

CHAPTER 291

STATE LANDMARKS

Ordinance No. 7 of 1909.

AN ORDINANCE TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF PERMANENT LANDMARKS TO DEFINE THE BOUNDARIES OF LAND ALIENATED BY THE STATE.

[1 st January, 1910.]

Short title.

1. This Ordinance may be cited as the State Landmarks Ordinance.

Government Agent may call upon any one or more of the co-proprietors to replace or repair the State landmarks or to define the boundary line as aforesaid; and any such co-proprietor, on producing a certificate from the Government Agent that such work has been performed to his satisfaction, may recover from his co-proprietors their proportionate share in the expense set incurred.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the expression " Government Agent " includes an Assistant Government Agent.

Erection of State landmarks.

3. Whenever, after the commencement of this Ordinance any land is sold, leased, or alienated by the State or is admitted or declared by any order passed under Ordinance No. 1 of 1897* or the Land Settlement Ordinance to be the property of any claimant, the Minister may cause the boundaries of such land to be defined by permanent marks, in this Ordinance referred to as " State landmarks ", of such material and size as the Minister may from time to time prescribe by order in the Gazette.

6. (1) Notice in writing of every requisition to replace or to repair State landmarks or to define the boundary line shall be served in the manner prescribed by section 14 of this Ordinance, on the owner or occupier of the land requiring him to perform such work within such time as the Government Agent may think reasonable.

Service of notice.

(2) Where a State landmark serves, or is intended to serve, as a boundary between two or more adjoining lands, the owners of which would both or all be liable to set up or repair the landmark, the requisition shall be served on the owner or occupier of each such land. Where one only of such owners has complied with the requisition, he may recover from the other owner or owners the proportionate share of the expense which he has incurred in complying with the requisition.

Landmarks for adjoining lots.

Duty of owner to keep State landmarks in repair.

4. It shall be the duty of the owner or the person for the time being in possession or occupation of any land, the boundaries of which have been defined by State landmarks, to keep such landmarks in good repair, and also to define the boundary line connecting the several landmarks by keeping the same clear of vegetation.

Where owner fails to keep State landmarks in repair.

5. (1) Whenever it appears that any State landmark has been removed, or is out of repair, or that the owner or occupier has failed to define or keep defined the boundary line between the landmarks, the Government Agent may call upon the owner or occupier to replace or repair such State landmark or to define the boundary line.

7. (1) The Government Agent shall, when State landmarks have been replaced or repaired or the boundary line has been defined to his satisfaction within the time prescribed in the notice, or within such further time as the Government Agent shall allow, grant a certificate to that effect to the owner or occupier.

Certificate.

(2) Where any land is held by several persons in undivided shares, the

* Repealed by Ordinance No. 20 of 1931.

(2) Upon a report of the Surveyor-General or of a licensed surveyor authorized by the Surveyor-General to inspect State landmarks to the effect that any State landmarks have been properly repaired or replaced, or that any boundary line has been properly defined, the Government Agent may grant a certificate that such work has been done to his satisfaction.

Procedure where order is not complied with.

8. If after service of notice the required work is not completed within the time prescribed in the notice, it shall be lawful for the Surveyor-General on the requisition of the Government Agent to cause such work to be done, and the cost incurred thereby, and such additional sum as the Minister with the concurrence of the Minister in charge of the subject of Finance shall from time to time by rule prescribe, shall be chargeable and recoverable as hereinafter provided.

Parties may request Government Agent to set up or repair the landmarks.

9. The person on whom a notice to replace or repair State landmarks or to define boundaries is served may request the Government Agent to cause such landmarks to be set up or repaired, and the Government Agent may require the Surveyor-General to have such landmarks set up or repaired, and the cost shall be certified and recovered as hereinafter provided.

Procedure in ease of dispute.

10. If any dispute shall arise as to the position in which any State landmark shall be placed, the same shall be settled by the Surveyor-General, who may direct the land to be resurveyed. The expense of any such survey shall be borne by the landowner, and shall be recovered in manner provided by section 12.

Certificate of expense.

11. The cost of setting up or repairing State landmarks under sections 8 and 9, and the cost of survey (if necessary) for ascertaining the true position of any boundary, shall be certified in writing by the Government Agent under his hand, and such certificate shall be held to be conclusive proof of the amount paid, and that everything necessary to be done under this Ordinance up to the time of making such certificate for the purpose of requiring

the landmarks to be set up or repaired has been done as required by this Ordinance.

12. In the event of any person charged with the expense incurred by the Surveyor-General in setting up or repairing State landmarks under this Ordinance, and the expense of surveys if any, refusing or neglecting to pay the expense so incurred, a summons shall be served upon such person requiring him to show cause before a Magistrate why the said cost or proportion of cost (stating the amount) should not be paid by him, and if he fail to show such cause, or if he fail to appear, the Magistrate on proof of service of the summons and on reading the Government Agent's certificate issued under section 11 may make an order for payment of the amount.

Summons to show cause.

13. The amount ordered to be paid under section 12 may be recovered in the manner provided by law for the recovery of fines imposed by Magistrates, although exceeding the amount that is within their ordinary jurisdiction, and when so recovered shall be paid to the Government Agent.

How recoverable.

14. Notices under this Ordinance may be served personally on the owner or occupier or by having the same affixed in a conspicuous manner on the land to which the notice refers.

Service of notices.

15. Any person who, except in any case where a State landmark is by this Ordinance required or allowed to be set up, sets up or causes or allows to be set up on property belonging to him or under his control or management any boundary mark resembling the State landmarks prescribed for the purpose of this Ordinance, intending or knowing it likely that such boundary mark will be taken for a State landmark, shall be guilty of an offence under this Ordinance, and shall be liable on conviction to a fine which may extend to five hundred rupees, and to simple or rigorous imprisonment for a term not exceeding six months.

Penalty for setting up counterfeit State landmarks.

16. No person other than an officer in the civil or military service of the State or a person authorized by such officer, shall engrave on or affix to any rock, stone, tree, or other object the Government broad arrow mark or any limitation thereof. Any

Penalty for misuse of Government broad arrow mark.

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person acting in contravention of this section shall be guilty of an offence, and shall be liable on conviction thereof to a fine which may extend to one hundred rupees,

17. No suit, action, or legal proceedings shall lie against any person for anything done in good faith, or intended to be so done, under this Ordinance. Protection to persons acting under the Ordinance.