

1959

Present: Sinnetamby, J.

NANAYAKKARA, Appellant, and ILLANGAKOON, Respondent

*S. C. 144—C. R. Colombo, 65,149**Rent Restriction Act—“Premises”.*

Bare land on which no building stands cannot be regarded as “premises” within the meaning of the Rent Restriction Act, although the land is in a commercial area and is used for a business purpose.

A PPEAL from a judgment of the Court of Requests, Colombo.

H. W. Jayewardene, Q.C., with *S. Rajaratnam* and *N. R. M. Daluwatte*, for Defendant-Appellant.

G. T. Samerawickreme, with *D. R. P. Goonetilleke*, for Plaintiff-Respondent.

Cur. adv. vult.

January 19, 1959. SINNETAMBY, J.—

The question that arises for decision in this case is whether bare land on which no building stands comes within the scope of the Rent Restriction Act. In *Pakiadasan v. Marshall Appu*¹ this Court held that a plot of land consisting of grass field and a vegetable enclosure cannot be regarded as “premises” within the meaning of the Act. In the present case the bare land is in a commercial area of the city with no building or shed

¹ (1951) 52 N. L. R. 335.

standing on it. Scrap iron is, however, stored on it in the open exposed to sun and rain. It is contended that as the land is used solely for a business purpose and not for an agricultural purpose the decision in *Pakiadasan v. Marshall Appu (supra)* would not apply. It was also contended that the Act was intended to protect not only tenants in occupation of houses but also persons carrying on business irrespective of whether the business was conducted in a building or not. *Pakiadasan v. Marshall Appu (supra)* was decided on the basis that to constitute "premises" within the meaning of the Act there must exist a building on the land which forms the subject matter of the suit. That decision was approved tacitly if not expressly in *Nallatamby v. Leitan*¹ and *Paul v. Geverappa Reddiar*². In my view it makes no difference that the land is used for a business purpose and not for an agricultural purpose. So long as no building stands on it the land cannot be regarded as premises to which the provisions of the Act apply.

The judgment of the learned Commissioner of Requests is affirmed and the appeal dismissed with costs here and in the Court below.

Appeal dismissed.
