

1963

Present : Sri Skanda Rajah, J.

W. A. FONSEKA, Appellant, and D. W. WANIGASEKERA,
Respondent

S. C. 74/62—C. R. Colombo, 81280

Rent Restriction Act—Inapplicability to property of Crown.

The Rent Restriction Act does not apply to premises belonging to the Crown.

APPEAL from a judgment of the Court of Requests, Colombo.

Neville Wijeratne, for defendant-appellant.

R. Manikkavasagar, for plaintiff-respondent.

October 22, 1963. SRI SKANDA RAJAH, J.—

Mr. Wijeratne for the appellant submits that the learned Commissioner's finding that this is Crown land and therefore the Rent Restriction Act does not apply is wrong. On the other hand, Mr. Manikkavasagar for the plaintiff-respondent relies on the case of *Clarke v. Downes*, and *Clarke v. Mawby*¹, a decision of the House of Lords, for supporting the Commissioner's finding.

It would appear that in this case the Crown is the owner of the premises in question even at this time. The plaintiff was a tenant of the Crown, but he let the premises to the defendant with the permission of the Commissioner of National Housing. In the case relied upon by Mr. Manikkavasagar, the Crown had even parted with the title when the plaintiff filed action against the tenants and still it was held that the Rent Restriction Act did not apply. The present case is a still stronger one than the House of Lords case. Therefore, I would follow that decision and dismiss the appeal with costs.

Appeal dismissed.

¹ 145 *Law Times Reports* 20.