WHERE THE LAW MEETS THE SHORELINE: AHANGAMA'S DEMOLITIONS AND THE COST OF ENFORCEMENT WITHOUT PROCESS

Gavinu Senevirathne
Operations Director, Bsc (Hons) in Biotechnology

Viduravi Athulathmudali
Attorney-at-Law, LL.M (Reading), LL.B (Hons) (Colombo), PGDip (Economic Policy)

Sustainable coastal governance in Ahangama will require the CCD to pair its considerable legal powers with the same discipline, consistency, and willingness to talk that it demands of the businesses it regulates.

Ahangama's rise from a quiet fishing hamlet into one of Sri Lanka's most sought after surf and lifestyle destinations is one of the tourism sector's genuine post crisis success stories. The town's share of national tourism spend climbed 5.54 percentage points, to 6.11 percent, between 2019 and 2025, among the fastest growing shares of any destination in the country (Hapugoda, 2025). That success has now collided with a hard legal reality. Much of Ahangama's beachfront hospitality economy sits within the statutorily protected Coastal Zone, and in recent weeks the Department of Coast Conservation and Coastal Resource Management (CCD) has deployed heavy machinery, longside the Special Task Force, Police, and the Coast Guard, to demolish unauthorised structures along the strip. Hotels, cafés, and restaurants have been displaced, and millions of dollars in private investment destroyed.

This analysis looks at what gave the Coast Conservation Department the power to do this, tests the enforcement action against the safeguards Parliament itself built into the law, and sets out the industry's counter argument, one that doesn't reject coastal protection but demands lawful process, consistent enforcement, and a workable transition plan that doesn't gut a fragile local economy on the eve of a tourist season.

Courtesy: Pinterest

What the Law Actually Allows

The Coast Conservation Act, No. 57 of 1981, as amended in 1988 and 2011, places the administration, control, custody, and management of Sri Lanka's Coastal Zone in the Republic, with a Director General of Coast Conservation responsible for implementation. The Coastal Zone runs 300 metres landward of the Mean High Water Line and 2 kilometres seaward of the Mean Low Water Line. Section 14 requires a permit for any development inside that zone, and Section 31 gives the Director General power to order demolition of unauthorised structures.

That power isn't a blank cheque. Section 31 builds in a structured appeals process. Under Section 31(2), the Director General issues a notice ordering removal. Under Section 31(3), an aggrieved party can appeal to the Secretary of the Ministry of Environment. Reporting on the broader Galle District enforcement drive, under which 760 illegal structures were identified and 23 of them in Ahangama, confirms how this works on the ground. Once a structure is flagged, a police complaint is filed, the owner has three days to appeal to the Ministry, the Secretary has 45 days to respond, and if no appeal is filed, or the appeal fails, demolition must happen within seven days, after which the CCD may lock the premises (Sunday Times, 2025).

On paper, this is a meaningful due process framework.

Courtesy: Ahangama Community

The 2011 amendment also expanded police powers against illegal coastal development, raised fines, barred magistrates from granting bail for unauthorised development offences, and set up a coastal protection reward fund for enforcement officers. The Act also makes clear that setback exemptions can only be granted by the Director General in the public interest, never for private commercial convenience.

The Duty to Give Reasons, and What the Public Was Told to Expect

None of this means the CCD's conduct in Ahangama is beyond scrutiny, only that the scrutiny sits more comfortably in administrative fairness than in a claim that the CCD lacks the power to act. The most relevant doctrine here is legitimate expectation, which the Supreme Court has confirmed operates in Sri Lankan public law both procedurally and substantively. Where a public authority has, through a stated practice, created an expectation, for instance a practice of issuing warnings and allowing a compliance window before acting, it must either honour that expectation or give a reasoned justification for departing from it.

The leading authority on how far this doctrine reaches is *Wickremaratne v Jayaratne and Others* [2001] 3 Sri LR 161, where the Court of Appeal held that the doctrine of legitimate expectation "is not limited to cases involving a legitimate expectation of a hearing before some right or expectation was affected but is also extended to situations even where no right to be heard was available or existed but fairness required a public body or officials to act in compliance with its public undertakings and assurances." That is a significant extension. It means the doctrine doesn't only protect a right to be heard before an adverse decision, it also holds a public authority to its own conduct and assurances even where no formal hearing right exists at all.

The CCD is reported to have issued warning letters to Ahangama operators over the past year, again a few months and finally a week before the August demolitions. That pattern of graduated warnings, ending in a compressed final notice timed right before peak season, arguably created a legitimate expectation of a defined compliance runway that wasn't honoured, precisely the kind of public undertaking and assurance *Wickremaratne* says a public body must act consistently with. That's a distinct procedural fairness claim, separate from and additional to a straightforward Section 31 appeal, and it doesn't depend on arguing the CCD had no right to demolish in the first place.

Does the Duty Go Further, Toward a Standing Policy?

Whether this extends to a broader duty to consult, or to maintain a standing policy for recurring enforcement, doesn't have a single clear statutory answer, but existing doctrine points that way. In its analysis of *Dinga Thanthirige Jayalath Perera v Vice Admiral Karannagoda* SC Appeal 11/2017, the Court of Appeal held that whether a duty to give reasons exists must be assessed by asking whether the way authorities exercised their statutory duties affected the legality and reasonableness of the decision, and, where no express statutory duty exists, whether the common law imposes one anyway. Unless a statute expressly says otherwise, a public body deciding something that affects a person's rights is required to record its reasons (Foster, 2026).

Read alongside *Wickremaratne*'s protection of a public body's own undertakings and established practice, there's a credible argument that a public authority running recurring, cyclical enforcement sweeps, as the CCD does annually along the southern coast, takes on an obligation to either stick to a consistent, previously announced policy or give individualised reasons for departing from it in a given year. This isn't yet a settled cause of action in Sri Lankan coastal law, but it's a natural extension of principles the Supreme Court has already recognised, and it would be a strong submission for any industry association making representations to the Ministry of Tourism or the CCD. Importantly, this is a case for better policy design and process, not a case that the CCD's underlying authority is unlawful.

The Timing Problem: A Self-Inflicted Policy Failure

The industry's most defensible grievance may not be purely legal but administrative, and it ties directly into the legitimate expectation argument above. In January 2026, the Deputy Minister of Fisheries publicly stated that all construction, removal, and excavation activity along the southern coastal tourist belt, naming Ahangama specifically, would be halted during the tourist season, with removal work completed ahead of the season under a centralised annual plan (News 1st, 2026). Sri Lanka's south coast high season runs from November through April (Sattva, 2026), with tourists starting to arrive in early September, meaning the government's own stated policy contemplated finishing demolitions in the May to July off season. A demolition carried out in August, roughly a month to six weeks when the season is gradually starting to open up, doesn't just inconvenience businesses. It appears to directly contradict the coordinated annual plan the Deputy Minister himself announced only months earlier.

The Human Cost Beneath the Headline

The economic weight of the demolitions falls well beyond the handful of registered business owners named on a Section 14 permit. Ahangama's beachfront hospitality cluster sits at the top of a dense local supply

Surf instructors rent boards and give lessons out of beachfront huts. Tuk tuk drivers depend on a steady flow of guests moving between properties. Small scale produce and seafood suppliers sell directly into café and restaurant kitchens. And a broad base of hospitality staff, servers, housekeepers, kitchen workers, are frequently employed informally, without the contracts that would let them absorb a sudden loss of income.

When a beachfront café or guesthouse is demolished without warning, this entire downstream economy stops functioning immediately. Unlike the business owner, who may eventually rebuild or relocate, the surf instructor, the tuk tuk driver, and the produce supplier lose their day's income the moment the machinery arrives, with no comparable legal avenue for redress. This is a distinct policy concern from the property rights of the registered business owner, and it strengthens the case that enforcement of this scale should be preceded by a transition period specifically designed to let this wider labour ecosystem adjust, not just the permit holder.

What's at Stake for Investor Confidence

The stakes here go beyond a local dispute, because the Southern Belt, and Ahangama within it, has become one of the more credible destinations for both foreign and domestic tourism capital in Sri Lanka's post crisis recovery. National FDI surged 72 percent in 2025, to a historic $1.06 billion, with tourism capturing an 11 percent share of new capital commitments (Global Finance Magazine, 2026). In the Southern Province specifically, the SLTDA's own 2025 investment data records USD 35.14 million in new tourism investment in Galle district and USD 24.725 million in Matara district in a single year, across hundreds of new rooms (Sri Lanka Tourism Development Authority, 2026). High profile recent entries, including IHCL's 220-key Taj Weligama luxury resort, opened in February 2026 specifically to capture rising demand in the Southern Province (Travel and Tour World, 2026), signal that major branded and foreign linked capital increasingly sees the southern coast, including the Ahangama-Weligama corridor, as a serious long term investment thesis rather than a backpacker curiosity.

That thesis depends heavily on regulatory predictability. Industry commentary on why Sri Lanka continues to underperform regional peers like Thailand and Vietnam in tourism FDI points specifically to structural and regulatory inconsistency as a discouraging factor for foreign hotel investors, alongside more familiar demand side weaknesses (Sri Lanka Tourism Alliance, 2025). An enforcement action carried out without transparent criteria, outside the government's own announced seasonal planning window, and without a visible transition mechanism, sends exactly the kind of signal that erodes confidence among the foreign, diaspora, and domestic investors currently weighing whether to commit further capital to boutique and mid market coastal properties in the Ahangama-Weligama-Mirissa cluster. The government is simultaneously and publicly courting exactly this class of investor, through reduced BOI minimum investment thresholds, a new Investment Protection Bill, and a single window approval system explicitly built for a predictable business environment (Global Finance Magazine, 2026). An enforcement approach in Ahangama that looks arbitrary or poorly sequenced works directly against the state's own economic strategy for the region.

A Pattern of Uneven Enforcement

Community testimony gathered for this piece, echoing independent reporting, describes a pattern of uneven enforcement that sits uncomfortably with the principle that regulatory power should be exercised consistently. The CCD's own Galle Area Manager has admitted that most tourism businesses are in clear violation of the 3, 8, or 10 metre buffer zones, yet only 23 of an identified 760 unauthorised structures in the district were slated for removal in the most recent sweep, raising the question of what criteria decided which businesses were targeted first (Sunday Times, 2025). Operators on the ground report that small, independently owned cafés and guesthouses face swift demolition or bureaucratic gridlock even for routine repairs, while larger resort developments appear to expand toward buffer zones with comparative impunity. If substantiated with documentary evidence, that disparity could support a challenge grounded in unequal treatment under Article 12(1) of the Constitution.

The Case for Structured Dialogue

None of the legal analysis above suggests the CCD is acting outside its authority. What it suggests is that the CCD's authority, exercised without a consistent published policy, without reasoned individual justifications, and without any visible transition mechanism, is creating harm that a more deliberate policy process could avoid without giving up the underlying goal of coastal protection. A formal, standing consultation mechanism between the CCD, the Ministry of Tourism, and organised industry representatives is best understood as a policy fix to that gap, not a legal challenge to the CCD's mandate. Ahangama operators organising into a documented industry association, capturing their legal standing, tax contributions, and community role, as several stakeholders are already proposing, are not disputing the CCD's right to enforce the law. They are asking for a seat at the table in how and when that enforcement happens.

Courtesy: Ahngama Community

A Path That Honours Both the Law and the Livelihoods

None of this should be read as licence to ignore the Coast Conservation Act's legitimate purpose. Coastal erosion, marine ecosystem degradation, and unregulated encroachment are real and worsening problems the CCD is statutorily obligated to address. The industry testimony gathered for this piece doesn't dispute that, or the CCD's underlying legal authority to act. It disputes the manner, timing, and selectivity of enforcement, and a legally coherent, policy driven reform path can be built around that distinction.

The starting point is process discipline. The Section 31(2) to 31(3) notice and appeal timeline already exists in the Act, so the fix isn't new legislation but consistent adherence to what's already there, with the Ministry Secretary required to record reasoned findings on each appeal rather than issuing pro forma rejections, in keeping with the fairness and reasoned decision making principles set out in *Wickremaratne*. Alongside that, the CCD would do well to publish a transparent, uniform enforcement criteria matrix, so that businesses of every scale are demolished, or spared, according to consistent, publicly known standards rather than criteria nobody outside the Department can see. That alone would go a long way toward answering the selective enforcement grievance and the Article 12(1) equality concern raised earlier.

Timing is the second piece, and arguably the easiest to fix, since the government has already committed to it once. Binding the CCD to its own announced annual planning cycle, so that removal operations in tourism dependent zones like Ahangama happen exclusively in the off season window, roughly May to July, would simply hold the Department to the plan the Deputy Minister himself set out in January 2026, rather than allowing operations to spill into the month or six weeks before the season opens (News 1st, 2026). That commitment is reinforced, not invented, by the legitimate expectation doctrine's protection of a regular practice the public can reasonably expect to continue.
Beyond process and timing, there's a case for building a standing relationship rather than reacting sweep by sweep. Formal recognition of an industry association or stakeholder body, of the kind Ahangama operators are reportedly already organising, would give the CCD and the Ministry of Tourism a real counterpart to negotiate standardised, legally compliant construction guidelines with, the kind of modular, non permanent, environmentally adapted structures that can operate closer to the shoreline without violating the buffer zone in substance. And finally, whatever process is agreed on should carry a genuine transition mechanism, even a short, defined notice to vacate period longer than the current seven days post appeal, one that lets businesses wind down operations, relocate guests, and salvage movable assets, and that explicitly accounts for the downstream informal workforce, who have no direct standing under the Coast Conservation Act but bear the immediate economic harm all the same.

Conclusion

Before turning to the legal and policy conclusions, one further point deserves attention. The local community has repeatedly noted that this stretch of Ahangama's coastline generates income all year round, benefiting not just the foreign-facing tourism economy but local operators, domestic visitors, and government revenue too. Every licensed establishment on the strip pays the Tourism Development Levy on turnover regardless of season, and occupancy and room rate data show meaningful activity even in the off-season, not merely a foreign-driven spike confined to peak months. This cuts against treating the demolished strip as a purely foreign-facing enclave whose loss falls only on outside investors or seasonal arrivals. It has instead been a year-round contributor to local incomes and state revenue, a case only reinforced by the fact that the demolition debris was simply left by the sea, forcing locals to clean it up themselves.

The Coast Conservation Act gives the CCD clear authority to demolish unauthorised coastal structures, and Ahangama's rapid, largely unregulated commercial expansion onto reservation land isn't seriously in dispute. Nor, on the case law available, is the CCD's underlying legal authority to act where it has followed the statutory process. The real question this raises is not one of legality but of policy design, whether an authority with clear and largely unchallenged legal power is exercising it in a way that's consistent, predictable, and fair to those it affects. The manner in which the CCD has exercised its powers in Ahangama, timed squarely inside the tourism season the government itself pledged to protect, apparently selective between large and small operators, and silent on any transition support for the wider informal economy or the investor confidence it depends on, is best addressed through better policy process, reasoned decision making, and structured dialogue, not through disputing the CCD's right to act at all. Sustainable coastal governance in Ahangama will require the CCD to pair its considerable legal powers with the same discipline, consistency, and willingness to talk that it demands of the businesses it regulates.

References

- Coast Conservation Act, No. 57 of 1981 (Sri Lanka), as amended by Act No. 64 of 1988 and Act No. 49 of 2011.
- Dinga Thanthirige Jayalath Perera v Vice Admiral W. K. J. Karannagoda and Others SC Appeal 11/2017.
- Global Finance Magazine. (2026, May 3). Sri Lanka: FDI is on the rise. Retrieved August 19, 2026, from https://gfmag.com/emerging-frontier-markets/sri-lanka-fdi-is-on-the-rise/

- Hapugoda, S. (2025, December 11). Inbound tourism in Sri Lanka is clearly evolving [LinkedIn post citing Mastercard Economics Institute Economic Outlook 2026]. Retrieved August 19, 2026, from https://www.linkedin.com/posts/sandunh_mastercard-economicsinstitute-economicoutlook2026-activity-7405307268369481728-DKv3

- News 1st. (2026, January 16). Southern coastal development to follow yearly plan, no construction during tourist season. Retrieved August 19, 2026, from https://english.newsfirst.lk/2026/01/17/southern-coastal-development-to-follow-yearly-plan-no-construction-during-tourist-season

- Foster, S. Right to be Heard. (2026, January 6). A right to be heard [analysis of Dinga Thanthirige Jayalath Perera v. Vice Admiral W. K. J. Karannagoda]. Retrieved August 19, 2026, from https://ric.lk/a-right-to-be-heard/

- Sattva. (2026). Best time to visit Ahangama. Retrieved August 19, 2026, from https://sattva.lk/best-time-to-visit-ahangama

- Sri Lanka Tourism Alliance. (2025, September 30). Why Sri Lanka fails to attract foreign direct investment in tourism. Retrieved August 19, 2026, from https://www.srilankatourismalliance.com/news-and-updates/foreign-direct-investment-tourism/

- Sri Lanka Tourism Development Authority. (2026, April 2). Year in review, 2025. Retrieved August 19, 2026, from https://www.sltda.gov.lk/storage/common_media/Year_in_Review_2025_Final_updated_Report_2026_04_02.pdf

- Sunday Times. (2025, June 1). In beachfront chaos, bribes and legal evasion keep businesses running. Retrieved August 19, 2026, from https://www.sundaytimes.lk/250601/news/in-beachfront-chaos-bribes-and-legal-evasion-keep-businesses-running-600012.html

- Travel and Tour World. (2026, February 9). IHCL Taj Weligama expands luxury hospitality in Sri Lanka, boosting their wellness. Retrieved August 19, 2026, from https://www.travelandtourworld.com/news/article/ihcl-taj-weligama-expands-luxury-hospitality-in-sri-lanka-boosting-their-wellness/

- Wickremaratne v Jayaratne and Others [2001] 3 Sri LR 161.