

CHAPTER 289

STATE LANDS (RECOVERY OF POSSESSION)

Act
No. 7 of 1979.

AN ACT TO MAKE PROVISION FOR THE RECOVERY OF POSSESSION OF STATE LANDS FROM PERSONS IN UNAUTHORIZED POSSESSION OR OCCUPATION THEREOF AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[25th January, 1979.]

- Short title. 1. This Act may be cited as the State Lands (Recovery of Possession) Act.
- Application of this Act. 2. (1) The provisions of this Act shall apply to all State lands.
- (2) The possession or occupation by any person of any State land shall be deemed at all times to have been and to be subject to the provisions of this Act.
- Notice to issue to party in unauthorized possession or occupation to vacate land. 3. (1) Where a competent authority is of opinion that any person is in unauthorized possession or occupation of any State 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.
- (2) Every notice under subsection (1) issued in respect of any State land is in this Act referred to as a "quit notice".
- (3) A quit notice in respect of any State land shall be deemed to have been served on the person in possession or occupation thereof if such notice is sent by registered post.
- (4) Every quit notice shall be in Form A set out in the Schedule to this Act.
4. Where a quit notice has been served or exhibited under section 3—
- (a) the person in possession or occupation of the land to whom such notice relates or any dependants of such person shall not be entitled to possess or occupy such land after the date specified in such notice or to object to such notice on any ground whatsoever except as provided for in section 9,
- (b) the person in possession or occupation shall together with his dependants, if any, duly vacate such land and deliver vacant possession thereof to the competent authority or person to whom he is required to do so by such notice.
5. (1) Where any person in unauthorized possession or occupation of any State land fails to comply with the provisions of section 4 (b) in respect of any quit notice issued or exhibited or purporting to have been issued or exhibited under this Act, any competent authority (whether he is or not the competent authority who issued or exhibited such notice) may make an application in writing in the Form B set out in the Schedule to this Act to the Magistrate's Court within whose local jurisdiction such land or any part thereof is situated—
- (a) setting forth the following matters—
- (i) that he is a competent authority for the purposes of this Act,
- Obligation to comply with a quit notice.
- Effect of non-compliance with a quit notice

- (ii) that the land described in the schedule to the application is State land,
- (iii) that a quit notice was issued on the person in possession or occupation of such land or was exhibited in a conspicuous place in or upon such land,
- (iv) that such person named in the application is in unauthorized possession or occupation of such land and has failed to comply with the provisions of the aforesaid paragraph (b) of section 4 in respect of such notice relating to such land, and

(6) praying for the recovery of possession of such land and for an order of ejectment of such person in possession or occupation and his dependants, if any, from such land.

(2) Every such application under subsection (1) shall be supported by an affidavit in the Form C set out in the Schedule to this Act verifying to the matters set forth in such application and shall be accompanied by a copy of the quit notice.

(3) Every application supported by an affidavit and accompanied by a copy of the quit notice under the preceding provisions of this section shall be referred to as an " application for ejectment ".

(4) No stamp duties shall be payable for any application for ejectment.

6. (1) Upon receipt of the application made under section 5, the Magistrate shall forthwith issue summons on the person named in the application to appear and show cause on the date specified in such summons (being a date not later than two weeks from the date of issue of such summons) why such person and his dependants, if any, should not be ejected from the land as prayed for in the application for ejectment.

(2) The provisions contained in the Code of Criminal Procedure Act shall, *mutatis mutandis*, apply to the issue of summons

referred to in subsection (1) and the service thereof and other steps necessary for securing the attendance of the person summoned.

7. If on the date specified in the summons issued under section 6 the person on whom such summons was issued fails to appear or informs the Court that he has no cause to show against the order for ejectment, the Court shall forthwith issue an order directing such person and his dependants, if any, to be ejected forthwith from the land.

Order for ejectment where no cause is shown

8. (1) If a person on whom summons has been served under section 6 appears on the date specified in such summons and states that he has cause to show against the issue of an order for ejectment the Magistrate's Court may proceed forthwith to hear and determine the matter or may set the case for inquiry on a later date.

Inquiry if cause is shown.

(2) Where any application for ejectment has been made to a Magistrate's Court, the Magistrate shall give priority over all other business of that Court, to the hearing and disposal of such application, except when circumstances render it necessary for such other business to be disposed of earlier.

9. (1) At such inquiry the person on whom summons under section 6 has been served shall not be entitled to contest any of the matters stated in the application under section 5 except that such person may establish that he is in possession or occupation of the land upon a valid permit or other written authority of the State granted in accordance with any written law and that such permit or authority is in force and not revoked or otherwise rendered invalid.

Scope of inquiry.

(2) It shall not be competent to the Magistrate's Court to call for any evidence from the competent authority in support of the application under section 5.

10. (1) If after inquiry the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the land he shall make order directing such person and his dependants, if any, in occupation of such land to be ejected forthwith from such land.

Order of ejectment

Magistrate to issue notice on person named in application to show cause.

(2) No appeal shall lie against any order of ejection made by a Magistrate under subsection (1).

and control of the Minister in charge of the subject of State lands.

Execution of order of ejection.

11. (1) Where any person fails to comply with an order made under section 7 or section 10 the Magistrate shall on the application of a competent authority direct the Fiscal or a police officer to eject from the land to which the order relates all persons bound by the order and to deliver possession of such land to such competent authority or his representative.

15. No suit shall lie against any public officer for anything done by him in good faith under this Act or purporting to be done under this Act.

Protection of public officers.

(2) The Fiscal or the police officer entrusted with the execution of the order of ejection shall comply with the direction of the Magistrate's Court by which such order was made and shall make a due return of the manner in which he executed such order.

*17. The Provisions of this Act shall have effect notwithstanding anything contained in any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail :

This Act to prevail over other law.

(3) In executing an order of ejection the Fiscal or the police officer or any officer authorized by the Fiscal or the police officer may use such force as may be necessary to enter the land to which that order relates to and to eject any person bound by the order and to deliver possession of the land in accordance with the direction of the Magistrate's Court which issued the order.

Provided that this Act shall not prejudice the rights of the State to proceed under the provisions of any other law to recover possession of any State land or to establish title thereto or claim any relief in respect of any such land.

Action in vindication may be maintained against the State.

12. Nothing in this Act contained shall preclude any person who has been ejected from a land under the provisions of this Act or any person claiming to be the owner thereof from instituting an action against the State for the vindication of his title thereto within six months from the date of the order of ejection.

18. In this Act, unless the context otherwise requires-

Interpretation.

“ 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-

Compensation.

13. Where an action instituted under section 12 by any person against the State for vindication of title to any land from which he has been ejected under this Act has been decided in favour of such person, such person shall be entitled to recover a reasonable compensation for the damage sustained by reason of his having been compelled to deliver up possession of such land.

- (u) the General Manager of Railways, where such land is under the control of the Railway Department ;
- (b) the Commissioner for National Housing, where such land is under the control of the Department of National Housing ;
- (c) the Commissioner or Local Government, where such land is under the control of a local authority ; and
- (d) any other public officer authorized by the Government Agent in respect of any matter or provision of this Act ;

Competent authority subject to direction and control.

14. In the exercise, performance and discharge of his powers, duties and functions under this Act a competent authority shall be subject to the direction

* Section 16 is omitted, as it refers to the repealed Conciliation Board Act, No. 10 of 1958.

“ dependant ”, in relation to a person in possession or occupation of State land, means any person who is dependent on the person in possession or occupation, whether as spouse, child or otherwise, and includes any other person who is permitted by the person in possession or occupation to hold or occupy such land ;

“ local authority ” means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council ;

“ Mahaweli Development Board ” means the Mahaweli Development Board established under the Mahaweli Development Board Act ;

“ police officer ” means a member of the Police Force established by law and includes any **grama** seva niladhari empowered in writing by the Government Agent to perform police duties ;

“ River Valleys Development Board ” means the River Valleys Development Board established under the River Valleys Development Board Act ; and

“ 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 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.

[Section 3.]

SCHEDULE

FORM A

QUIT NOTICE

I, (state name and designation, if any) a competent authority for the purposes of the State Lands (Recovery of Possession) Act being of the opinion that you (state name) are in unauthorized possession */occupation of the State land described in the Schedule hereto do by virtue of the powers vested in me by Section 3 of that Act require you (state name)-

(u) to vacate such land together with your dependants, if any ; and

(b) to deliver vacant possession of such land to me */a competent authority for the purposes of that Act, or (state name and description, if any, of the authorized person) on or before (state date).

_____,
Signature and **designation**,
if any, of competent authority.

Schedule above referred to :

(here describe land stating the situation including the name of district).

_____,
Signature and **designation**,
if any, of competent authority.

Date :

*Omit if inapplicable.

FORM B

[Section 5.]

APPLICATION FOR EJECTMENT

To : The Magistrate's Court of

(state name of such court)

I (state name and designation, if any), a competent authority for the purpose of State Lands (Recovery of Possession) Act do by virtue of the powers vested in me by Section 5 of that Act, by this application-

- (u) set forth the following matters, namely :-
(i) that I am such competent authority ;
(ii) that the land described in the Schedule to this application is State land ;
(iii) that a quit notice (a copy of which is attached to this application) was served ; on (state name and address) */exhibited in or upon the said land ;
(iv) that the said (state name) is in unauthorized possession */occupation of the said land and failed to comply with the provisions of paragraph (b) of Section 4 of that Act ;
(b) pray for the recovery of possession of the said land and for ejectment of the said (state name) and his dependants, if any, from the said land.

Signature and designation, if any, of competent authority.

Schedule above referred to : (here describe land stating situation including district).

Signature and designation, if any, of competent authority.

Date :

*Omit if inapplicable.

FORM C

[Section 5.]

AFFIDAVIT

I (state name and designation, if any) do, as required by Section 5 of the State Lands (Recovery of Possession) Act hereby solemnly, sincerely and truly declare and affirm/ *make oath and say-

- (i) that I am a competent authority for the purposes of that Act ;
(ii) that the land described in the Schedule to the application for ejectment is State land ;
(iii) that a quit notice (a copy of which is attached to the application for ejectment) was *served on (state name and address) */exhibited in or upon the said land ;
(iv) that the said (state name) is in unauthorized possession*/occupation of the said land and has failed to comply with the provisions of paragraph (6) of Section 4 of that Act.

Signature and designation, if any, of deponent.

Affirmed*/ Sworn before me by the deponent on this day of 19

Signature and designation, if any, of person administering affirmation or oath.

*Omit if inapplicable.