

CHAPTER 300

LAND DEVELOPMENT

Ordinances AN ORDINANCE TO PROVIDE FOR THE SYSTEMATIC DEVELOPMENT AND ALIENATION OF STATE LAND IN SRI LANKA.

Nos. 19 of 1935,
3 of 1946,

Acts

Nos. 49 of 1953,
22 of 1955,
16 of 1969,
21 of 1971.

Law

No. 43 of 1973.

[15th October, 1935.]

- Short title. 1. This Ordinance may be cited as the Land Development Ordinance.
- Interpretation. 2. In this Ordinance, unless the context otherwise requires —
- “alienation” with its grammatical variations and cognate expressions means the alienation of State land under this Ordinance ;
- [§ 2, 16 of 1969.] “citizen of Sri Lanka” means an individual who is a citizen of Sri Lanka under any law for the time being in force relating to citizenship ;
- “court” means any Court of Justice constituted by or under the Constitution of the Republic ;
- “disposition” with its grammatical variations and cognate expressions means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, devise, donation, exchange, lease, mortgage or transfer of land ;
- [§ 2, 16 of 1969.] “district agricultural committee” shall have the same meaning as in the Irrigation Ordinance ;
- [§ 2, 21 of 1971.] “Government Agent” includes an Additional Government Agent, Assistant Government Agent and Additional Assistant Government Agent ;
- “grant” means a grant of land from the State under this Ordinance ;
- “holding” means land alienated by grant under this Ordinance, and includes any part thereof or interest therein ;
- “kachcheri” means the office of a Government Agent ;
- “land” includes—
- (a) the bed of any waterway or of any collection of water, whether natural or artificial,
- (b) things attached to the earth or permanently fastened to anything attached to the earth, and
- (c) any title to land or any interest in the crops growing or to be grown thereon ;
- “Land Commissioner” means the officer appointed under section 3 of this Ordinance, and includes any officer of his department authorized by him in writing in respect of any particular matter or provision of this Ordinance ;
- “Land Kachcheri” means a meeting held in the prescribed manner for the purpose of alienating State land ;
- “land officer” means an officer appointed under section 6 for the purposes of this Ordinance and the expression “the land officer” means the officer dealing with the particular land which is referred to in the context in which such expression is used ;

“local authority” includes a Municipality, an Urban Council established under the Urban Councils Ordinance, a Town Council, and a Village Council;

“mapping-out” with its grammatical variations and cognate expressions means the reservation of State land for one or more of the purposes specified in section 8* or for any purpose prescribed under that section;

“minimum fraction” means the smallest fraction of a holding which can lawfully be held in undivided ownership;

“owner” means the owner of a holding whose title thereto is derived from or under a grant issued under this Ordinance;

“peace officer” means a police officer and includes any grama seva niladhari appointed by the Government in writing to perform police duties;

[§ 2, 16 of 1969.]

“People’s Bank” means the Bank established under the People’s Bank Act;

“permit” means a permit for the occupation of State land issued under Chapter IV;

[§ 2, 16 of 1969.]

“permit-holder” means any person to whom a permit has been issued and includes a person who is in occupation of any land alienated to him on a permit although no permit has actually been issued to him;

“prescribed” means prescribed by this Ordinance or by the regulations made thereunder;

[§ 2, 16 of 1969.]

“registered society” shall have the same meaning as in the Co-operative Societies Law;

“regulation” means a regulation made under this Ordinance by the Minister;

“State land” means all land to which the State is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto;

“State Mortgage and Investment Bank” means the Bank established under the State Mortgage and Investment Bank Law; [§ 2, 16 of 1969.] [§ 89, Law 13 of 1975.]

“surveyed” means surveyed by the Surveyor-General or under his authority;

“Surveyor-General” means the Surveyor-General of Sri Lanka or any other officer deputed to act on his behalf for the purposes of this Ordinance to the extent to which such officer is deputed;

“title” means right, title, or interest;

“unit of subdivision” means the minimum extent of land below which a holding cannot lawfully be subdivided.

CHAPTER I

APPOINTMENT, POWERS AND DUTIES OF OFFICERS

3. (1) There may be appointed a Land Commissioner who shall be responsible— Appointment and duties of Land Commissioner.

(a) for the due performance of the duties and functions assigned to him as Land Commissioner under this Ordinance;

(b) for the general supervision and control of all Government Agents and land officers in the administration of State land and in the exercise and discharge of the powers and duties conferred and imposed upon them by this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Minister.

* Section 8 is repealed by Law No. 43 of 1973.

Powers of Land Commissioner.

4. (1) The Land Commissioner may from time to time give general or special directions to a Government Agent or to a land officer as to the performance of his duties relating to land administration and may direct or authorize any question of doubt or difficulty in connexion with such duties to be referred to the Land Commissioner for decision.

(2) Any direction or decision of the Land Commissioner shall be observed and given effect to by the Government Agent or by the land officer as the case may be.

Appointment of Assistant Land Commissioners and other officers.

5. There may be appointed one or more Assistant Land Commissioners and such other officers as may from time to time be required for the purposes of this Ordinance.

Land officers.

6. (1) There may be appointed one or more land officers for the whole of Sri Lanka or for any province or district.

(2) Every such land officer may, for the purposes of this Ordinance, perform, execute and exercise in any province or district or in the particular province or district for which he shall have been appointed, all or any of the functions, duties and powers assigned to or imposed upon or vested in a Government Agent under this Ordinance or any regulation made thereunder.

[§ 3, 21 of 1971.]

(3) Every person appointed as a Settlement Officer or as an Assistant Settlement Officer under the Land Settlement Ordinance, shall be deemed to be appointed a land officer for the whole of Sri Lanka for the purposes of this Ordinance.

All officers to be public servants.

7. All officers appointed for the purposes of this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.

CHAPTER IV*

PERMITS AND GRANTS

*25. Every permit shall be substantially in a prescribed form.

Form of permit.

†27. Every grant shall be substantially in a prescribed form.

Form of grant.

28. Land which has not been surveyed shall not be alienated by grant.

Grant not to issue for unsurveyed land.

29. (1) Every grant, when issued, shall be registered at the instance of the Government Agent in such manner as may be prescribed.

Registration of grants.

(2) No fees shall be paid or recovered for such registration.

30. The land alienated on any grant shall be described with reference to a plan prepared by or under the authority of the Surveyor-General and kept in his charge. There shall be attached to each grant a diagram of the land alienated on that grant. The diagram shall be prepared under the authority of the Surveyor-General but it shall not be necessary for the diagram to bear on the face thereof a certificate to the effect that it was so prepared.

Diagram to be attached to grant.

31. The Surveyor-General shall cause to be issued to any applicant a copy of any plan or of any part thereof on payment of the prescribed fee.

Copy of plan to be supplied on payment of prescribed fee.

‡35. The Land Commissioner may authorize the Government Agent to include in a grant special conditions applicable to individual cases or to classes of cases in particular areas.

Land Commissioner may authorize insertion of special conditions in grants.

‡37. The conditions included in any grant shall, as from the date of such grant, run with the land and shall bind the original and all owners thereof and all persons whomsoever who acquire any title thereto.

Conditions in a grant to run with the land.

38. The amount to be paid by a permit-holder annually for the purposes of subsection (3) of section 19A** shall be determined in accordance with such regulations as may be made in that behalf.

Principles governing the determination of the amount of the annual payment. [§ 16, 16 of 1969.]

* Chapters II and III (Sections 8 to 24) are repealed by Section 53, Law No. 43 of 1973.

† Section 26 is repealed by Act No. 16 of 1969.

‡ Sections 32, 33, 34 and 36 are repealed by Act No. 16 of 1969.

** Section 19A is repealed by Law No. 43 of 1973.

CHAPTER V

PROTECTION OF LAND HELD ON PERMITS OR GRANTS

Protection of land alienated on permits and grants. [§ 17, 16 of 1969.]

39. (1) No land alienated on a permit or grant shall be seized or sold in execution of the decree of any court :

Provided that the preceding provisions of this section shall not apply to the seizure and sale of land alienated on a grant in execution of a decree entered in an action for the enforcement of a mortgage on that land which is permitted by this Ordinance ;

And provided further that where any land alienated on a grant has been accepted as bail for the release of any person accused of an offence before any court and where such person does not appear as required by such court, such land may be seized and sold for the recovery of such amount as may be fixed as bail by such court.

(2) Where land alienated on a grant is sold in execution of a decree entered in an action for the enforcement of a mortgage on that land, the sale shall not be confirmed by the court unless the Land Commissioner has approved the purchaser upon application made in that behalf by the purchaser.

(3) Where the Land Commissioner refuses to approve the purchaser of any land alienated on a grant, the purchaser shall apply to the court by petition to set aside the sale on the ground that he has not been approved by the Land Commissioner. Upon such application being made, the court shall pass an order setting aside the sale.

(4) When a sale of land alienated on a grant is set aside under subsection (3)—

- (a) the purchaser shall be entitled to receive back his purchase money from any person to whom the purchase money has been lawfully paid, and
- (b) the land shall be purchased by the State for such sum as the Chief Valuer of the Government or any officer authorized by him may determine.

(5) An order for the repayment of the purchase money may be made by the court on an application made under subsection (3) if the person against whom the order is directed is a party to the application and such order may be enforced against such person in like manner as a decree for money.

(6) If the amount paid by the State for the purchase under this section of any land alienated on a grant exceeds the total amount of the debt due to the mortgagee together with the costs of seizure and sale, the mortgagor shall be entitled to such excess.

40. Subject to the provisions of section 39, the seizure and sale in execution of the decree of a court of any land alienated on a permit or grant shall be invalid.

Seizure and sale of land alienated on a permit or grant invalid. [§ 17, 16 of 1969.]

41. The provisions of sections 39 and 40 shall apply to land alienated by grant or to land alienated on a permit in respect of which the permit-holder is paying an annual sum by virtue of the provisions of subsection (3) of section 19A* notwithstanding the devolution or disposition under this Ordinance of the title of the original grantee or of such permit-holder to any other person.

Scope of protection. [§ 18, 16 of 1969.]

[§ 18, 16 of 1969.]

CHAPTER VI

DISPOSITIONS

42. The owner of a holding may dispose of such holding to any other person except where the disposition is prohibited under this Ordinance, and accordingly a disposition executed or effected in contravention of the provisions of this Ordinance shall be null and void.

Power of owner to dispose of holding. [§ 19, 16 of 1969.]

43. The owner of a holding—

Leases and mortgages of holdings where permitted. [§ 19, 16 of 1969.]

(a) shall not lease such holding to any other person except in such circumstances as may be prescribed ; and

(b) shall not mortgage such holding to any person other than the People's Bank or the State Mortgage and

[§ 89, Law 13 of 1975.]

* Section 19A is repealed by Law No. 43 of 1973.

Investment Bank or a registered society or other prescribed institution.

take, and shall be precluded from taking, proceedings for the recovery of such sum in any other manner.

Disposition of land alienated on a permit. [§ 21, 16 of 1969.]

*46. (1) Subject to the provisions of subsection (2), no permit-holder shall execute or effect any disposition of the land alienated to him on the permit.

(4) The Government Agent shall deliver to a registered society any sum recovered under this section by him in satisfaction of the debt due to such registered society and shall pay the costs of seizure, if recovered, into the Consolidated Fund.

(2) With the written consent of the Government Agent, a permit-holder may mortgage his interest in the land alienated to him on the permit to any registered society of which he is a member.

(3) Any disposition, other than a disposition in accordance with the provisions of subsection (2), of any land alienated on a permit shall be null and void.

Recovery of moneys due on mortgage of land alienated on a permit. [§ 21, 16 of 1969.]

47. (1) Where default is made by a permit-holder who is a member of a registered society in the payment of any sum due to the registered society on any loan granted on the mortgage of the land alienated on the permit, whether that sum is due on account of principal or interest or both, the registered society may, after a decision or award under section 58 of the Co-operative Societies Law has been made on the dispute which had arisen between the registered society and such member by reason of the default, report the defaulter to the Government Agent and transmit to him a certified copy of the decision or award.

48. In this Chapter "successor", when used with reference to any land alienated on a permit or a holding, means a person who is entitled under this Chapter to succeed to that land or holding upon the death of the permit-holder or owner thereof, if that permit-holder or owner died without leaving behind his or her spouse, or, if that permit-holder or owner died leaving behind his or her spouse, upon the failure of that spouse to succeed to that land or holding or upon the death of that spouse.

Definition of successor. [§ 22, 16 of 1969.]

48A. (1) Upon the death of a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of subsection (3) of section 19A†, the spouse of that permit-holder, whether he or she has or has not been nominated as successor by that permit-holder, shall be entitled to succeed to the land alienated to that permit-holder on the permit and the terms and conditions of that permit shall be applicable to such spouse :

Spouse of a deceased permit-holder entitled to succeed to land alienated to that permit-holder on the permit. [§ 23, 16 of 1969.]

(2) The Government Agent, upon receipt of a report made under subsection (1) and of a certified copy of the decision or award referred to in that subsection, may take action under Chapter X of this Ordinance to recover the sum due from the person against whom the report was made as though such sum were due to the State and not to the registered society by which the report was made.

Provided that where a spouse who was not nominated as successor by the deceased permit-holder succeeded under the preceding provisions of this subsection to the land alienated on the permit and where after so succeeding, such spouse marries, then upon such marriage—

(3) Notwithstanding anything in any other written law, any sum due to a registered society on account of any sum granted on the mortgage of land alienated on a permit shall be recovered in the manner set out in this section and accordingly such registered society shall not

(a) the person nominated by the deceased permit-holder shall succeed to the land, or

(b) if no successor has been so nominated, the title to the land shall devolve as prescribed by rule 1 of the Third Schedule.

* Sections 44 and 45 are repealed by Act No. 16 of 1969.

† Section 19A is repealed by Law No. 43 of 1973.

(2) If, during the lifetime of the spouse of a deceased permit-holder who has succeeded under subsection (1) to the land alienated on the permit, the terms and conditions of the permit are complied with by such spouse, such spouse shall be entitled to a grant of that land subject to the following conditions :—

- (a) such spouse shall have no power to dispose of the land alienated by the grant ;
- (b) such spouse shall have no power to nominate a successor to that land ;
- (c) upon the death of such spouse, or upon his or her marriage, the person, who was nominated as successor by the deceased permit-holder or who would have been entitled to succeed as his successor, shall succeed to that land :

Provided that the aforesaid conditions shall not apply to a grant of any land to be made to a spouse who has been nominated by the deceased permit-holder to succeed to the land alienated on the permit.

(3) Any disposition or nomination made by a spouse in contravention of the provisions of subsection (2) shall be invalid.

Spouse of a deceased owner of a holding entitled to succeed to that holding. [§ 23, 16 of 1969.]

48B. (1) Upon the death of the owner of a holding, the spouse of that owner shall be entitled to succeed to that holding subject to the following conditions :—

- (a) upon the marriage of such spouse, title to the holding shall devolve on the nominated successor of the deceased owner or, if there was no such nomination, on the person who was entitled to succeed under rule 1 of the Third Schedule ;
- (b) such spouse shall have no power to dispose of that holding ;
- (c) such spouse shall have no power to nominate a successor to that holding :

Provided that the aforesaid conditions shall not apply to a spouse who has been nominated by the deceased owner of the holding to succeed to that holding.

(2) Any disposition or nomination made by a spouse in contravention of the provisions of subsection (1) shall be invalid.

49. Upon the death of a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of subsection (3) of section 19A,* or of an owner of a holding, without leaving behind his or her spouse, or, where such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed to the land alienated to that permit-holder on the permit or holding or upon the death of such spouse, a person nominated as successor by such permit-holder or owner shall succeed to that land or holding.

Succession to land alienated on a permit or to a holding. [§ 24, 16 of 1969.]

†**51.** No person shall be nominated by the owner of a holding or a permit-holder as his successor unless that person is the spouse of such owner or permit-holder, or belongs to one of the groups of relatives enumerated in rule 1 of the Third Schedule.

Restriction on nomination of successors to holdings.

52. (1) A nomination made by the owner of a holding or a permit-holder who on the date of making such nomination was unmarried shall, upon the marriage of such owner or permit-holder, be null and void.

General principles applicable to nomination. [§ 27, 16 of 1969.]

(2) More persons than one may be nominated by the owner of a holding or a permit-holder as successors to the holding or land alienated on the permit provided that such nomination does not contravene the conditions of the grant or permit.

(3) No person shall be nominated as successor to a part or share, whether divided or undivided, of a holding or a land alienated on a permit, unless in the document whereby he is so nominated a successor is duly nominated for the remaining part or share of the holding or land alienated on the permit.

(4) The nomination of a successor and the cancellation of any such nomination shall not be made subject to any condition or defeasance.

* Section 19A is repealed by Law No. 43 of 1973.

† Section 50 is repealed by Act No. 16 of 1969.

Cancellation of nominations. [§ 28, 16 of 1969.]

53. Any nomination of a successor may at any time be cancelled by the owner or permit-holder who made such nomination.

Further nomination. [§ 29, 16 of 1969.]

54. The owner of a holding or permit-holder may make a further nomination in lieu of any nomination which has been cancelled ; and a person may be renominated as successor notwithstanding the previous cancellation of the nomination of that person in such capacity.

Act of nomination is not a disposition. [§ 30, 16 of 1969.]

55. The act or transaction whereby a successor is lawfully nominated under the provisions of this Chapter shall not be or be construed as a disposition of the land for which such successor is so nominated.

How nomination is effected. [§ 31, 16 of 1969.]

56. (1) The nomination of a successor and the cancellation of any such nomination shall be effected by a document substantially in the prescribed form executed and witnessed in triplicate before a Government Agent, or a Registrar of Lands, or a divisional Assistant Government Agent, or a notary, or a Justice of the Peace.

[§ 31, 16 of 1969.]

(2) The provisions of subsection (1) shall not apply to any nomination or cancellation of a successor made by last will in the manner hereinafter provided, or to the nomination and cancellation of a successor to a land alienated on a permit made in the manner provided in section 87.

[§ 31, 16 of 1969.]

(3) A document by which the nomination of a successor or the cancellation of any such nomination is effected under subsection (1) shall not be deemed to be an instrument affecting land for the purposes of the Registration of Documents Ordinance, nor shall the provisions of Chapter II of that Ordinance apply to any person before whom any such document is executed.

No stamp duty for nominations or cancellation of nominations. [§ 32, 16 of 1969.]

57. No stamp duty shall be charged or levied on the execution of a document whereby a successor is nominated or whereby any such nomination is cancelled.

Documents of nomination or cancellation invalid unless registered.

58. (1) A document (other than a last will) whereby the nomination of a successor is effected or cancelled shall not be valid unless and until it has been registered by the Registrar of Lands of the district in which the holding or land to which that document refers is situated.

[§ 33, 16 of 1969.]

(2) Regulations may be made prescribing the procedure for the registration of documents whereby nominations of successors are effected or cancelled and for all matters connected therewith or incidental thereto, including the registers which shall be kept and the fees which shall be charged for such registration.

[§ 33, 16 of 1969.]

59. Any person shall on payment of the prescribed fee be entitled to inspect at the office of the Registrar of Lands any register kept by him under this Ordinance for the purposes of section 58.

Right of public to inspect registers.

60. No nomination or cancellation of the nomination of a successor shall be valid unless the document (other than a last will) effecting such nomination or cancellation is duly registered before the date of the death of the owner of the holding or the permit-holder.

Nomination or cancellation of nomination invalid unless registered before death of owner or permit-holder. [§ 34, 16 of 1969.]

61. The death during the lifetime of the owner of a holding or a permit-holder of a person who has been nominated by that owner or permit-holder as a successor to that holding or the land alienated on the permit shall operate as a cancellation of the nomination of that person as a successor.

Nomination cancelled by death of nominee. [§ 35, 16 of 1969.]

62. (1) After the registration of a document whereby a person is nominated as successor to a holding or a land alienated on a permit, a document which purports to nominate any other person as successor to that holding or land shall not be registered unless the nomination effected by the registered document has been duly cancelled by the registration of a document of cancellation :

No document of nomination to be registered until after cancellation of previous nomination. [§ 36, 16 of 1969.]

Provided that it shall be lawful in one and the same document to cancel a registered nomination and to make some other nomination in lieu thereof ; and, in that event, notwithstanding anything in this section contained, the document in which such cancellation and nomination are combined may be registered and shall upon due registration operate both as a cancellation of a previously registered nomination and as a nomination of a new nominee.

[§ 36, 16 of 1969.]

Nomination and cancellation may be made in last will of owner or permit-holder. [§ 37, 16 of 1969.]

Registration essential to validity of nomination or cancellation made in last will. [§ 38, 16 of 1969.]

Probate essential to validity of nomination or cancellation made in last will. [§ 39, 16 of 1969.]

[§ 39, 16 of 1969.]

[§ 39, 16 of 1969.]

Conditions applicable to cancellation of registered nomination by last will. [§ 40, 16 of 1969.]

(2) Nothing in this section contained shall apply to any nomination or cancellation of a nomination made in the last will of the owner of a holding or a permit-holder.

63. The nomination of a person as successor to a holding or to a land alienated on a permit, or the cancellation of any nomination effected by any document duly registered under this Chapter, or both such nomination and cancellation may be made in the last will of the owner of that holding or the permit-holder to whom that land has been alienated.

64. A nomination or a cancellation of a nomination made in the last will of the owner of a holding or a permit-holder shall not be valid unless it is registered in the prescribed manner within a period of three months reckoned from the date of the death of the owner of that holding, or of the date of the death of that permit-holder, as the case may be.

65. (1) A nomination or a cancellation of a nomination made in the last will of the owner of a holding or of a permit-holder shall not be registered unless the applicant for registration shall furnish to the registering officer a certified copy of that will together with a certificate in the prescribed form to the effect that probate of that will has been applied for, signed by the Registrar of the District Court to which the application for probate was made.

(2) A nomination or a cancellation of a nomination made in the last will of the owner of a holding or of a permit-holder shall be invalid if probate of that will is refused or recalled or set aside by order of a court of competent jurisdiction; and, in that event, the title to the holding or to the land alienated to that permit-holder shall devolve as though no nomination or cancellation of a nomination had been registered after the death of the owner of that holding or permit-holder.

66. A nomination effected by a document duly registered before the death of the owner of a holding or a permit-holder and in force at the time of his death shall not be cancelled by the last will of that owner or permit-holder unless—

(a) the last will was executed on a date later than the date of the execution

of the registered document by which nomination was effected before the death of the owner or permit-holder; and [§ 40, 16 of 1969.]

(b) the last will specifically refers to the nomination effected by that registered document and definitely cancels such nomination.

67. Save as is otherwise specially provided those provisions of this Chapter which apply to nominations or cancellations of nomination effected by documents other than a last will shall apply equally to nominations or cancellations of nomination made in a last will. General principles governing nominations and cancellations by last will.

68. (1) The spouse of a deceased permit-holder, who at the time of his or her death was paying an annual sum by virtue of the provisions of subsection (3) of section 19A*, or the spouse of an owner, fails to succeed to the land held by such permit-holder on the permit or to the holding of such owner, as the case may be— Failure of succession. [§ 41, 16 of 1969.]

(a) if such spouse refuses to succeed to that land or holding, or

(b) if such spouse does not enter into possession of that land or holding within a period of six months reckoned from the date of the death of such permit-holder or owner.

(2) A nominated successor fails to succeed to the land held on a permit by a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of subsection (3) of section 19A* or to the holding of an owner if he refuses to succeed to that land or holding, or, if the nominated successor does not enter into possession of that land or holding within a period of six months reckoned—

(i) where such permit-holder or owner dies without leaving behind his or her spouse, from the date of the death of such permit-holder or owner; or

(ii) where such permit-holder or owner dies leaving behind his or her spouse, from the date of the

* Section 19A is repealed by Law No. 43 of 1973.

failure of such spouse to succeed, such date being reckoned according to the provisions of paragraph (b) of subsection (1), or of the death of such spouse, as the case may be.

75. Any nomination of a successor and any cancellation of any registered nomination of a successor shall be wholly invalid if such nomination or cancellation in any way contravenes the provisions of this Ordinance.

Nomination or cancellation of nomination is invalid if contrary to provisions of Ordinance. [§ 46, 16 of 1969.]

Succession under the Third Schedule. [§ 43, 16 of 1969.]

*72. If no successor has been nominated, or if the nominated successor fails to succeed, or if the nomination of a successor contravenes the provisions of this Ordinance, the title to the land alienated on a permit to a permit-holder who at the time of his or her death was paying an annual sum by virtue of the provisions of subsection (3) of section 19A† or to the holding of an owner shall, upon the death of such permit-holder or owner without leaving behind his or her spouse, or, where such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed to that land or holding, or upon the death of such spouse, devolve as prescribed in rule 1 of the Third Schedule.

76. (1) If the Government Agent is satisfied after such inquiry as he may deem necessary that title to a holding or land alienated on a permit has devolved on a minor, he may, notwithstanding anything in any other written law, appoint a fit and proper person to be the curator of that minor for the purpose of enabling the minor to exercise his right and to be responsible for his obligations in respect of that holding or land under this Ordinance.

Curators. [§ 47, 16 of 1969.]

(2) No stamp duty shall be payable on the instrument by which a curator is appointed under subsection (1).

[§ 47, 16 of 1969.]

(3) A curator appointed under subsection (1) shall be responsible for the performance of all duties and for the discharge of all obligations imposed on the minor as owner of the holding or as permit-holder and may be removed from office by the Government Agent if he is satisfied after inquiry that such curator has failed to perform his obligations or has been guilty of neglect of duty or of action or conduct adverse or prejudicial to the interests of the minor, or that the curator is unfit to continue to hold office or for any other sufficient cause.

[§ 47, 16 of 1969.]

Date of succession. [§ 44, 16 of 1969.]

73. Title to a land alienated on a permit or to a holding shall be deemed to have devolved on any person entitled to succeed to the land or holding under the provisions of section 72 as from the date of the death of the permit-holder or owner of the holding if such permit-holder or owner died without leaving behind his or her spouse, or, if such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed or from the date of the death of such spouse, as the case may be.

A curator aggrieved by an order of the Government Agent removing him from office may appeal against that order to the Minister in such manner as may be prescribed.

Accrual of rights in case of plurality of successors. [§ 45, 16 of 1969.]

74. Where two or more persons have been duly nominated as successors to a land alienated on a permit or holding, the title of any one of such successors who is dead on the date on which such successor is entitled to succeed, or who refuses so to succeed, or who fails so to succeed within a period of six months reckoned from such date, shall, as from such date, be deemed to have accrued to the other successors who were duly nominated with him.

(4) A person appointed under subsection (1) as the curator of a minor shall cease to hold office upon the appointment by any court of competent jurisdiction of any other person as curator of that minor.

(5) Subject to the provisions of this section, a person appointed under subsection (1) to be the curator of a minor shall in respect of the holding of such minor or of the land alienated on a permit to which such minor has succeeded and in

[§ 47, 16 of 1969.]

* Sections 69, 70 and 71 are repealed by Act No. 16 of 1969.

† Section 19A is repealed by Law No. 43 of 1973.

respect of the management, control, occupation and protection of that holding or land exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.

Succession on the death of a permit-holder who was paying rent under section 19A (2) for the land alienated. [§ 49, 16 of 1969.]

***84.** Upon the death of a permit-holder who at the time of his or her death was paying rent under subsection (2) of section 19A † for the land alienated to him or her on the permit, then,—

- (a) if that permit-holder is survived by his or her spouse, the spouse shall be entitled to succeed to that land ;
- (b) if that permit-holder is not survived by his or her spouse or if the spouse does not succeed to the land, any other person who is a duly nominated successor of the deceased permit-holder shall be entitled to succeed to that land on such person obtaining a permit from the Government Agent under the provisions of this Ordinance to occupy that land.

Reversion of land to State under certain circumstances. [§ 50, 16 of 1969.]

85. Where on the death of a permit-holder who at the time of his or her death was paying rent under subsection (2) of section 19A † for the land alienated to him or her on the permit, a person entitled to succeed to that land under the provisions of section 84 fails to so succeed, such person shall be deemed to have surrendered to the State his or her title to that land.

Vesting of surrendered land.

86. Land deemed to have been surrendered under section 85 shall vest in the State free from all encumbrances.

Name of successor nominated by the permit-holder may be endorsed on permit before issue. [§ 51, 16 of 1969.]

87. A person to whom a Government Agent has agreed to alienate land may nominate as his successor any person who is entitled under this Ordinance to be so nominated, and the name of such successor may be endorsed on the permit before it is issued to the first-mentioned person, and the Government Agent may upon being requested so to do by the permit-holder cancel the name of such successor by an endorsement on the permit and endorse on the permit the name of any other person suggested by the permit-holder as his successor.

CHAPTER VIII

CANCELLATION OF GRANTS AND PERMITS

‡ **104.** The President may make order cancelling the grant of a holding if he is satisfied that there has been a failure of succession thereto either because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed.

Powers of the President in the case of failure of succession to a holding.

105. Where in the case of a land alienated on a permit to any person who was at the time of his death paying an annual sum by virtue of the provisions of subsection (3) of section 19A † there has been a failure of succession because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed or where any land has vested in the State under section 86, the Government Agent of the administrative district in which that land is situated shall be entitled to take possession of that land on behalf of the State.

Power of the Government Agent in respect of a land alienated on a permit where there is a failure of succession or where such land has been vested in the State. [§ 53, 16 of 1969.]

106. (1) If it appears to the Government Agent that a permit-holder has failed to observe a condition of the permit, the Government Agent may by notice in writing require such permit-holder to pay by way of fine such sum not exceeding one hundred rupees, and on or before such date, as may be specified in the notice.

Notice to permit-holder where there has been a breach of the conditions of the permit. [§ 53, 16 of 1969.]

(2) Where a permit-holder fails to comply with the requirements of a notice issued under subsection (1), or where a permit-holder contravenes a condition of the permit on a second or subsequent occasion, the Government Agent may issue a notice in the prescribed form intimating to the permit-holder that his permit will be cancelled unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in the notice.

107. The date specified in a notice issued under subsection (2) of section 106 shall not be less than forty-two days from the date of the issue of such notice on the permit-holder.

Period allowed for showing cause. [§ 54, 16 of 1969.]

* Sections 77 to 83 are repealed by Act No. 16 of 1969.

† Section 19A is repealed by Law No. 43 of 1973.

‡ Sections 88 to 103 are repealed by Act No. 16 of 1969.

Notice to be posted on land and served on interested parties.

108. (1) A copy of every notice issued under section 106 shall be served on the permit-holder and a copy shall also be affixed in a conspicuous position on the land affected by such notice. The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the land or may be affected by a cancellation of the permit.

(2) If a permit-holder who has to be served under subsection (1) with a notice issued under section 106 cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is left with some adult member of his family or with his servant residing with him; and, if there is no member of the family or servant of that permit-holder on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

[§ 55, 16 of 1969.]

(3) Where a notice issued under section 106 is served on the permit-holder personally, the officer to whom service thereof has been entrusted shall furnish a declaration duly signed by him to the Government Agent that such notice has been served on the permit-holder.

Order cancelling permit if permit-holder fails to appear.

109. (1) If the permit-holder fails to appear on the date and at the time and place specified in a notice issued under section 106, or appears and states that he has no cause to show why his permit should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of the permit, make order cancelling such permit but no such order shall be made until after the expiry of a period of twenty-eight days reckoned from the date specified in the notice issued under section 106.

[§ 56, 16 of 1969.]

(2) If, within a period of fourteen days reckoned from the date specified in the notice issued under section 106, the permit-holder satisfies the Government Agent that he has cause to show why his permit should

not be cancelled and that he was prevented by accident, illness, misfortune or other unavoidable cause from appearing on the date and at the time and place specified in such notice, the Government Agent shall appoint another date, time and place for the purpose of enabling the permit-holder to show cause why his permit should not be cancelled.

110. (1) If on the date and at the time and place specified in a notice issued under section 106 or appointed by the Government Agent under section 109 (2) the permit-holder appears and offers to show cause why his permit should not be cancelled, the Government Agent may, if he is satisfied after inquiry that there has been a breach of any of the conditions of the permit, make order cancelling the permit.

Procedure where permit-holder appears and shows cause.

(2) The Government Agent may adjourn any inquiry under this section from time to time and shall hear evidence before making his order.

All such evidence shall be given on oath or affirmation which the Government Agent is hereby authorized to administer for the purpose.

[§ 57, 16 of 1969.]

(3) Where an inquiry under this section is adjourned, notice in writing of the date and the time to which the inquiry is adjourned shall be given by the Government Agent to the permit-holder.

[§ 57, 16 of 1969.]

111. Every order made by the Government Agent for the cancellation of a permit shall be dated as of the date on which such order was made.

Date of order of cancellation.

112. (1) A copy of an order made by a Government Agent under section 110 shall be served forthwith on the permit-holder and a copy of such order shall also be affixed forthwith in a conspicuous position on the land affected by such order. Every copy so served or affixed shall contain a statement to the effect that an appeal from such order will lie to the Land Commissioner if preferred within a period of thirty days reckoned from the date of the order and such date shall be specified in such statement.

Order of Government Agent to be served on permit-holder and to be posted on land.

(2) If a permit-holder who has to be served under subsection (1) with a copy of an order made by the Government Agent under section 110 cannot by the exercise of due diligence be found, the copy shall be deemed to be duly served if it is left with some adult member of the permit-holder's family or with his servant residing with him; and, if there is no member of the family or servant of that permit-holder on whom the copy can be so served by way of substitution for personal service, it shall be deemed to be duly served on that permit-holder if it is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(2) Any decision made by the Land Commissioner under section 115 shall be final and conclusive for all purposes.

117. No appeal shall lie against an order of cancellation made by the Government Agent under section 109 but such order shall be final and conclusive for all purposes.

Government Agent's order under section 109 is final.

118. The agent or representative of any owner or permit-holder may appear before the Government Agent in any proceedings taken or inquiry held under this Chapter :

Right of party to be represented by agent.

Provided that the Government Agent may at any time require any owner or permit-holder to appear in person before him if in his opinion the attendance of that owner or permit-holder is necessary for the purpose of any proceedings taken or inquiry held under this Chapter.

113. A permit-holder aggrieved by an order made by the Government Agent under section 110 may appeal therefrom to the Land Commissioner.

Appeal to Land Commissioner.

114. (1) An appeal under section 113 shall be preferred by written petition within a period of forty-two days reckoned from the date on which the order appealed from was made.

Time-limit for appeal. [§ 58, 16 of 1969.]

(2) In computing the time within which an appeal must be preferred, the date on which the order appealed from was made shall be excluded, but all public holidays shall be included.

115. The Land Commissioner may in appeal—

Powers of Land Commissioner.

- (a) direct further inquiry to be made or information to be furnished or evidence to be given ; or
- (b) allow the appeal and set aside the order of the Government Agent ; or
- (c) modify the order of the Government Agent ; or
- (d) affirm the order of the Government Agent ; or
- (e) make such other order as he may consider just.

118A. Where the Land Commissioner in the exercise of his powers under section 23A* varies a decision of a Government Agent selecting a person to receive a permit for the occupation of land, the Land Commissioner shall give notice in writing in the prescribed form to such person that—

Effect of the Land Commissioner reversing a decision of the Government Agent selecting a person to receive a permit for the occupation of land. [§ 59, 16 of 1969.]

- (a) where a permit has been issued to such person, such permit shall, with effect from the date specified in the notice, be deemed to be cancelled ; or
- (b) where no permit has been issued to such person and where such person is in occupation of the land, such person shall vacate and deliver possession of the land on such date and at such time, and to such officer, as may be specified in the notice.

CHAPTER IX

PROCEDURE IN EJECTMENT

116. (1) The decision of the Land Commissioner under section 115 shall be communicated to the Government Agent who shall forthwith cause a copy thereof to be served on the permit-holder who preferred the appeal.

Copy of Land Commissioner's decision to be served on permit-holder and to be final.

119. When the grant of a holding has been cancelled under the provisions of section 104, the Government Agent may issue a notice on any person in possession or occupation of the holding calling upon such person forthwith to vacate the holding.

Notice to issue on party in occupation to vacate holding. [§ 60, 16 of 1969.]

* Section 23A is repealed by Law No. 43 of 1973.

Report to a Magistrate if person served with notice refuses to vacate holding.

120. If any person on whom a notice has been issued under section 119 fails forthwith to vacate the holding and deliver over possession thereof in terms of the notice so issued and served upon him, the Government Agent, or some other person deputed by him for the purpose, may present to the Magistrate a written report stating the fact that the grant relating to such holding has been duly cancelled and that the person named in such report is in unlawful possession or occupation of such holding and has failed to vacate such holding though served with a notice issued under section 119.

Procedure Act shall apply accordingly as though the appeal were preferred against a final order of a Magistrate in respect of which an appeal lies to the Court of Appeal under that Chapter of that Act.

127. (1) If no appeal has been preferred against an order of ejectment made by a Magistrate under section 125 within the time allowed for such an appeal, or, if an appeal has been preferred after the final decision of the Court of Appeal affirming the order of ejectment shall have been duly certified to the Magistrate's Court, the Magistrate shall, on the application of the Government Agent or other prescribed officer, direct the Fiscal or a peace officer to eject from the holding any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or other prescribed officer or to the representative of the Government Agent or other prescribed officer.

Execution of order of ejectment.

[§ 62, 16 of 1969.]

[§ 62, 16 of 1969.]

Summons to issue.

121. Upon receipt of a written report presented to him under section 120, the Magistrate shall forthwith issue a summons to the person named in such report to appear and show cause on a specified date why he should not be ejected from the holding.

Order of ejectment where no cause is shown.

122. If on the date specified in a summons issued under section 121, the person to whom such summons was issued fails to appear, or appears and informs the court that he has no cause to show against an order of ejectment, the court shall forthwith issue an order directing such person to be ejected from the holding.

(2) The Fiscal or the peace officer entrusted with the execution of the order of ejectment shall comply with the directions of the Magistrate and make due return of the manner in which he executes the order.

(3) In executing an order of ejectment, the Fiscal or the peace officer or any officer authorized by either of them may use such force as may be necessary to enter the holding, to eject any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or other prescribed officer or to the representative of the Government Agent or other prescribed officer.

[§ 62, 16 of 1969.]

Inquiry if cause is shown.

123. If the person to whom summons has been issued under section 121 appears on the date specified in such summons and states that he has cause to show against the issue of an order of ejectment, the Magistrate may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some future date.

128. (1) The provisions of this Chapter shall apply, *mutatis mutandis*, in a case where any person is in unlawful or unauthorized possession or occupation of State land—

Ejectment from land alienated on permit.

Order of ejectment.

***125.** If, after due inquiry, the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the holding, he shall make order directing such person forthwith to be ejected from the holding.

(a) after the cancellation of the permit whereby that land was alienated, or

[§ 63, 16 of 1969.]

(b) after the date on which possession of that land was required by notice under paragraph (b) of section 118A to be delivered to the officer specified in such notice, or

Appeal to Court of Appeal.

126. Any person aggrieved by an order made against him by the Magistrate under section 125 may appeal therefrom to the Court of Appeal; and the provisions of Chapter XXVIII of the Code of Criminal

* Section 124 is repealed by Act No. 16 of 1969.

(c) after the Government Agent was entitled to take possession of that land by virtue of the provisions of section 105.

[§ 63, 16 of 1969.]

(2) At any inquiry by a Magistrate into cause shown against the issue of an order of ejectment from a land alienated on a permit, it shall not be open to the permit-holder or any other person claiming title to such land through or under the permit-holder to assert or prove—

(a) that such land does not belong to the State, or

(b) if the permit was cancelled, that such cancellation should not have been made.

CHAPTER X

RECOVERY OF ANNUAL PAYMENTS AND MONEYS DUE TO THE STATE

Payment of moneys due to the State. [§ 64, 16 of 1969.]

129. Any annual or other payment of any money due to the State by a permit-holder in respect of any land alienated under this Ordinance may be made at the district kachcheri to the Government Agent or to an officer authorized by the Government Agent to receive such payments and to issue receipts therefor.

Remission, reduction and waiver of annual payments.

130. (1) It shall be lawful for the Minister at any time to remit any annual payment or arrears of annual payments or any moneys due to the State under this Ordinance.

(2) The powers of the Minister under subsection (1) may be exercised on his behalf by such persons and in such manner as may be prescribed.

[§ 65, 16 of 1969.]

(3) If the Government Agent is satisfied that there is sufficient cause for granting relief generally to any class of persons in any locality in respect of any annual payments due by such persons on account of lands alienated in such locality on permits, he may either reduce the amount of any such annual payment or waive it altogether :

Provided that such reduction or waiver shall not be made operative for a period exceeding one year.

131. Without prejudice to the generality of the grounds upon which a Government Agent may reduce or waive any annual payment under section 130, any general failure of crops due to unfavourable weather conditions, any exceptional fall in the price of any staple commodity, any epidemic, or any outbreak of cattle disease adversely affecting the cultivation of the land, may be deemed to be a sufficient cause for granting relief under that section.

Specified grounds upon which a reduction or waiver of annual payments may be made.

132. A permit-holder shall be liable in respect of any payments which may be overdue or in arrears, to make additional payments to the State according to such scale and in such manner as may be prescribed.

Penalties for payments overdue or in arrears. [§ 66, 16 of 1969.]

133. Any amount due to the State by a permit-holder in respect of any land alienated under this Ordinance shall be a first charge on the land held by such permit-holder on the permit.

Money due to State a first charge on land. [§ 67, 16 of 1969.]

134. If a permit-holder makes default in the due payment of any moneys payable by him in respect of the land alienated to that permit-holder on the permit, the Government Agent or any person authorized by him in writing may seize and sequester the crops of such land together with any movable property therein belonging to the permit-holder who has so made default :

Seizure and sequestration of crops and movable property of defaulting permit-holder. [§ 68, 16 of 1969.]

Provided that the following property shall not be liable to seizure or sequestration under this section :—

(a) the necessary wearing apparel, beds, and bedding of the permit-holder who has made default, or of his wife, and children ; and

[§ 68, 16 of 1969.]

(b) utensils used in his dwelling house for cooking or for the preparation of food, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the officer effecting the seizure or sequestration, be necessary to enable him to earn his livelihood as an agriculturist.

135. In this Chapter a growing crop on any land shall not be regarded as an interest in land but shall be deemed to be movable property.

In this Chapter a growing crop is movable property.

Property seized to be taken charge of.

136. The person effecting the seizure may take charge of or place another person in charge of any crops, produce or movable property seized under section 134.

141. (1) A seizure of a land referred to in section 140 shall be effected by serving upon the permit-holder to whom that land was alienated a notice substantially in the prescribed form and by affixing a copy of such notice in a conspicuous position on such land. A copy of such notice may also be served on any other person interested in the land or affected by the seizure thereof.

Seizure, how effected. [§ 70, 16 of 1969.]

Sale of property seized.

137. (1) If the defaulter fails to pay the amount due to the State together with the costs of seizure within a period of thirty days reckoned from the date of such seizure the Government Agent may cause the property seized to be sold by public auction or by tender:

(2) If a permit-holder who has to be served with a notice under subsection (1) cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is left with some adult member of his family or with his servant residing with him; and, if there is no member of the family or servant of that permit-holder on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

[§ 70, 16 of 1969.]

Provided that perishables may be sold as soon as may be deemed expedient by the person effecting the seizure.

(2) In computing the period of thirty days referred to in subsection (1), the date on which the seizure was made shall be excluded but all public holidays shall be included.

(3) Regulations may be made prescribing the costs which may be charged or recovered for any seizure or sale effected under this Chapter.

(3) No land shall be seized if the defaulting permit-holder to whom that land was alienated surrenders free and unclaimed movable property to satisfy the entirety of the amount due from him.

[§ 70, 16 of 1969.]

List of property seized.

138. (1) A list shall be made showing details of the property seized under section 134 and sold under section 137, the names and addresses of the purchasers, the prices realized, and the total amount recovered by the sale.

142. (1) Every seizure of a land referred to in section 140 shall be registered.

Registration of seizure. [§ 71, 16 of 1969.]

(2) Upon payment of the purchase money, a purchaser at a sale under section 137 shall receive a certificate of sale showing the property purchased and the price paid for such purchase.

(2) No disposition of a land alienated on a permit shall be valid if it is effected or registered after the seizure of that land has been registered.

[§ 71, 16 of 1969.]

Excess to be refunded to defaulter.

139. If the amount realized by the sale of the property seized under section 134 exceeds the total amount of the debt due to the State together with the costs of seizure and sale, the Government Agent shall refund the excess to the defaulter.

143. (1) The seizure of a land under section 142 shall operate as a cancellation of the permit under which such land was alienated, and the permit-holder to whom such land was alienated shall have no claim whatsoever to such land but such permit-holder shall, if he pays within a period of one year from the date of the seizure of the land the total amount due in respect of such land together with the costs of seizure, be entitled to be placed in possession of such land on the same terms and conditions on which the land was held by such permit-holder on the date of the seizure.

Seizure of land under section 142 operates as cancellation of permit. [§ 72, 16 of 1969.]

Seizure of land alienated on the permit. [§ 69, 16 of 1969.]

140. If at a sale under section 137 the amount recovered is insufficient to discharge the debt due by the permit-holder to the State together with the costs of seizure and sale, the Government Agent or a person authorized by him in writing may seize the land alienated on the permit.

Where the permit-holder dies before the expiry of the period of one year hereinbefore specified the right to be placed

[§ 69, 16 of 1969.]

in possession of the land alienated to the deceased permit-holder may be exercised by the spouse of such permit-holder or any other person nominated by such permit-holder as his successor on the same terms and within the same period.

(2) The right referred to in subsection (1) may be given effect to upon an endorsement substantially in the prescribed form made by the Government Agent on the permit relating to such land. Every such endorsement shall be registered.

Recovery of money due to local authorities. [§ 74, 16 of 1969.]

***152.** (1) If a permit-holder fails to pay any sum due to a local authority in respect of the land alienated to that permit-holder on the permit, such local authority may report the defaulter to the Government Agent, who may thereupon take action under this Chapter to recover the sum due from the defaulter as though such sum were due to the State and not to such local authority.

[§ 74, 16 of 1969.]

(2) Save as is herein expressly provided, a local authority shall not take proceedings for the recovery of any sum due to such local authority from a permit-holder in respect of the land alienated to that permit-holder on the permit.

Delivery to local authority of money received by Government Agent.

153. The Government Agent shall deliver to a local authority any sum recovered by him in satisfaction of the debt due to such local authority and of the interest thereon, if any, and shall pay the costs of seizure, if recovered, into the Consolidated Fund.

All moneys due to State must be recovered by procedure under this Chapter. [§ 75, 16 of 1969.]

154. No money, rate, tax, duty or fee due to the State under any other written law in respect of or on account of a land alienated on a permit to any person, shall be recovered except in accordance with the provisions of this Chapter.

CHAPTER XI
REGULATIONS

Minister authorized to make regulations.

155. The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

156. In particular and without prejudice to the generality of the powers conferred by section 155, regulations may be made for, and with respect to, all or any of the following matters:—

Matters which may be provided for by regulations.

- (a) the forms, fees, documents, and matters stated in or required by this Ordinance to be prescribed ;
- (b) the mapping-out of State land ;
- (c) the alienation under this Ordinance of State land over 5,000 feet in elevation ;
- (d) the maintenance of reserves for the preservation of the sources and courses of streams and for the prevention of erosion of the soil ;
- (e) the manner of paying or recovering fees, costs or other charges ;
- (f) the collection by the Government Agent of moneys due to local authorities ;
- (g) the classification of persons for the purpose of alienating State land under this Ordinance ;
- (h) the procedure to be observed, the fees to be paid and the forms to be used in preferring appeals to the Minister ;
- (i) the manner of publishing or serving notices or of serving other process ;
- (j) the assessment of annual payments ;
- (k) the return of the annual payments made by the permit-holder who had made such payments under subsection (3) of section 19A† and whose permit was cancelled ;
- (l) any matters incidental to or connected with the matters or subjects specifically referred to in this section.

[§ 76, 16 of 1969.]

157. No regulation shall have effect until it has been approved by Parliament. Notification of such approval shall be published in the Gazette.

Regulations to be approved.

* Sections 144 to 151 are repealed by Act No. 16 of 1969.

† Section 19A is repealed by Law No. 43 of 1973.

Regulations to have statutory force.

158. A regulation made by the Minister shall, upon the publication of the notification of approval provided for in section 157, be as valid and effectual as though it were herein enacted.

163. A notary who knowingly attests any deed in breach of the provisions of section 162 shall be guilty of an offence and shall, on conviction by a Magistrate after summary trial, be liable to a fine not exceeding five hundred rupees.

Notary attesting deed in breach of section 162 guilty of offence.

CHAPTER XII

MISCELLANEOUS

Ordinance deemed to be referred to in leases or permits executed prior to its introduction.

159. Where in any State lease or permit executed before the date on which this Ordinance shall come into operation it is provided—

- (a) that such lease or permit shall terminate when legislation is passed for its cancellation ; or
- (b) that at the expiration of a stated period of time or upon the fulfilment by the lessee or by the permit-holder of stated conditions such lessee or permit-holder shall be given the right to hold the land upon a tenure to be thereafter introduced by legislation,

this Ordinance shall be deemed to be the legislation referred to in such lease or permit.

Government Agent to enter any land alienated on a permit or holding at any time. [§ 77, 16 of 1969.]

160. The Government Agent or any person duly authorized by him in writing may at any time of the day between 6 a.m. and 6 p.m. enter any land alienated on a permit or holding for the purpose of inspection or for any other purpose incidental to or connected with the duties of a Government Agent under this Ordinance.

No prescriptive title to be acquired to land alienated under Ordinance. [§ 78, 16 of 1969.]

161. No person shall, by possession of any land alienated on a permit, acquire any prescriptive title thereto against any other person or against the State.

Notary prohibited from attesting instrument of disposition of a holding in contravention of the provisions of this Ordinance. [§ 79, 16 of 1969.]

162. (1) A notary shall not attest any instrument operating as a disposition of a holding which contravenes the provisions of this Ordinance.

(2) An instrument executed or attested in contravention of the provisions of this section shall be null and void.

164. The fact that any land has been mapped-out shall be no bar to the inclusion of such land in a settlement notice under the Land Settlement Ordinance.

Mapped-out land may be settled.

165. (1) Nothing in this Ordinance contained shall preclude any person claiming to be entitled to any land which has been alienated from instituting an action against the State for the vindication of his title thereto; but nothing in this section shall enable or authorize the owner of a holding or a permit-holder to sue the State for the vindication of title to such holding or to the land alienated to such permit-holder, as the case may be.

Action *rei vindicatio* may be maintained against State in respect of alienated land.

(2) Notwithstanding anything in any other law—

[§ 80, 16 of 1969.]

(a) the State shall be entitled to institute action against any person, in whose favour an action against the State for vindication of title to any land referred to in subsection (1) has been decided, for the value of any improvements effected on that land by the State or any person to whom such land has been alienated under this Ordinance ; and

(b) no action shall be maintainable in any court of law against the State for damages arising from the occupation of such land by any person to whom such land has been so alienated.

165A. (1) Where an action instituted by any person against the State for vindication of title to any land alienated under this Ordinance has been decided in favour of such person, and where the Minister approves the acquisition of that land by the State, that land shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act.

Power to acquire land the title of which has been vindicated under section 165. [§ 81, 16 of 1969.]

(2) For the purposes of the assessment of compensation in respect of any land which is referred to in subsection (1) and which is acquired under the Land Acquisition Act, subsection (1) of section 45 of that Act shall have effect as if there were substituted, for the words "on the date of publication of that notice in the Gazette" occurring in that subsection, the words "on the day immediately preceding the date of alienation of that land by the State under the Land Development Ordinance".

Ordinance repealed by Ordinance No. 20 of 1931, or has been acquired by the State under the Land Acquisition Ordinance, 1876,* or under the Land Acquisition Act.

(2) A conviction under this section shall operate as an order of ejectment made under section 125 and on such conviction the Government Agent or other prescribed officer may, after the lapse of the appealable time, or, if an appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejectment.

[§ 82, 16 of 1969.]

Protection of public servants.

166. No suit shall lie against any public servant for anything done by him in good faith under this Ordinance.

Provisions of particular enactments not to apply.

167. (1) The provisions of the enactments enumerated in the first column of the Fourth Schedule shall, to the extent indicated in the second column of such Schedule, have no application to any land alienated under this Ordinance.

168A. (1) If any person encroaches on any land which has been alienated under this Ordinance on a permit, he shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Encroachment on land alienated on a permit. [§ 83, 16 of 1969.]

(2) The Minister may, by regulation made under section 155, add to the Fourth Schedule.

Offences in regard to State land. [§ 82, 16 of 1969.]

168. (1) If any person without the permission of the Government Agent—

- (a) clears or breaks up for cultivation or cultivates any State land ; or
- (b) erects any building or structure on such land ; or
- (c) fells or otherwise destroys any trees standing on such land ; or
- (d) otherwise encroaches on such land,

(2) Proceedings under subsection (1) may be instituted by the Government Agent of the administrative district in which the land encroached on is situated or by any officer authorized in that behalf by such Government Agent.

(3) A conviction under subsection (1) shall operate as an order of ejectment made under section 125 and on such conviction the Government Agent of the administrative district in which the land encroached on is situated or other prescribed officer may, after the lapse of the appealable time, or, if any appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejectment.

[§ 82, 16 of 1969.]

he shall be guilty of an offence and shall on conviction by a Magistrate be liable to pay a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment :

Provided that no person shall be convicted under this section unless the land in question has been declared to be the property of the State under the Land Settlement Ordinance, or under any

169. No trust or equitable charge shall be created, declared, recognized or enforced in respect of any land alienated under this Ordinance.

Trusts, &c., affecting land not to be recognized.

* Repealed by Act No. 9 of 1950.

Succession to be regulated entirely by this Ordinance.

170. (1) No written law (other than this Ordinance) which provides for succession to land upon an intestacy and no other law relating to succession to land upon an intestacy shall have any application in respect of any land alienated under this Ordinance.

(2) No person shall, by virtue of any appointment in any last will, have or acquire any title to succeed to any land alienated under this Ordinance save and except a successor duly nominated by last will under the provisions of Chapter VII.

[§ 84, 16 of 1969.]

*172. Regulations may be made for lending money to permit-holders who are paying annual sums by virtue of the provisions of subsection (3) of section 19A† out of funds provided for the purpose by Parliament. Such regulations may prescribe the conditions upon which and the terms for which such money may be lent. Where default is made in the repayment of any money lent to such a permit-holder under this section such money together with the interest, if any, which is due thereon shall be deemed to be money due to the State under this Ordinance and may be recovered in the manner hereinbefore provided in Chapter X.

Loans to permit-holders who are paying annual sums by virtue of provisions of section 19A (3)†. [§ 86, 16 of 1969.]

[§ 86, 16 of 1969.]

[§ 88, 16 of 1969.]

‡ THIRD SCHEDULE

[Sections 51, 71, 72 and 77.]

RULES

1. (a) The groups of relatives from which a successor may be nominated for the purposes of section 51 shall be as set out in the subjoined table.

(b) Title to a holding for the purposes of section 72 shall devolve on one only of the relatives of the permit-holder or owner in the order of priority in which they are respectively mentioned in the subjoined table, the older being preferred to the younger where there are more relatives than one in any group.

Table

- | | |
|----------------------|-----------------|
| (i) Sons. | (vii) Brothers. |
| (ii) Daughters. | (viii) Sisters. |
| (iii) Grandsons. | (ix) Uncles. |
| (iv) Granddaughters. | (x) Aunts. |
| (v) Father. | (xi) Nephews. |
| (vi) Mother. | (xii) Nieces. |

In this rule, "relative" means a relative by blood and not by marriage.

2. Where in any group of relatives mentioned in the table subjoined to rule 1 there are two or more persons of the same age who are equally entitled and willing to succeed, the Government Agent may nominate one of such persons to succeed to the holding. Such decision of the Government Agent shall be final.

** 4. If any relative on whom the title to a holding devolves under the provisions of these rules is unwilling to succeed to such holding, the title thereto shall devolve upon the relative who is next entitled to succeed under the provisions of rule 1.

FOURTH SCHEDULE

[Section 167.]

| | |
|----------------------|-----------|
| Column 1 | Column 2 |
| 1. The Partition Law | The whole |

* Section 171 is repealed by Act No. 16 of 1969.
† Section 19A is repealed by Law No. 43 of 1973.
‡ First and Second Schedules are repealed by Act No. 16 of 1969.
** Rules 3 and 5 are repealed by Act No. 16 of 1969.