of offence/ offences stated in Section 2(1)(a) and / or 2 (1) (c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province, by taking action to procure 21 cubes of rubble valued at Rs. 70,944 or an approximate amount from Dhananjaya Hardware at 36/C, Malamulla, Panadura, on 16.11.2006 or thereafter without a resolution of the Council, while functioning as Chairman of the Panadura Urban Council.
8. Commission of offence/ offences stated in Section 2(1)(a) and / or 2 (1) (c) of the statute of the authority of Supervision of Administration of Local Government Bodies No. 04 of 1991 of Provincial Council, Western Province, by procuring 15 cubes of 2x2 or an approximate quantity of rubble and 6 cubes or an approximate quantity of 6x4 rubble from Dhananjaya Hardware at 36/C, Malamulla, Panadura, valued at Rs. 70,994 on 16.11.2006 or thereafter, in contrary to tender procedures and thus violating Section 40 of the Urban Councils Ordinance, while performing as Chairman of the Panadura Urban Council.

Further I would like to state that in terms of further provisions of the Section 2(2) of the statute of the powers of supervision of the administration of the Local Authorities No. 4 of 1991 of the Western Province you are entitled to powers of a commissioner appointed under commission of inquiry Act in respect of this probe and that you are kindly requested to submit your report to me with your findings investigations after completion of the relevant investigation within a period of three months from the date of this appointment.

I would like to further inform you that the identified written and oral evidence that should be made use of in probing the aforesaid matters are entered schedule below.

Pestheruwe Liyanaralalage Reginold Rosmand Cooray
Wijewarnasooriya, Chief Minister Law and Order, Finance and
Planning, Education, Employment, Housing and Constructions,
Local Government and Local Administration, Transport and Cul-
ture, Provincial Council Western Province.

On this 25th July, 2007,
At the Ministry of Chief Minister,
Western Province,
Srawasthi Mandiraya,
Colombo 07.

Schedule

Written evidence to be used to prove the above charges :

01. Minutes of special meeting held on 29.12.2006 by Panadura Urban Council.
02. The letter number LGD/09/01/01/U12 and dated 12.03.2007 addressed to Secretary, Panadura Urban Council by Commissioner of Local Government, Western Province.
03. Budget prepared for 2007 Panadura Urban Council.
04. A certified copy of Plan No. 616 prepared by Mr. G. Saranasena, Licensed Surveyor.
05. Master Plan of Panadura Urban Council Limit.
06. Panadura Urban Council minutes of meeting 20.11.2006.
07. The letter No. KL/204/RA/6667 and or 2007 undated letter addressed by Provincial Valuer.
08. Letter No. 3/1/4/ and 12.10.2006 addressed by Secretary, Panadura Urban Council to Mr. G. H. Vinson Silva.
09. Certified copy of Survey Plan No. 2298 prepared by Mr. W. A. Rohana S. Perera, Licensed Surveyor.
10. Letter dated 02.02.2007 addressed to Chairman by Mr. G. H. Vinson Silva at No. 7/244, Palliyawatta, Thimbirigaskotuwa, Negombo.
11. Letter No. KL/204/RA/6667 and dated 04.10.2006 addressed by District Valuer to Chairman, Urban Council Panadura.
12. Loan Register maintained by Panadura Urban Council.

13. Letter No. AC/Accounts/2007 and dated 07.06.2007 addressed to Commissioner of Local Government by Secretary, Panadura Urban Council.
14. The File No. Ac/Accounts/2007 maintained by Panadura Urban Council.
15. Register of debtors, Panadura Urban Council.
16. Cash Book of Panadura Urban Council.
17. Bank Statements of Panadura Urban Council from 01.01.2006 to 31.05.2007.
18. Panadura Urban Council No. පාන /3/1/4 Summary of Seeds 206/2006 පො. අ. 06 Bodhirukkarama Road, from pages 01 to 43.
19. The report submitted by Secretary, Panadura Urban Council dated 25.05.2007 regarding the revenue received 2006 from removal of garbage.
20. The report submitted Secretary, Panadura Urban Council dated 25.05.2007 regarding the revenue received 2005 from removal of garbage.
21. Minutes of Special Meeting of Panadura Urban Council 05.02.2007.
22. Minutes of Meeting dated 05.03.2007 Panadura Urban Council.
23. Payment Voucher No. 10 dated 05.03.2007 of Panadura Urban Council.
24. The letter dated 15.11.2006 by M. H. H. Priyadarshani at No. 236, Malamulla, Panadura addressed to chairman Panadura Urban Council including all minutes made therein.
25. Receipt Notes regarding receipts of 21 cubes of rubble supplied by Dhananjaya Hardware at No. 36, Panadura.
26. The letter dated 16.11.2006 addressed by the Chairman, Panadura Urban Council to Dhananjaya Hardware.

Oral Evidence to be used to prove the above Charges.

1. Mr. B. K. Karunasena, Secretary, Urban Council Panadura.
2. Mrs. S. K. Preethika, Management Assistant, Urban Council Panadura.
3. Management Assistant in charge of the subject, Urban Council Panadura.
4. Mr. W. A. Rohana S. Perera, Licensed Surveyor, No. 446, Colombo Road, Piliyandala.
5. Mr. G. Saranasena, Licensed Surveyor, Thudawamulla Road, Katubedda Moratuwa.
6. Mr. M. B. R. Gunapala, District Officer in charge Kalutara sub office, Kalutara.
7. Chief Executive Officer, Local Loan and Development Fund.
8. Mr. Gamini Madharasinghe, Management Assistant, Urban Council Panadura.
9. Management Assistant, Council Activities, Urban Council Panadura.
10. Manager or representative, People's Bank, Panadura.
11. Mr. Nimal Mahakumara, Public Health Inspector, Urban Council Panadura.
12. Mrs. M. H. H. Priyadarshani, No. 236, Malamulla, Panadura.
13. Management Assistant, in charge of Stores Urban Council Panadura.