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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Inquiry held under Section 02 of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council

I, Prasanna Ranatunga, the Chief Minister and the Minister of Finance and Planning, Law and Order, Education, Land, Local Government and Provincial Administration, Electricity and Power, Manpower and Employment and Economic Promotion of the Western Province Provincial Council hereby appoint the retired Judge of the Court of Appeal Hon. B.L.K. Wimalachandra as Single Person Tribunal of Inquiry as per the powers entrusted to me by the provisions of the section 2(2) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, to inquire and submit a report within 06 months whether the Chairman of the Wattala-Mabola Urban Council, Mr. W.M. Marc F. Gunasekara, while functioning in his office has made the offences stated under section 2(1) of the aforementioned statute on the basis of the following matters/allegations.

MATTERS / ALLEGATIONS TO BE INQUIRED ABOUT

1. Mr. W.M. Marc F. Gunasekara functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Powers of the Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, by functioning contrary to the Sub Section 36(e) ii of the Urban Councils Ordinance which shall be read along with section 2 of Provincial Councils (Consequential Provisions) Act, No.12 of 1989, by operating without an approval from the Minister purviewing the subject of Local Government of the Western Province when an area of land measured 23x15 feet in the empty land strip facing the railway tracks of Wattala-Mabola Urban Council Premises was leased out for a period of thirty years (30) to Kanagala Gamage Anthoney Gregor Gerald Ranjan De Silva of No.5, 1 st Lane, Awariwatta Road, Wattala on 12th December, 2005 or a date adjacent to that.

2. Mr. W. M. Marc F. Gunasekara functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, by functioning contrary to the section 40 of the Urban Councils Ordinance by taking action to lease out without calling tenders the plot of land measured 23x15 feet in the empty land strip facing the railway tracks of Wattala-Mabola Urban Council Premises for a period of thirty years (30) to Kanagala Gamage Anthoney Gregor Gerald Ranjan De Silva of No.05, 1 st Lane, Awariwatta Road, Wattala on 12th December, 2005 or a date adjacent to that.

3. Mr. W. M. Marc F. Gunasekara functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, having decided to lease out a plot of land measured 23x15 feet in the empty land strip facing the railway tracks of Wattala-Mabola Urban Council Premises for a period of Thirty years (30) to Kanagala Gamage Anthoney Gregor Gerald Ranjan De Silva of No. 05, 1 st Lane, Awariwatta Road, Wattala without properly been adopted by the Wattala-Mabola Urban Council and having taken measures to function according to that decision on 12th December, 2005 or a date adjacent to that.

4. Mr. W. M. Marc F. Gunasekara functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Powers of Supervision of Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, by functioning contrary to the Sub Section 36(e) ii of the Urban Councils Ordinance which shall be read along with Section 2 of Provincial Councils (Consequential Provisions) Act, No.12 of 1989, by operating without an approval from the Minister previewing the subject of Local Government of the Western Province when the property owned by the Urban Council at No.11-A, Sri Wikrama road, Wattala was leased out to the person named Alponson Collin Frank residing at No.36/7/C, Awariwatta Road, Wattala on 12th December, 2005 or a date adjacent to that.

5. Mr. W. M. Marc F. Gunasekara, functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by functioning contrary to the Section 40 of the Urban Councils Ordinance by taking action to lease out the property owned by the Urban Council at No.11-A, Sri Wikrama Road, Wattala without calling tenders, to the person named Alponson Collin Frank residing at No.36/7/C, Awariwatta Road, Wattala on 12th December, 2005 or a date adjacent to that.

6. Mr. W. M. Marc F. Gunasekara, functioning as the Chairman of the Wattala Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, by taking action to lease out the property owned by the Wattala-Mabola Urban Council at No. 11-A, Sri Wikrama Road, Wattala to the person named Alponson Collin Frank residing at No.36/7/C, Awariwatta Road, Wattala, contrary to the adoption made by the Wattala-Mabola Urban Council on 12th December, 2005 or on a date adjacent to that.

7. Mr. W. M. Marc F. Gunasekara, functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(c) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by functioning contrary to the sub section 36(e) ii of the Urban Councils Ordinance which shall be read along with section 2 of Provincial Councils (Consequential Provisions) Act, No.12 of 1989, by operating without an approval from the Minister purviewing the subject of Local Government of the Western Province when taking measures to lease out for year 2008 the meat stalls located at the markets of Wattala and Mabola Junction which are owned by the Wattala-Mabola Urban Council.

8. Mr. W. M. Marc F. Gunasekara, functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, by violating the section 39(1) of Urban Councils Ordinance by taking measures to lease out for year 2008 the meat stalls located at the markets of Wattala and Mabola Junction, which are owned by the Wattala-Mabola Urban Council for a period of time exceeding one financial year simultaneously without a proper adoption at the Urban Council.

9. Mr. W. M. Marc F. Gunasekara, functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence stated in section 2(1)(a) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by rejecting the legal orders given by the Commissioner of Local Government stating that the instructions of the Circular No. 1980/64 issued by the Commissioner of Local Government as per provisions of Urban Councils Ordinance in the instance of leasing out of the Meat Stall No. 04 of Station Road owned by the Urban Council, and acting contrary to those orders.

10. Mr. W. M. Marc F. Gunasekara, functioning as the Chairman of the Wattala-Mabola Urban Council has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council by giving the consent to dispose the garbage collected from the area of Colombo Municipal Council by the Abans Environmental Services Private (Ltd) Corporation of No. 141, Kirula Road, Colombo 07, to the land of Mabola proposed playground owned by the Wattala-Mabola Urban Council without a proper approval of the Urban Council, on 07th August, 2009 or on a date adjacent to it.

11. Mr. W. M. Marc F. Gunasekara functioning as the Chairman of the Wattala-Mabola Urban Council, has made the offence/offences stated in section/sections 2(1)(a) and/or 2(1)(d) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, by taking measures to sub-lease out the total land area or part of it owned by the Wattala-Mabola Urban Council, which is described under the instruments No. 5310 dated 20.09.1999, No.5311 dated 20.09.1999, No. 5370 dated 27.04.2000 and No.5421 dated 16.11.2000 and which has been leased out to the McLarens International Private (Ltd) Corporation, to Richard Pieris Distributors (Ltd) Corporation, without a proper approval of the Wattala-Mabola Urban Council on 03rd August, 2010 or on a date adjacent to it.

Further, as per the provision stated further under section 2(2) of the Powers of Supervision of the Administration of Local Authorities Statute, No. 04 of 1991 of the Western Province Provincial Council, the powers possessed by a Commissioner appointed under the Inquiries Commission Act will be conferred to the retired Judge of the Court of Appeal, B.L.K. Wimalachandra who has been appointed to this inquiry whereas, I would like to inform that with Three (03) months time from the date of appointment to this office and having made the relevant inquiries, a report including the conclusion be submitted to me.

I would further like to inform that written and oral evidences which have been identified as should be adopted when above matters are inquired, have been included in the following Schedule.

PRASANNA RANATUNGA,
Chief Minister and the Minister of Finance and Planning, Law and
Order, Education, Land, Local Government and Provincial Administration,
Electricity and power, Manpower and employment and
Economic promotion of the Western Province Provincial Council.

On the 01 date of December, 2010,
Chief Ministry of the Western Provincial Council,
Shrawasthi Mandiraya,
Colombo 07.

SCHEDULE

Oral Evidences :

1. Mr. D. Dharmapala - Former Secretary, Wattala-Mabola Urban Council.
2. Mr. G.A. Sunil Shantha - Secretary, Wattala-Mabola Urban Council.
3. Management Assistant engaged in the subject of property lease-outs of the Wattala-Mabola Urban Council.
4. Mr. Mahinda - Income Supervisor, Wattala-Mabola Urban Council.
5. Mr. Vishnukanthan - Work Supervisor, Wattala-Mabola Urban Council.

Written Evidences :

1. The file relevant to the leasing out of the plot of land measured 23 x 15 feet of Wattala-Mabola Urban Council premises to Mr. Kanagala Gamage Antoney Gregor Gerald Ranjan de Silva by Wattala-Mabola Urban Council.
2. The deed signed by the date 12.12.2005 under No. 607 by Attorney-at-Law and Notary Public, Mr. K. Premanath Kalahewatte relevant to the leasing out of the plot of land measured 23x15 feet of Wattala-Mabola Urban Council premises to Mr. Ranjan de Silva by Wattala-Mabola Urban Council.
3. Report of the General Meeting held on 06.12.2005 of Wattala-Mabola Urban Council.
4. The file relevant to the leasing out of the upper floor of the Reading Hall of the building in the possession of Wattala-Mabola Urban Council, at No. 11 A, Galwetiya Road(Sri Wickrama Mawatha), Awariwatte Junction, Wattala.
5. The lease-deed compiled by Attorney-at-Law and Notary Public, Mr. K. Premanath Kalahewatte, signed by the Council on 09.11.2007 in relation to leasing out of the property at No. 11 A, Sri Wickrama Mawatha, Wattala to Mr. Alponson Collin Frank.
6. Report of the General Meeting held on 27.09.2007 of Wattala-Mabola Urban Council.
7. The files relevant to the leasing out of eight meat stalls for year 2008, located at the markets of Wattala and Mabola Junction which are owned by the Wattala Mabola Urban Council.
8. Circular No. 1980/46, issued by the Commissioner of Local Government (W.P.) dated 31.12.1980.
9. The file related to the leasing out of the shop No. 04 owned by the Wattala-Mabola Urban Council at Station Road.
10. The letter of the Chairman of the Wattala-Mabola Urban Council addressing the Commissioner of Colombo Municipal Council dated 05.01.2010 without a reference number.
11. The letter No. U/F/SPL dated 05.05.2010 of the Chairman of the Wattala-Mabola Urban Council addressing the Legal Officer of the Department of Local Government (W.P.).
12. The File No. F/I72/1 of Wattala-Mabola Urban Council.
13. The motion of the Wattala-Mabola Urban Council dated 29.07.2010.
14. The following agreements reached into by the Wattala-Mabola Urban Council with the McLaerns International Private (Ltd) Corporation.
 No. 5310 of 20.09.1999
 No. 5311 of 20.09.1999
 No. 5370 of 27.04.2000
 No. 5421 of 16.11.2000