

Cap. 2901 *LANDS RESUMPTION*

CHAPTER 290

LANDS RESUMPTION

Ordinances AN ORDINANCE RELATING TO LANDS ALIENATED BY THE CROWN WHICH ARE

Nos. 4 of 1887,

2 of 1934,

ABANDONED BY THE OWNERS THEREOF.

57 of 1942,

Act

No. 22 of 1955.

Short title.

Government

Agent to

publish notice

calling upon

owners of

abandoned

lands to prefer

their claims.

1. This Ordinance may be cited as the

Lands Resumption Ordinance.

2. (1) When any land in Sri Lanka

which has been or which may hereafter be

alienated by or on behalf of the State shall

appear to the Government Agent to have

been abandoned by the owner thereof for

eight years or upwards, and such owner or

any person lawfully claiming under him

cannot be ascertained, notwithstanding all

reasonably diligent inquiry made by such

Government Agent, it shall be lawful for

such Government Agent, with the sanction

of the Land Commissioner, to declare by a

notice to be published and to be posted on

such land in the manner provided in

subsection (2), that if no claim to such land

is made to him by or on behalf of any

person able to establish a title thereto within

the period (not being less than twelve

months) specified in such notice, such land

shall be resumed by the State.

(2) Every notice under subsection (1)

shall be published once at least-(

a) in Sinhala, Tamil and English in the

Gazette,

(b) in Sinhala in a local newspaper

published in Sinhala,

(c) in Tamil in a local newspaper

published in Tamil, and

(d) in English in a local newspaper

published in English ;

and every such notice shall also be posted in

a conspicuous place in all three languages

on the land to which it refers.

[24th January, 1887.]

3. If no claim shall be made in

When no claim

pursuance of such notice as aforesaid, the Government

Government Agent shall make a report to Agent to report

the Minister of the proceedings taken by and the

him, which report shall contain a Minister to

description of the land, together with the

boundaries thereof, and shall state that no

claim has been made thereto ; and upon the

receipt of such report, it shall be lawful for

the Minister to make order that such land

shall be resumed by the State ; and the same shall thereupon be resumed by and become the property of the State free from all encumbrances.

4. If within the period specified in such Procedure notice as aforesaid a claim shall be made, the Government Agent shall call upon the claimant to establish the same within such time as the Government Agent shall appoint, and shall inquire into such claim and record all such evidence as may be adduced before him in support thereof. The Government Agent shall thereafter make a report to the Land Commissioner of the proceedings taken by him, which report shall contain a description of the land, with the boundaries thereof, and shall set forth the nature of the claim made in respect thereof, the evidence taken in support of such claim, and the finding of the Government Agent thereon.

5. If the Land Commissioner shall, upon such report as aforesaid, or after such Commissioner be satisfied further inquiry as he may deem expedient, that the claim

be satisfied that a prima facie right to the said land has been established, all further proceedings under this Ordinance in respect of such land shall cease ; but if the Land Commissioner shall entertain any doubt as to such right, the Land Commissioner shall refer the claim to the District Court of the District.

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Appeal.

Procedure on decision by District Court or Court of Appeal.

Proceedings to cease or order of resumption to be made.

Resumption to be notified in Gazette.

Notification proof of resumption.

District Court to issue writ of possession in favour of the State upon production of notification of resumption.

district in which the land is situate, and the Judge of such court shall thereupon fix a day for the investigation of the claim with notice thereof to the claimant and to the Attorney-General, and after hearing such evidence as the claimant or Attorney-General shall adduce, or the court may call for, the said Judge shall decide whether in his opinion such right has or has not been established, and shall make such order as to costs as he shall deem just. Every such

decision, however, shall be subject to an appeal, free from stamp duty, to the Court of Appeal by the Attorney-General or by such claimant, and such appeal shall be subject to the same rules which govern interlocutory appeals from District Courts.

6. If the decision of the District Judge, or of the Court of Appeal in the event of an appeal, shall be that such right has been established, all further proceedings in respect of such land under this Ordinance shall cease ; but if such decision shall be that such right has not been made out by the claimant, it shall be lawful for the Minister to make order that the land shall be resumed by the State, and the same shall thereupon be vested in and become the property of the State free from all encumbrances.

7. Whenever the Minister shall make an order of resumption under section 3 or section 6, a notification to that effect shall be published in the Gazette and posted on such land ; and the production of the Gazette containing such notification shall be evidence of the resumption in all legal proceedings whatsoever.

8. Upon any Government Agent producing or causing to be produced such notification of resumption before the District Court having jurisdiction within the district in which the resumed land is situate, it shall be lawful for such court, and it is hereby required, forthwith to issue a writ of possession directing the Fiscal of such Court to put and place such Government Agent or any person whom he may name in writing in possession of such land for and on behalf of the State, and, if need be, remove therefrom any person or persons refusing to vacate the same.

9. Every land resumed by the State under section 3 or section 6 shall be appraised without delay by some person or persons appointed for that purpose by the Land Commissioner, and the appraised value shall be recorded in the office of the Government Agent.

10. If within thirty years from the date of the notification of resumption being published in the Gazette any person shall establish to the satisfaction of the Minister that he is entitled to be paid such appraised value or any part thereof, the same shall be paid to him by the Deputy Secretary to the Treasury.

11. The District Judge when investigating any claim under this Ordinance shall have the same power of adjournment and of summoning and enforcing the attendance of claimants or witnesses, and of examining them on oath or affirmation, and of enforcing answers, and of calling for and enforcing the

production of documents, as he has when dealing with cases in his ordinary civil jurisdiction ; and every person wilfully giving false evidence at any investigation held by a District Judge under this Ordinance shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

12. The Government Agent while holding an inquiry under section 4 may exercise all or any of the powers vested in a commission acting under the provisions of the Commissions of Inquiry Act ; and every person who shall wilfully give false evidence before him shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

13. Every claim made under this Ordinance to the Government Agent shall be in writing, and signed by the person making the same, and shall set forth the name and address of the claimant in full, and the place at which he is willing to accept the service of notices ; and any notice put in the post addressed to the claimant at such place shall be deemed to have been duly served.

Resumed land
to be
appraised.
Appraised
value payable
to owner
within thirty
years.
Power of
District Judge
at
investigations
of claims.
False evidence.
Power of
Government
Agent at
inquiries into
claims.
Form of claim
under this
Ordinance.
Claimant to
name place for
service of
notices.

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Penalties. False 14. Any person who shall wilfully and knowingly insert anything that is false in any statement of claim made to the Government Agent, and any person who, for the purpose of setting up a false claim to any land subject to the provisions of this Ordinance, shall wilfully and knowingly make any false statement (not on oath or affirmation) to the Government Agent at any inquiry held under the provisions of this Ordinance, shall be guilty of an offence, and

liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for any period not exceeding six months, or to both.

Resisting or obstructing officers.

15. Any person who shall offer any resistance or obstruction to any Fiscal or to any Government Agent or other person acting under the provisions of section 8, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both.

16. No informality or irregularity Defect in occurring in any proceedings taken under proceedings not to affect this Ordinance shall be held to invalidate or title of the

affect the title of the State or any purchaser State. or grantee from the State to any land resumed under this Ordinance :

Provided, however, that nothing herein contained shall prevent any person from claiming damages against the State if he has been substantially prejudiced by any such informality or irregularity.

17. In this Ordinance “ Government Interpretation. Agent ” means the Government Agent of the administrative district within which any land is situated.

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