

## CHAPTER 288

## STATE LANDS ENCROACHMENTS

**AN ORDINANCE TO MAKE PROVISION FOR THE PREVENTION OF ENCROACHMENTS  
UPON STATE LANDS.**

Ordinances  
Nos. 12 of 1840,  
22 of 1931,  
8 of 1947,  
Act  
No. 8 of 1954.

[27th October, 1840.1

Short title. 1. This Ordinance may be cited as the  
State Lands Encroachments Ordinance.

Information of  
encroachment. 2. It shall and may be lawful for the  
District Court, upon information supported  
by affidavit charging any person or persons  
with having, without the permission of the  
Government, entered upon or taken  
possession of any land which belongs to, or  
which immediately prior to such entry or  
taking possession was in the possession of,  
the State, to issue its summons for the  
appearance before it of the party or parties  
alleged to have so illegally entered upon or  
taken possession of such land, and of any  
other person or persons whom it may be  
necessary or proper to examine as a witness  
or witnesses on the hearing of any such  
information ; and the said District Court  
shall proceed in a summary way in the  
presence of the parties, or in case of wilful  
absence of any person against whom any  
such information shall have been laid, then  
in his absence to hear and determine such  
information ; and in case on the hearing  
thereof it shall be made to appear by the  
examination of the said party or parties, or  
other sufficient evidence to the satisfaction  
of such District Court, that the said party or  
parties against whom such information shall  
have been laid hath or have entered upon or  
taken possession of the land mentioned or  
referred to in such information without the  
permission of the Government, such District  
Court is hereby authorized and required to  
make an order directing such party or  
parties to deliver up to the State peaceable  
possession of such land, together with all  
crops growing thereon, and all buildings  
and other immovable property upon and  
affixed to the said land, and to pay the cost  
of such information ; and in case the party

Order for  
delivery up of  
possession.

or parties against whom any such order  
shall have been made shall not, within  
fourteen days after service thereof, deliver  
up possession of the said land and premises,  
pursuant to the said order, or shall  
afterwards make or cause to be made any  
further encroachments upon the said land or  
premises, contrary to such order or in  
evasion thereof, then and in such case it  
shall be lawful for such District Court to  
adjudge such party or parties to pay a fine  
not exceeding fifty rupees, or to be  
imprisoned, with or without hard labour,  
for any time not exceeding fourteen days,  
and to make a further order for the  
immediate delivery over of the possession of  
such land and premises to the State ; and  
the District Court shall thereupon cause  
possession thereof to be delivered to the  
State accordingly.

penalty on  
disobedience of  
order or  
renewed  
encroachment.

3. Any person against whom any such  
order as aforesaid may have been made  
may, notwithstanding such order, proceed  
by the ordinary course of law to recover  
possession of such lands, in case he shall be  
able to establish a title thereto ; and may  
also in such case recover a reasonable  
compensation for the damage he may have  
sustained by reason of his having been  
compelled to deliver up possession of the  
said premises, and in like manner, in case of  
the dismissal of any such information, the  
party having preferred the same may  
proceed according to the ordinary course of  
law, as if no such information had been  
preferred.

Subsequent  
proceeding by  
ordinary  
course of law

4. Provided always that in case any such  
information shall be dismissed, it shall be  
lawful for the said District Court, if it shall  
think fit, to order payment by Government  
to the party or parties against whom the

Court may  
order payment  
of costs.

same may have been preferred of such sum as the said court may consider to be the amount of costs fairly incurred by such party or parties by reason of such information so dismissed.

Proceedings subject to rules of court.

5. The forms of the proceedings to be observed on lodging complaints, in issuing summonses, in the examination of the party or parties, in the citation of witnesses, in the making orders, and generally for the complete carrying into execution the powers hereby vested in the said District Court, shall be according to such general rules of practice as the Judges of the Supreme Court may now or hereafter frame thereon.

Cinnamon lands, when the property of the State.

6. All cinnamon lands which shall have been uninterruptedly possessed by Government for a period of thirty years and upwards, by peeling the cinnamon growing thereon, shall be held and deemed to be the property of the State.

Waste lands to be deemed the property of the State.

7. All forest, waste, unoccupied, or uncultivated lands shall be presumed to be the property of the State until the contrary thereof be proved, and all *chenas* and other lands which can be only cultivated after intervals of several years shall, if the same be situate within the districts formerly comprised in the Kandyan provinces (wherein no *thombo* registers have been heretofore established), be deemed to belong to the State and not to be the property of any private person claiming the same against the State, except upon proof only by such person-

(u) of a *sannas* or grant for the same, together with satisfactory evidence as to the limits and boundaries thereof ; or

(b) of such customary taxes, dues, or services having been rendered to the State or other person for the same as have been rendered for similar lands being the property of private proprietors in the same districts ; or

(c) of his or his predecessor in title having made and maintained a permanent plantation in and upon the same for a period of not less than thirty years, or of his having otherwise improved the same and maintained it in such improved state for such period, and in either case of his having held uninterrupted possession of the same during the whole of the said period.

In all other districts in Sri Lanka *chena* and other lands which can only be cultivated after intervals of several years shall be deemed to be forest or waste lands within the meaning of this section.

8. All and every encroachment on any public road, street, or highway, by building or other erection, or by enclosure, planting, or otherwise, shall, on information thereof, be immediately abated and removed by judgment, order, or decree of the District Court thereon, and the party or parties offending found liable in damages besides the costs of suit.

Encroachment on road, &c.

9. Any divisional Assistant Government Agent or *grama* seva niladhari who shall wilfully or knowingly refuse or neglect to give every information within his knowledge or power immediately to the Government Agent or some Assistant Agent of his administrative district, of any encroachment made by any person or persons upon any land belonging to the State and situated in the division or village of such divisional Assistant Government Agent or *grama* seva niladhari, shall be liable for every such offence to a fine not exceeding one hundred rupees.

Divisional Assistant Government Agents and *grama* seva niladharis to give information

10. In this Ordinance, unless the context otherwise requires-

Interpretation.

“ unoccupied land ” includes land occupied by, on behalf of, or under, the State.