

CHAPTER 290

LANDS RESUMPTION

Ordinances Nos. 4 of 1887, 2 of 1934, 57 of 1942, Act No. 22 of 1955.

AN ORDINANCE RELATING TO LANDS ALIENATED BY THE CROWN WHICH ARE ABANDONED BY THE OWNERS THEREOF.

[24 th January, 1887.]

Short title.

1. This Ordinance may be cited as the Lands Resumption Ordinance.

Government Agent to publish notice calling upon owners of abandoned lands to prefer their claims.

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.

3. If no claim shall be made in pursuance of such notice as aforesaid, the Government Agent shall make a report to the Minister of the proceedings taken by him, which report shall contain a 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.

When no claim is made Government Agent to report and the Minister to make order of resumption by the State.

4. If within the period specified in such 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.

Procedure when claim is made.

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

If the Land Commissioner be satisfied that the claim has been established, further proceedings shall cease. If claim be doubtful, reference to District Court.

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.

Appeal.

Procedure on decision by District Court or Court of Appeal. Proceedings to cease or order of resumption to be made.

**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.

Resumption to be notified in Gazette.

Notification proof of resumption.

**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,

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

**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.

Resumed land to be appraised.

**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.

Appraised value payable to owner within thirty years.

**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.

Power of District Judge at investigations of claims.

False evidence

**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.

Power of Government Agent at inquiries into claims.

**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.

Form of claim under this Ordinance. Claimant to name place for service of notices.

Penalties. False statement.

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.

rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both.

16. No informality or irregularity occurring in any proceedings taken under this Ordinance shall be held to invalidate or affect the title of the State or any purchaser or grantee from the State to any land resumed under this Ordinance :

Defect in proceedings not to affect title of the State.

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.

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

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

Interpretation.