

CHAPTER 289

STATE LANDS (RECOVERY OF POSSESSION) (AMENDMENT)

AN ACT TO AMEND THE STATE LANDS (RECOVERY OF POSSESSION) ACT.

Acts
Nos. 58 of 1981,
29 of 1983.

[Act No. 58 of 1981—Commencement and Operation-9th September, 1981.]
[Act. No. 29 of 1983—Commencement and Operation-11th August, 1983.]

Short title.

1. This Act may be cited as the State Lands (Recovery of Possession) (Amendment) Act.

(b) by the insertion, immediately after subsection (1) of that section, of the following new subsection :—

Repeal of section 2 of Chapter 289, [§ 2, 29 of 1983.1

2. Section 2 of the State Lands (Recovery of Possession) Act (hereinafter referred to as the “ principal enactment ”) is hereby repealed.

“ (1A) No person shall be entitled to any hearing or to make any representation in respect of a notice under subsection (1). ”.

Amendment of section 3 of the principal enactment. [§ 3, 29 of 1983.1

3. Section 3 of the principal enactment is hereby amended as follows :—

(a) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

“ (1) Where a competent authority is of the opinion—

(a) that any land is State land ; and

(b) that any person is in unauthorized possession or occupation of such land,

the competent authority may serve a notice on such person in possession or occupation thereof, or where the competent authority considers such service impracticable or inexpedient, exhibit such notice in a conspicuous place in or upon that land requiring such person to vacate such land with his dependants, if any, and to deliver vacant possession of such land to such competent authority or other authorized person as may be specified in the notice on or before a specified date. The date to be specified in such notice shall be a date not less than thirty days from the date of the issue or the exhibition of such notice. ” ; and

4. Section 5 of the principal enactment is hereby amended in subsection (1) of that section, as follows :—

Amendment of section 5 of the principal enactment. [§ 4, 29 of 1983.1

(a) by the substitution for the words “ Where any person in unauthorized possession or occupation of any State lands fails ”, of the words “ Where any person fails ” ; and

(b) in paragraph (a) of that subsection—

(i) by the substitution, in subparagraph (ii) of that paragraph, for the words “ application is State land, ”, of the words “ application is in his opinion State land, ” ; and

(ii) by the substitution, in subparagraph (iv) of that paragraph, for the words “ application is in unauthorized possession or occupation ”, of the words “ application is in his opinion in unauthorized possession or occupation ”.

Insertion of new section 6A in the principal enactment. [§ 2, 58 of 1981.]

5. The following new section is hereby inserted immediately after section 6, and shall have effect as section 6A of the principal enactment :-

“ Applications for ejection to be disposed of within certain periods. **6A.** Every application made under section 5 shall be finally disposed of within a period of two calendar months from the date of such application and where a court makes, in pursuance of any such application, an order under section 7 or section 10, directing that any person be ejected from the land referred to in that order, the court shall make all such orders as are necessary to ensure that such persons are ejected from that land within a period of three months from the date of the application for ejection. ”

Insertion of new section 11A in the principal enactment. [§ 3, 58 of 1981.]

6. The following new section is hereby inserted immediately after section 11, and shall have effect as section 11A, of the principal enactment :-

“ Re-entry in land after ejection to be an offence. **11A.** (1) Any person who reenters, except under a valid permit or other written authority of the State granted in accordance with any written law, any land within a period of ten years of his being ejected therefrom in the execution of an order made under section 7 or section 10, shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate to imprisonment for a term which may extend to five years or to a fine which may extend to one thousand rupees or to both such fine and imprisonment.

(2) Upon the institution of any proceedings against any person ‘for an offence under subsection (1), the Magistrate shall, on proof that such person was ejected, in the

execution of an order under section 7 or section 10, from the land in respect of which the offence is alleged to have been committed, forthwith order the ejection of such person and his dependants, if any, from such land pending the conclusion of those proceedings. ”

7. Section 14 of the principal enactment is hereby amended as follows :-

Amendment of section 14 of the principal enactment. [§ 4, 58 of 1981.]

- (1) by the renumbering of that section as subsection (1) of that section ; and
- (2) by the insertion, immediately after subsection (1) of that section, of the following new subsection :-

“ (2) A competent authority shall not exercise any power conferred on him by section 3 in relation to any land vested in, owned by, or under the control of—

- (a) the Sri Lanka Army or the Sri Lanka Navy or the Sri Lanka Air Force, except with the prior approval of the Minister in charge of the subject of Defence ;
- (b) the Urban Development Authority established by the Urban Development Authority Law except with the prior approval of the Minister in charge of that Authority ;
- (c) the Sri Lanka Ports Authority established by the Sri Lanka Ports Authority Act except with the prior approval of the Minister in charge of that Authority. ”

[Cap. 602.]

[Cap. 232.]

8. Section 18 of the principal enactment is hereby amended as follows :-

Amendment of section 18 of the principal enactment [§ 5, 58 of 1981.]

- (i) by the substitution, for the definition of “competent authority”, of the following definition :-

‘ “ competent authority ” used in relation to any land means the

Government Agent, an Additional Government Agent or an Assistant Government Agent of the district in which the land is situated and includes-

- (a) the Commander of the Army, where such land is under the control of the Army ;
- (b) the Commander of the Sri Lanka Navy, where such land is under the control of the Sri Lanka Navy ;
- (c) the Commander of the Sri Lanka Air Force, where such land is under the control of the Sri Lanka Air Force ;
- (d) the General Manager of Railways, Where such land is under the control of the Railway Department ;
- (e) the Commissioner for National Housing, where such land is under the control of the Department of National Housing ;
- (f) the Chairman of the National Housing Development Authority, where such land is under the control of the National Housing Development Authority ;
- (g) the Commissioner of Local Government, where such land is under the control of a local authority ;
- (h) any other public officer authorized by the Government Agent in respect of any matter or provision of this Act ; and
- (i) an officer generally or specially authorized by a corporate body, where such land is vested in or owned by or under the control of, such corporate body. ' ;

substitution for the words " River Valleys Development Board Act; and ", of the words " River Valleys Development Board Act ; " ;

- (iii) by the substitution, for the definition of " State land ", of the following definition :-

[§ 5, 58 of 1981.]

' " State land " means land to which the State is lawfully entitled or which may be disposed of by the State together with any building standing thereon, and with all rights, interests and privileges attached or appertaining thereto, and includes-

- (a) land vested in, or under the control of, the River Valleys Development Board and the Mahaweli Development Board or any other authority charged with the function of developing State land or any local authority ; and
- (b) land vested in or owned by, or under the control of-
 - (i) the Land Reform Commission established by the Land Reform Law ; [Cap. 297.1]
 - (ii) any corporate body established by or under the Rubber Research Ordinance, the Sri Lanka State Plantations Corporation Act, the State Agricultural Corporations Act, the Sri Lanka Tea Board Law, the Silk and Allied Products Development Law, the Tea Small Holdings Development Law, the Urban Development Authority Law, the National Housing Development Authority Act, or the Sri Lanka Ports Authority Act, as the case may be. ; and [Cap. 258.1, 264.1, 268.1, 253.1, 193.1, 252.1, 602.1, 337.1, § 5, 29 of 1983.1, 232.1]

[§ 5, 29 of 1983.1

- (ii) in the definition of " River Valleys Development Board ", by the

[§ 5, 29 of 1983.1

[§ 5, 29 of 1983.1

(iv) by the addition, immediately after the definition of " State land ", of the following new definition :-

“ unauthorized possession or occupation ” means every form of possession or occupation except possession or occupation upon a valid permit or other written authority of the State granted in accordance with any written law, and includes possession or occupation by encroachment upon State land. ’

Amendment of the Schedule to the principal enactment. [§ 6, 29 of 1983.1

9. The Schedule to the principal enactment is hereby amended as follows :—

(a) in paragraph (a) of Form B thereof-

- (i) by the substitution, in subparagraph (ii) of that paragraph, for the words " application is State land ; ", of the words " application is in my opinion State land ; " ; and
(ii) by the substitution, in subparagraph (iv) of that paragraph, for the words "is in unauthorized possession ", of the words "is in my opinion in unauthorized possession " ; and

(b) in Form C thereof-

- (i) by the substitution, in paragraph (ii) of that Form, for the words "for ejectment is State land ; ", of the words

"for ejectment is in my opinion State land ; " ; and

- (ii) by the substitution, in paragraph (iv) of that Form, for the words "is in unauthorized possession ", of the words "is in my opinion in unauthorized possession ".

(iii) by the substitution, for the words and figures- [§ 6, 58 of 1981.]

" Affirmed* / Sworn before me by the deponent on this day of 197 . ", of the words and figures,

" Affirmed*/ Sworn before me by the deponent at. . . . on this day of 19'

10. (1) Where on the day immediately preceding the 11th day of August, 1983, there is pending in any Magistrate’s Court any application made by a competent authority to that Court under section 5 of the principal enactment, such application shall be heard and determined by such Court in accordance with the provisions of the principal enactment, as amended by Act No. 29 of 1983.

Pending applications, &c. [§ 7, 29 of 1983.1

(2) Where on the day immediately preceding the 11th day of August, 1983, there is pending in any court of competent jurisdiction any matter in respect of any act done or order made- -by a competent authority or a Magistrate’s Court under the principal enactment, such matter shall be heard and determined by such court of competent jurisdiction in accordance with the provisions of the principal enactment, as amended by Act No. 29 of 1983.