

# LAND DEVELOPMENT

## AN ORDINANCE TO PROVIDE FOR THE SYSTEMATIC DEVELOPMENT AND ALIENATION OF STATELAND IN SRI LANKA.

Ordinance Nos,

19 of 1935

3 of 1946

Law Nos, 43

of 1973

Act Nos,

49 of 1953

22 of 1955

16 of 1969

21 of 1971

27 of 1981

10 of 1983

22 of 1993

9 of 1995

20 of 1996

11 of 2022

Short title.

[2, 20 of 1996]

[2, 22 of 1993]

[2, 27 of 1981]

1.

This Ordinance may be cited as the Land Development Ordinance.

Interpretation.

[2, 11 of 2022]

[2, 20 of 1996]

[2, 22 of 1993]

[2, 27 of 1981]

[89, 13 of 1975]

[2, 16 of 1969]

2. In this Ordinance, unless the context otherwise requires -

'alienation' with its grammatical variations and cognate expressions means the alienation of State land under this Ordinance;

'citizen of Sri Lanka' means an individual who is a citizen of Sri Lanka

under any law for the time being in force relating to citizenship;

'court' means any Court of Justice constituted by or under the Constitution of the Republic;

'Development Finance Corporation of Ceylon' means the Corporation established under the Development Finance Corporation of Ceylon Act;

'disposition' with its grammatical variations and cognate expressions means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, devise, donation, exchange, lease, mortgage or transfer of land;

'district agricultural committee' shall have the same meaning as in the Irrigation Ordinance;

'Government Agent' includes an Additional Government Agent, Assistant Government Agent, Additional Assistant Government Agent, Assistant Commissioner-General of Lands, District Land Officer and any officer authorized by the Government Agent in writing in respect of any particular matter or provision of this Ordinance;

'grant' means a grant of land from the State under this Ordinance;

'high land' means land which is not irrigated land;

'holding' means land alienated by grant under this Ordinance, and includes any part thereof or interest therein; office of a

'Housing Development Finance Corporation of Sri Lanka Limited' means the Corporation established under the National Housing Act (Chapter 401);

'irrigated land' means any land benefited by any irrigation work as defined in the Irrigation Ordinance;

'kachcheri' means the Government Agent;

'land' includes-

(a) the bed of any waterway or of any collection of water, whether natural or artificial,

(b) things attached to the earth or permanently fastened to anything attached to the earth, and

(c) any title to land or any interest in the crops growing or to be grown thereon;

[2, 11 of 2022]

'Commissioner-General of Lands' means the officer appointed under section 3 of this Ordinance and includes an Additional Commissioner-General of Lands, Deputy Commissioner-General of Lands and any other officer of his department authorized by the Commissioner-General of Lands in writing in respect of any particular matter or provision of this Ordinance;

'Land Kachcheri' means a meeting held in the prescribed manner for the purpose of alienating State land;

'land officer' means an officer appointed under section 6 for the purposes of this Ordinance and the expression 'the land officer' means the officer dealing with the particular land which is referred to in the context in which such expression is used;

'licensed commercial bank' means a licensed commercial bank within the meaning of the Banking Act, No. 30 of 1988;

'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;

'mapping-out' with its grammatical variations and cognate expressions means the reservation of State land for one or more of the purposes specified in section 8\* or for any purpose prescribed under that section;

'minimum fraction' means the smallest fraction of a holding which can lawfully be held in undivided ownership;

'National Development Bank of Sri Lanka' means the Bank established under the National Development Bank of Sri Lanka Act, No. 2 of 1979;

'owner' means the owner of a holding whose title thereto is derived from or under a grant issued under this Ordinance and includes a permit-holder who has paid all sums which he is required to pay under subsection (2) of section 19 and has complied with all the other conditions specified in the permit;

'peace officer' includes police officers and Grama Seva Niladharis appointed by a Government Agent in writing to perform police duties;

'permit' means a permit for the occupation of State land issued under Chapter IV;

'permit-holder' means any person to whom a permit has been issued and includes a person who is in occupation of any land alienated to him on a permit although no permit has actually been issued to him;

'prescribed' means prescribed by this Ordinance or by the regulations made thereunder;

'registered society' shall have the same meaning as in the Co-operative Societies Law;

'regulation' means a regulation made under this Ordinance by the Minister;  
\* Section 8 is repealed by Law No. 43 of 1973.

'State land' means all land to which the State is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto;

'State Mortgage and Investment Bank' means the Bank established under the State Mortgage and Investment Bank Law. No. 13 of 1975;

'surveyed' means surveyed by the Surveyor-General or under his authority;

'Surveyor-General' means the Surveyor-General of Sri Lanka or any other officer deputed to act on his behalf for the purposes of this Ordinance to the extent to which such officer is deputed;

'title' means right, title, or interest;

'unit of subdivision' means the minimum extent of land below which a holding cannot lawfully be subdivided.

## **CHAPTER I**

### **APPOINTMENT, POWERS AND DUTIES OF OFFICERS**

- Appointment and duties of Commissioner-
- 3.(1) There may be appointed a Commissioner-General of Lands who shall be responsible-
- (a) for the due performance of the duties and functions assigned to him

- General of Lands.  
[2, 11 of 2022]
- as Commissioner-General of Lands under this Ordinance;
- (b) for the general supervision and control of all Government Agents and land officers in the administration of State land and in the exercise and discharge of the powers and duties conferred and imposed upon them by this Ordinance.
- (2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Commissioner-General of Lands shall be subject to the general direction and control of the Minister.
- Powers of  
Commissioner-  
General of Lands.  
[2, 11 of 2022]
- 4.(1) The Commissioner-General of Lands may from time to time give general or special directions to a Government Agent or to a land officer as to the performance of his duties relating to land administration and may direct or authorize any question of doubt or difficulty in connexion with such duties to be referred to the Commissioner-General of Lands for decision.
- (2) Any direction or decision of the Commissioner-General of Lands shall be observed and given effect to by the Government Agent or by the land officer as the case may be.
- Appointment of  
Additional Land  
Commissioners  
and other officers.  
[3, 11 of 2022]
5. There may be appointed one or more Additional Land Commissioners, Deputy Land Commissioners, Assistant Land Commissioners and such other officers as may, from time to time, be required for the purposes of this Ordinance.
- Land officers.  
[3, 21 of 1971]
- 6.(1) There may be appointed one or more land officers for the whole of Sri Lanka or for any province or district.
- (2) Every such land officer may, for the purposes of this Ordinance, perform, execute and exercise in any province or district or in the particular province or district for which he shall have been appointed, all or any of the functions, duties and powers assigned to or imposed upon or vested in a Government Agent under this Ordinance or any regulation made thereunder.
- (3) Every person appointed as a Settlement Officer or as an Assistant Settlement Officer under the Land Settlement Ordinance, shall be deemed to be appointed a land officer for the whole of Sri Lanka for the purposes of this Ordinance.
- All officers to be
7. All officers appointed for the purposes of this Ordinance shall be

public servants deemed to be public servants within the meaning of the Penal Code.

## CHAPTER II MAPPING-OUT OF STATE LAND

Purposes for which State land may be mapped out. **8.** Subject to the general or special directions of the Commissioner-General of Lands, State land may be mapped out by the Government Agent for any one or more of the following purposes:

[2, 11 of 2022]  
[3, 27 of 1981]

- (a) village expansion;
- (b) village forest;
- (c) village pasture;
- (d) village purposes not herein specified;
- (e) human re-settlements;
- (f) protection of the sources or courses of streams;
- (g) prevention of the erosion of the soil;
- (h) forest reserves;
- (i) Government purposes, including Government buildings, roads or works;
- (j) reservations for climatic and other ecological purposes and environmental protection;
- (k) preservation of objects of archaeological or historical interest;
- (l) the requirements of local authorities;
- (m) the development of towns;
- (n) alienation to certain classes of persons;
- (o) any other purpose that may be prescribed, having regard to the protection, conservation and development needs of the area.

Scheme and diagram to be prepared by Government Agent.

- 9.** When State land has been mapped out in accordance with the provisions of section 8, the Government Agent shall cause to be prepared
- (a) a scheme specifying the mapped-out areas and the purposes for which the lands in such areas have been respectively reserved;
  - (b) a diagram depicting the mapped-out areas specified in the scheme. Duty of Government Agent to transmit to the district agricultural committee the scheme and diagram prepared by him under section 9 for its observations.

The duty of the Government Agent **10.**

to transmit to the district agricultural committee the scheme and the diagram prepared by him under section 9 for its observation

The Government Agent shall transmit to the district agricultural committee constituted in his administrative district the scheme and diagram prepared by him under section 9 for consideration by that committee.

Duty of the district agricultural committee to return within thirty days the scheme and diagram with its observations. **11.**

The district agricultural committee shall, within thirty days after the date of the receipt of the scheme and diagram from the Government Agent, return the scheme and diagram to the Government Agent with the observations of the committee on that scheme and diagram.

Scheme and diagram prepared by the Government Agent, modified necessary, to be transmitted to the Commissioner-General of Lands [2, 11 of 2022]

**12.**After considering the observations made by the district agricultural committee on the scheme and diagram prepared by the Government Agent under section 9, the Government Agent may, if he considers it necessary so to do, modify such scheme and diagram; and the scheme and diagram, or the modified scheme and diagram, as the case may be, shall thereupon be transmitted by the Government Agent to the Commissioner-General of Lands together with the observations of the district agricultural committee on the scheme and diagram as prepared and transmitted to that committee by the Government Agent.

Power of Commissioner to confirm issue scheme or further instructions. [2, 11 of 2022]

**13.**(1) Upon receipt of a scheme and diagram forwarded to him under section 12, the Commissioner-General of Lands may confirm such scheme and diagram or may issue to the Government Agent such further directions for instructions in regard to the mapping out or to the scheme or to the diagram as he may consider requisite; and the Government Agent shall observe and give effect to such directions or instructions.

(2) Where the Commissioner-General of Lands is satisfied that the directions or instructions issued by him under subsection (1) have been given effect to, he may confirm the scheme and diagram or the modified scheme and diagram, as the case may be.

Notification of confirmation.

**14.**Notice of the fact that the Land Commissioner has confirmed any scheme forwarded to him under section 12 shall be published in such

manner as may be prescribed.

Bight of public to inspect diagram. **15.** Upon publication of a notice under section 14, every member of the public shall be entitled to inspect free of charge at the district kachcheri or at the office of the Surveyor-General the diagram depicting the scheme of mapping-out referred to in such notice.

No modification of scheme to be made except with the approval of the Minister in certain cases and of the Commissioner-General of Lands in others. [2, 11 of 2022] **16.** No scheme which, has been confirmed by the Commissioner-General of Lands shall, except with the approval and consent of the Minister, be varied or modified so as to enable land which has been mapped-out for any purpose mentioned in paragraphs (a) to (e) of section 8 to be mapped-out or to be utilized for the purpose mentioned in paragraph (n) of that section:  
Provided, however, that any modification or variation of a scheme not requiring the approval and consent of the Minister may be effected on the written authority of the Commissioner-General of Lands.

Mapping -out not essential before alienation. **17.** State land may be alienated whether it has been mapped-out or not.

Unmapped-out land deemed to be mapped out upon alienation. **18.** Unmapped-out land, which has been alienated, shall be deemed to have been mapped-out for alienation to persons of the class to which the alienee belongs.

### CHAPTER III ALIENATION OF STATE LAND

[3,27 of 1981]

Manner of alienation of State land. [2, 11 of 2022]  
[4, 11 of 2022]  
[2, 9 of 1995]  
[3, 27 of 1981] **19.** (1) Alienation of State land to any person under the provisions of this Ordinance shall be effected in the manner hereinafter provided.  
(2) Every such person shall in the first instance receive a permit authorizing him to occupy the land.  
A permit-holder shall pay the purchase amount as determined by the Commissioner-General of Lands in full in annual instalments within a period of ten years, together with the interest falling due thereon calculated at a rate not exceeding four per centum of the balance of the purchase amount outstanding each year after payment of the annual instalment due for that year:

Provided, however, that where the permit holder fails to make such full payment within the specified period, the Government Agent may extend such period for a further period of two years if the permit-holder satisfies the Government Agent that such failure was due to sickness, crop failure or other unavoidable cause.

(3) The date on which such annual instalments shall commence, and the amount of each such instalment shall be endorsed at any time by the Government Agent on the permit issued to such permit-holder.

The Government Agent shall in addition cause the land alienated on such a permit to be surveyed by the Surveyor-General, and the extent and description (by reference to metes and bounds) of the land so surveyed shall be inserted in such permit. The Government Agent shall in addition, cause the permit to be registered; no fee shall be paid or recovered for such registration.

(4) A permit-holder shall be issued a grant in respect of the land of which he is in occupation

(a) where he has paid all sums which he is required to pay under subsection (2);

(b) where he has complied with all the other conditions specified in the Schedule to the permit; and

(c) where he has been in occupation of, and fully developed, to the satisfaction of the Government Agent

(i) irrigated land, for a period of three years, or

(ii) high land, for a period of one year:

Provided, however, that the Commissioner-General of Lands may issue a grant before the expiry of the aforesaid period where the permit-holder satisfies him that the failure to issue such grant before the expiry of such period would adversely affect the development of such land.

(5) Notwithstanding the provisions of subsections (1), (2), (3) and (4), any permit-holder belonging to the peasant class may be exempted from the payment of the purchase amount referred to in subsection (2) subject to the condition that the Commissioner-General of Lands may however recover the cost of the improvements to such land which may have been incurred prior to the alienation of such land.

(6) Every grant issued under subsection (4) shall contain the conditions that the owner of the holding shall not

(a) dispose of a divided portion, or an undivided share of the holding which is less in extent than the unit of the sub-division or the minimum

fraction specified in the grant; and

(b) dispose of such holding except with the prior approval of the Government Agent.

(7) Notwithstanding the provisions of paragraph (b) of subsection (6), the approval of the Divisional Secretary shall not be required when mortgaging such holding to a licenced commercial bank, the State Mortgage and Investment Bank, the Development Finance Corporation of Ceylon, the National Development Bank of Sri Lanka, the National Housing Development Authority, the Housing Development Finance Corporation Bank of Sri Lanka, any registered society or other prescribed institution.

Selection to persons to whom Slate land shall be alienated.  
[2, 11 of 2022]

20. The selection of persons to whom state land shall be alienated under this Ordinance shall be made at a Land Kaeheheri

Provided that such selection may be made otherwise than at a Land Kaeheheri in the following cases:

(a) where the Commissioner-General of Lands is satisfied that immediate alienation of any land under this Ordinance is desirable in the interests of an applicant and that there are no other interests in the land in question which are likely to be prejudiced Provided, however, that no land exceeding eight acres in extent shall be alienated under this paragraph and

(b) where the Minister so directs in any particular case or class of cases if it is in the public interest to do so.

Notification of Land Kachcheri.

21. The notification that a Land Kachcheri will be held shall be substantially in the prescribed form and shall be published in such manner as may be prescribed.

Applications for land; when and how received and considered.

22. (1) The Government Agent may, in a notification under section 21, fix a date before which application shall be made to him for the Land proposed to be alienated at the Land Kachcheri appointed to be held by such notification.

(2) Where a date has been so fixed in such notification, the Government Agent may, in his discretion, refuse at the Land Kachcheri to accept or to consider any application for land received after such date.

(3) Where no date has been so fixed, the Government Agent shall be

bound to consider all applications received, whether at the Land Kachcheri or before the date fixed for the holding of such Land Kachcheri:

Provided that it shall be lawful for the Government Agent, in a case where no date has been so fixed in terms of subsection (1). to receive or to call for applications before the date fixed for the holding of the Land Kachcheri.

The persons to whom State land may be alienated.

**22A.** NO State land shall be alienated to any person other than a person who is a citizen of Sri Lanka. Any alienation of land made in contravention of the preceding provisions of this section shall be null and void.

powers of Government Agent at Land Kachcheri. [2, 11 of 2022]

**23.**(1) At a Land Kachcheri the Government Agent may, having considered the applications referred to in section 22

(a) select the applicants to whom State land shall be alienated either immediately, or on, or before, a future date in accordance with the provisions of this Ordinance; or

(b) reject any application where the provisions of this Ordinance relating to such application have not been complied with.

(2) In making any selection under sub section (1), the Government Agent shall have special regard to applications received from persons resident in the neighborhood of the land proposed to be alienated at the Land Kachcheri,

(3) An appeal in the manner prescribed shall lie to the Commissioner-General of Lands against any decision made by a Government Agent under subsection (1).

Power of Commissioner to vary decision of a Government Agent, by way of revision [2, 11 of 2022]

**23A.** Where by reason of a decision of a Government Agent made at a Land Kachcheri or otherwise a person is notified of his selection for the alienation of land or a person is in occupation of any land as a permit-holder, the Commissioner-General of Lands may, within one year after the date on which such selection was notified or such person has been in occupation of such land, vary by way of revision the decision of the Government Agent, if in the opinion of the Commissioner-General of Lands the selection has not been made in accordance with the provisions of this Ordinance.

Power of

**23B.**

Commissioner-General of Lands to set aside selections of persons.

[2, 11 of 2022]

[3, 22 of 1993]

The Commissioner-General of Lands may, within one year from the date of notification of selection of a person for alienation of state land, set aside such selection if in the opinion of the Commissioner-General of Lands, such person has failed or neglected to develop such land or failed to take up residence on such land'.

Date of selection is **24.**(1) The date on which a person is selected to receive a permit or a grant

material date for determination of qualification of alienee

of State land shall be the material date for the purpose of ascertaining whether such person is duly qualified to receive such permit or grant.

(2) Where land alienated to a person on a permit is subsequently alienated to the same person on a grant, the material date for the purpose of ascertaining whether such person is duly qualified to receive such land on a grant shall be the date on which such person was selected by the Government Agent to receive the same land upon a permit.

#### **CHAPTER IV PERMITS AND GRANTS**

Form of permit.

**25.** Every permit shall be substantially in a prescribed form.

[\*Chapters II and III (Sections 8 to 24) are repealed by Section 53, Law No. 43 of 1973]

Form of grant.

[26, 16 of 1969]

**27.** Every grant shall be substantially in a prescribed form.

[+Section 26 is repealed by Act No. 16 of 1969]

Grant not to issue for unsurveyed land

[5, 11 of 2022]

[3, 9 of 1995]

**28.**

State Land which has not been surveyed by the Surveyor-General shall not be alienated by a grant.

Registration of grants.

**29.**(1) Every grant, when issued, shall be registered at the instance of the Government Agent in such manner as may be prescribed.

(2) No fees shall be paid or recovered for such registration.

Plan to be attached to grant.

**30.**The land alienated on any grant shall be described with reference to a plan prepared by or under the authority of the Surveyor-General and

[6, 11 of 2022] kept in his charge. The plan prepared by or under the authority of the  
[4, 9 of 1995] Surveyor-General shall be attached to each grant.

Copy of plan to **31.**  
supplied on The Surveyor-General shall cause to be issued to any applicant a copy  
payment of of any plan be or of any part thereof on payment of the prescribed fee.  
prescribed fee.

Commissioner-  
General of Lands **35.** The Commissioner-General of Lands may authorize the Government  
may authorize Agent to include in a grant special conditions applicable to individual  
insertion of special cases or to classes of cases in particular areas.  
conditions in [Sections 32, 33, 34 and 36 are repealed by Act No. 16 of 1969]  
grants.  
[2, 11 of 2022]

Conditions in a **37.** The conditions included in any grant shall, as from the date of such  
grant to run with grant, run with the land and shall bind the original and all owners  
the land. thereof and all persons whomsoever who acquire any title thereto.  
[Sections 32, 33, 34 and 36 are repealed by Act No. 16 of 1969]

Section 38 is **38.**  
repealed by Act Section 38 is repealed by Act No. 4, 27 of 1981  
No.  
[4, 27 of 1981]

## CHAPTER V PROTECTION OF LAND HELD ON PERMITS OR GRANTS

Land alienated on **39.** No land alienated on a permit or grant shall be seized or sold in  
grant and accepted execution of the decree of any court:  
as bail may be Provided that the preceding provisions of this section shall not apply to  
seized on court the seizure and sale of land alienated on a grant in the enforcement of a  
order mortgage on that land which is permitted by this Ordinance:  
[4, 22 of 1993] Provided further that where any land alienated on a grant has been  
accepted as bail for the release of any person accused of an offence  
before any court and, where such person does not appear as required  
by such court, such land may be seized and sold for the recovery of  
such amount as may be fixed as bail by such court.

Seizure and sale of land alienated on a permit or grant invalid. [17, 16 of 1969] **40.** Subject to the provisions of section 39, the seizure and sale in execution of the decree of a court of any land alienated on a permit or grant shall be invalid.

Scope of protection. [5, 27 of 1981] [18, 16 of 1969] **41.**The provisions of sections 39 and 40 shall apply to land alienated by grant or to land alienated on a permit in respect of which the permit-holder is paying an annual instalment by virtue of the provisions of section 19\* notwithstanding the devolution or disposition under this Ordinance of the title of the original grantee or of such permit-holder to any other person.  
[\*Section 19A is repealed by Law No. 43 of 1973]

Seizure and sale by Banks and prescribed institutions. [3, 20 of 1996] [5, 22 of 1993] **41A.** Nothing in the preceding provisions of this chapter shall be deemed to prohibit the seizure and sale, by a licensed commercial bank, the State Mortgage and Investment Bank, the Development Finance Corporation of Ceylon, the National Development Bank of Sri Lanka, the National Housing Development Authority, the Housing Development Finance Corporation of Sri Lanka Limited or a registered society or other prescribed institution, in accordance with the provisions of the law providing for the establishment of such licensed commercial bank, bank corporation, authority, registered society or prescribed institution, of any land alienated on a grant, for the enforcement of a mortgage on that land executed in favour of such licensed commercial bank, bank corporation, authority, society of institution, as the case may be.

## CHAPTER VI DISPOSITIONS

Power of owner to dispose of holding. [19, 16 of 1969] **42.**The owner of a holding may dispose of such holding to any other person except where the disposition is prohibited under this Ordinance, and accordingly a disposition executed or effected in contravention of the provisions of this Ordinance shall be null and void.

Leases and mortgages of holdings where permitted. **43.**The Owner of a holding-  
(a) shall not lease such holding to any other person except in such circumstances as may be prescribed; and  
(b) shall not mortgage such holding to any person other than a licensed

[4, 20 of 1996]  
[5, 22 of 1993]  
[6, 27 of 1981]  
[19, 16 of 1969]

commercial bank, the State Mortgage and Investment Bank, the Development Finance Corporation of Ceylon, the National Development Bank of Sri Lanka, the National Housing Development Authority, the Housing Development Finance Corporation of Sri Lanka Limited, any registered society, or other prescribed institution.

Disposition of land alienated on a permit. [21, 16 of 1969] **46.**(1) Subject to the provisions of subsection (2), no permit-holder shall execute or effect any disposition of the land alienated to him on the permit.

(2) With the written consent of the Government Agent, a permit-holder may mortgage his interest in the land alienated to him on the permit to any registered society of which he is a member.

(3) Any disposition, other than a disposition in accordance with the provisions of subsection (2), of any land alienated on a permit shall be null and void. [\* Sections 44 and 45 are repealed by Act No. 16 of 1969]

Recovery of moneys due on mortgage of land alienated on a permit. [21, 16 of 1969]

**47.**(1) Where default is made by a permit-holder who is a member of a registered society in the payment of any sum due to the registered society on any loan granted on the mortgage of the land alienated on the permit, whether that sum is due on account of principal or interest or both, the registered society may, after a decision or award under section 58 of the Co-operative Societies Law has been made on the dispute which had arisen between the registered society and such member by reason of the default, report the defaulter to the Government Agent and transmit to him a certified copy of the decision or award.

(2) The Government Agent, upon receipt of a report made under subsection (1) and of a certified copy of the decision or award referred to in that subsection, may take action under Chapter X of this Ordinance to recover the sum due from the person against whom the report was made as though such sum were due to the State and not to the registered society by which the report was made.

(3) Notwithstanding anything in any other written law, any sum due to a registered society on account of any sum granted on the mortgage of land alienated on a permit shall be recovered in the manner set out in this section and accordingly such registered society shall not take, and shall be precluded from taking, proceedings for the recovery of such sum in any other manner.

(4) The Government Agent shall deliver to a registered society any sum recovered under this section by him in satisfaction of the debt due to such registered society and shall pay the costs of seizure, if recovered, into the Consolidated Fund.

## CHAPTER VII SUCCESSION

Definition of  
successor.  
[22, 16 of 1969]

**48.**In this Chapter 'successor', when used with reference to any land alienated on a permit or a holding, means a person who is entitled under this Chapter to succeed to that land or holding upon the death of the permit-holder or owner thereof, if that permit-holder or owner died without leaving behind his or her spouse, or, if that permit-holder or owner died leaving behind his or her spouse, upon the failure of that spouse to succeed to that land or holding or upon the death of that spouse.

Spouse of a  
deceased permit-  
holder entitled to  
succeed to land  
alienated to that  
permit-holder on  
the permit.  
[7, 27 of 1981]  
[23, 16 of 1969]

**48A.** (1) Upon the death of a permit-holder who at the time of his or her death was required to pay any annual instalments by virtue of the provisions of subsection (2) of section 19\*, notwithstanding default in the payment of such instalments, the spouse of that permit-holder, whether he or she has or has not been nominated as successor by that permit-holder, shall be entitled to succeed to the land alienated to that permit-holder on the permit and the terms and conditions of that permit shall be applicable to that spouse.

(2) If, during the lifetime of the spouse of a deceased permit-holder who has succeeded under subsection (1) to the land alienated on the permit, the terms and conditions of the permit are complied with by such spouse, such spouse shall be entitled to a grant of that land subject to the following conditions:-

(a) such spouse shall have no power to dispose of the land alienated by the grant;

(b) such spouse shall have no power to nominate a successor to that land;

(c) upon the death of such spouse, or upon his or her marriage, the person, who was nominated as successor by the deceased permit-holder or who would have been entitled to succeed as his successor,

shall succeed to that land:

Provided that the aforesaid conditions shall not apply to a grant of any land to be made to a spouse who has been nominated by the deceased permit-holder to succeed to the land alienated on the permit.

(3) Any disposition or nomination made by a spouse in contravention of the provisions of subsection (2) shall be invalid.

[\*Section 19A is repealed by Law No. 43 of 1973]

Spouse of a deceased owner of a holding entitled to succeed to that holding.

[23, 16 of 1969]

**48B.** (1) Upon the death of the owner of a holding, the spouse of that owner shall be entitled to succeed to that holding subject to the following conditions:-

(a) upon the marriage of such spouse, title to the holding shall devolve on the nominated successor of the deceased owner or, if there was no such nomination, on the person who was entitled to succeed under rule 1 of the Third Schedule;

(b) such spouse shall have no power to dispose of that holding;

(c) such spouse shall have no power to nominate a successor to that holding:

Provided that the aforesaid conditions shall not apply to a spouse who has been nominated by the deceased owner of the holding to succeed to that holding.

(2) Any disposition or nomination made by a spouse in contravention of the provisions of subsection (1) shall be invalid.

Succession to land alienated on a permit or to a holding.

[5, 27 of 1981]

[24, 16 of 1969]

**49.** Upon the death of a permit-holder who at the time of his or her death was paying an annual instalment by virtue of the provisions of section 19\*, or of an owner of a holding, without leaving behind his or her spouse, or, where such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed to the land alienated to that permit-holder on the permit or holding or upon the death of such spouse, a person nominated as successor by such permit-holder or owner shall succeed to that land or holding.

[\*Section 19A is repealed by Law No. 43 of 1973]

Restriction on nomination of successors to

**51.** No person shall be nominated by the owner of a holding or a permit-holder as his successor unless that person is the spouse of such owner or permit-holder, or belongs to one of the groups of relatives

holdings. enumerated in rule 1 of the Third Schedule.

[Section 50 is repealed by Act No. 16 of 1969]

General principles applicable to nomination. 52.(1) A nomination made by the owner of a holding or a permit-holder who on the date of making such nomination was unmarried shall, upon the marriage of such owner or permit-holder, be null and void.

[27, 16 of 1969]

(2) More persons than one may be nominated by the owner of a holding or a permit-holder as successors to the holding or land alienated on the permit provided that such nomination does not contravene the conditions of the grant or permit.

(3) No person shall be nominated as successor to a part or share, whether divided or undivided, of a holding or a land alienated on a permit, unless in the document whereby he is so nominated a successor is duly nominated for the remaining part or share of the holding or land alienated on the permit.

(4) The nomination of a successor and the cancellation of any such nomination shall not be made subject to any condition or defeasance.

Cancellation of nominations. 53. Any nomination of a successor may at any time be cancelled by the owner or permit-holder who made such nomination.

[28, 16 of 1969]

Further nomination. [29, 16 of 1969] 54. The owner of a Holding or permit-holder may make a further nomination in lieu of any nomination which has been cancelled; and a person may be renominated as successor notwithstanding the previous cancellation of the nomination of that person in such capacity.

Act of nomination is not a disposition. [30, 16 of 1969] 55. The act or transaction whereby a successor is lawfully nominated under the provisions of this Chapter shall not be or be construed as a disposition of the land for which such successor is so nominated.

How nomination is effected. [31, 16 of 1969] 56.(1) The nomination of a successor and the cancellation of any such nomination shall be effected by a document substantially in the prescribed form executed and witnessed in triplicate before a Government Agent, or a Registrar of Lands, or a divisional Assistant Government Agent, or a notary, or a Justice of the Peace.

(2) The provisions of subsection (1) shall not apply to any nomination or cancellation of a successor made by last will in the manner hereinafter provided, or to the nomination and cancellation of a

successor to a land alienated on a permit made in the manner provided in section 87.

(3) A document by which the nomination of a successor or the cancellation of any such nomination is effected under subsection (1) shall not be deemed to be an instrument affecting land for the purposes of the Registration of Documents Ordinance, nor shall the provisions of Chapter II of that Ordinance apply to any person before whom any such document is executed.

No stamp duty for 57.  
nominations or  
cancellation of  
nominations.  
[32, 16 of 1969]

No stamp duty shall be charged or levied on the execution of a document whereby a successor is nominated or whereby any such nomination is cancelled.

Documents of 58.  
nomination or  
cancellation invalid  
unless registered.  
[33, 16 of 1969]

(1) A document (other than a last will) whereby the nomination of a successor is effected or cancelled shall not be valid unless and until it has been registered by the Registrar of Lands of the district in which the holding or land to which that document refers is situated.

(2) Regulations may be made prescribing the procedure for the registration of documents whereby nominations of successors are effected or cancelled and for all matters connected therewith or incidental thereto, including the registers which shall be kept and the fees which shall be charged for such registration.

Right of public to 59.  
inspect registers.

Any person shall on payment of the prescribed fee be entitled to inspect at the office of the Registrar of Lands any register kept by him under this Ordinance for the purposes of section 58.

Nomination or 60.  
cancellation of  
nomination invalid  
unless registered  
before death of  
owner or permit-  
holder  
[34, 16 of 1969]

No nomination or cancellation of the nomination of a successor shall be valid unless the document (other than a last will) effecting such nomination or cancellation is duly registered before the date of the death of the owner of the holding or the permit-holder.

Nomination cancelled by death      61. The death during the lifetime of the owner of a holding or a permit-holder of a person who has been nominated by that owner or permit-

of nominee. [35, 16 of 1969] holder as a successor to that holding or the land alienated on the permit shall operate as a cancellation of the nomination of that person as a successor.

No document of nomination to be registered until after cancellation of previous nomination. [36, 16 of 1969] 62.(1) After the registration of a document whereby a person is nominated as successor to a holding or a land alienated on a permit, a document which purports to nominate any other person as successor to that holding or land shall not be registered unless the nomination effected by the registered document has been duly cancelled by the registration of a document of cancellation:

Provided that it shall be lawful in one and the same document to cancel a registered nomination and to make some other nomination in lieu thereof; and, in that event, notwithstanding anything in this section contained, the document in which such cancellation and nomination are combined may be registered and shall upon due registration operate both as a cancellation of a previously registered nomination and as a nomination of a new nominee.

(2) Nothing in this section contained shall apply to any nomination or cancellation of a nomination made in the last will of the owner of a holding or a permit-holder.

Nomination and cancellation may be made in last will of owner or permit-holder. [37, 16 of 1969] 63.The nomination of a person as successor to a holding or to a land alienated on a permit, or the cancellation of any nomination effected by any document duly registered under this Chapter, or both such nomination and cancellation may be made in the last will of the owner of that holding or the permit-holder to whom that land has been alienated.

Registration essential to validity of nomination or cancellation made in last will. [38, 16 of 1969] 64.A nomination or a cancellation of a nomination made in the last will of the owner of a holding or a permit-holder shall not be valid unless it is registered in the prescribed manner within a period of three months reckoned from the date of the death of the owner of that holding, or of the date of the death of that permit-holder, as the case may be.

Probate essential to validity of nomination or cancellation made in last will. [39, 16 of 1969] 65.(1) A nomination or a cancellation of a nomination made in the last will of the owner of a holding or of a permit-holder shall not be registered unless the applicant for registration shall furnish to the registering officer a certified copy of that will together with a certificate in the prescribed form to the effect that probate of that will has been applied for, signed by the Registrar of the District Court to

which the application for probate was made.

(2) A nomination or a cancellation of a nomination made in the last will of the owner of a holding or of a permit-holder shall be invalid if probate of that will is refused or recalled or set aside by order of a court of competent jurisdiction; and, in that event, the title to the holding or to the land alienated to that permit-holder shall devolve as though no nomination or cancellation of a nomination had been registered after the death of the owner of that holding or permit-holder.

Conditions applicable to cancellation of registered nomination by last will.  
[40, 16 of 1969]  
[40, 16 of 1969]

66. A nomination effected by a document duly registered before the death of the owner of a holding or a permit-holder and in force at the time of his death shall not be cancelled by the last will of that owner or permit-holder unless-

(a) the last will was executed on a date later than the date of the execution of the registered document by which nomination was effected before the death of the owner or permit-holder;

(b) the last will specifically refers to the nomination effected by that registered document and definitely cancels such nomination.

General principles governing nominations and cancellations by last will.

67. Save as is otherwise specially provided those provisions of this Chapter which apply to nominations or cancellations of nomination effected by documents other than a last will shall apply equally to nominations or cancellations of nomination made in a last will.

Failure of succession.  
[5, 27 of 1981]  
[41, 16 of 1969]

68. (1) The spouse of a deceased permit-holder, who at the time of his or her death was paying an annual instalment by virtue of the provisions of section 19\*, or the spouse of an owner, fails to succeed to the land held by such permit-holder on the permit or to the holding of such owner, as the case may be-

(a) if such spouse refuses to succeed to that land or holding, or

(b) if such spouse does not enter into possession of that land or holding within a period of six months reckoned from the date of the death of such permit-holder or owner.

(2) A nominated successor fails to succeed to the land held on a permit by a permit-holder who at the time of his or her death was paying an annual instalment by virtue of the provisions of section 19\* or to the holding of an owner if he refuses to succeed to that land or holding, or, if the nominated successor does not enter into possession of that land

or holding within a period of six months reckoned-

(i) where such permit-holder or owner dies without leaving behind his or her spouse, from the date of the death of such permit-holder or owner; or

(ii) where such permit-holder or owner dies leaving behind his or her spouse, from the date of the failure of such spouse to succeed, such date being reckoned according to the provisions of paragraph (b) of subsection (1), or of the death of such spouse, as the case may be.

[\*Section 19A is repealed by Law No. 43 of 1973]

Succession under the Third Schedule. [5, 27 of 1981]  
[43, 16 of 1969]

**72.** If no successor has been nominated, or if the nominated successor fails to succeed, or if the nomination of a successor contravenes the provisions of this Ordinance, the title to the land alienated on a permit to a permit-holder who at the time of his or her death was paying an annual instalment by virtue of the provisions of section 19\* or to the holding of an owner shall, upon the death of such permit-holder or owner without leaving behind his or her spouse, or, where such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed to that land or holding, or upon the death of such spouse, devolve as prescribed in rule 1 of the Third Schedule.

[\*Section 19A is repealed by Law No. 43 of 1973]

[Sections 69, 70 and 71 are repealed by Act No. 16 of 1969]

Date of succession. [44, 16 of 1969]

**73.** Title to a land alienated on a permit or to a holding shall be deemed to have devolved on any person entitled to succeed to the land or holding under the provisions of section 72 as from the date of the death of the permit-holder or owner of the holding if such permit-holder or owner died without leaving behind his or her spouse, or, if such permit-holder or owner died leaving behind his or her spouse, upon the failure of such spouse to succeed or from the date of the death of such spouse, as the case may be.

Accrual of rights in case of plurality of successors. [45, 16 of 1969]

**74.** Where two or more persons have been duly nominated as successors to a land alienated on a permit or holding, the title of any one of such successors who is dead on the date on which such successor is entitled to succeed, or who refuses so to succeed, or who fails so to succeed within a period of six months reckoned from such date, shall, as from such date, be deemed to have accrued to the other successors who were duly nominated with him.

Nomination or  
cancellation of  
nomination is  
invalid if contrary  
to provisions of  
Ordinance.  
[46, 16 of 1969]

**75.**

Any nomination of a successor and any cancellation of any registered nomination of a successor shall be wholly invalid if such nomination or cancellation in any way contravenes the provisions of this Ordinance.

Curators.  
[47, 16 of 1969]

**76.**(1) If the Government Agent is satisfied after such inquiry as he may deem necessary that title to a holding or land alienated on a permit has devolved on a minor, he may, notwithstanding anything in any other written law, appoint a fit and proper person to be the curator of that minor for the purpose of enabling the minor to exercise his right and to be responsible for his obligations in respect of that holding or land under this Ordinance.

(2) No stamp duty shall be payable on the instrument by which a curator is appointed under subsection (1).

(3) A curator appointed under subsection (1) shall be responsible for the performance of all duties and for the discharge of all obligations imposed on the minor as owner of the holding or as permit-holder and may be removed from office by the Government Agent if he is satisfied after inquiry that such curator has failed to perform his obligations or has been guilty of neglect of duty or of action or conduct adverse or prejudicial to the interests of the minor, or that the curator is unfit to continue to hold office or for any other sufficient cause.

A curator aggrieved by an order of the Government Agent removing him from office may appeal against that order to the Minister in such manner as may be prescribed.

(4) A person appointed under subsection (1) as the curator of a minor shall cease to hold office upon the appointment by any court of competent jurisdiction of any other person as curator of that minor.

(5) Subject to the provisions of this section, a person appointed under subsection (1) to be the curator of a minor shall in respect of the holding of such minor or of the land alienated on a permit to which such minor has succeeded and in respect of the management, control, occupation and protection of that holding or land exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.

Succession on the death of a permit-holder who was paying rent under section 19A (2) for the land alienated. [8, 27 of 1981] [49, 16 of 1969]

**84.** Upon the death of a permit-holder who at the time of his or her death was paying annual instalments under section 19\* for the land alienated to him or her on the permit, then,-

(a) if that permit-holder is survived by his or her spouse, the spouse shall be entitled to succeed to that land;

(b) if that permit-holder is not survived by his or her spouse or if the spouse does not succeed to the land, any other person who is a duly nominated successor of the deceased permit-holder shall be entitled to succeed to that land on such person obtaining a permit from the Government Agent under the provisions of this Ordinance to occupy that land.

[\*Section 19A is repealed by Law No. 43 of 1973]

[Sections 77 to 83 are repealed by Act No. 16 of 1969]

Reversion of land to State under certain circumstances. [8, 27 of 1981] [50, 16 of 1969]

**85.** Where on the death of a permit-holder who at the time of his or her death was paying annual instalments under section 19 for the land alienated to him or her on the permit, a person entitled to succeed to that land under the provisions of section 84 fails to so succeed, such person shall be deemed to have surrendered to the State his or her title to that land.

Vesting of surrendered land.

**86.** Land deemed to have been surrendered under section 85 shall vest in the State free from all encumbrances.

Name of successor nominated by the permit-holder may be endorsed on permit before issue. [51, 16 of 1969]

**87.** A person to whom a Government Agent has agreed to alienate land may nominate as his successor any person who is entitled under this Ordinance to be so nominated, and the name of such successor may be endorsed on the permit before it is issued to the first-mentioned person, and the Government Agent may upon being requested so to do by the permit-holder cancel the name of such successor by an endorsement on the permit and endorse on the permit the name of any other person suggested by the permit-holder as his successor.

## CHAPTER VIII CANCELLATION OF GRANTS AND PERMITS

The President may **104.** The President may make order cancelling the grant of a holding

cancel the grant.  
[7, 11 of 2022]

where the President is satisfied that-

- (a) there has been a failure of succession thereto either because of there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed; or
- (b) the grant has been obtained fraudulently on false information or the grant has been issued to a person other than the legitimate occupant.

Notice to owner of holding who obtained grant on false information  
[8, 11 of 2022]

**104A.** (1) If it appears to the Commissioner-General of Lands on the information as may be available or received from a person having an interest to the title of the holding under the provisions of this Act, as the case may be, that the owner of a holding has deliberately given false information in order to obtain a grant or the grant has been issued to a person other than the legitimate occupant, the Commissioner-General of Lands shall issue a notice to the owner or occupier of a holding in the prescribed form.

(2) Such notice shall specify that the grant issued in respect of such holding may be cancelled for reasons shown unless sufficient cause to the contrary is shown by the owner to the Commissioner-General of Lands on a date and at a time and place specified in such notice.

(3) The Commissioner-General of Lands may, on the information as may be available also cause a copy of such notice to be served on a person having an interest to the title of the holding under the provisions of this Act.

Period allowed for showing cause  
[8, 11 of 2022]

**104B.** The date specified in a notice issued under section 104A shall not be less than thirty days from the date of the issue of such notice on the owner.

Notice to be posted on land and served on interested parties  
[8, 11 of 2022]

**104C.** (1) The notice shall be served on the owner of the holding through registered post and a copy of the notice shall be affixed in a conspicuous place on the holding.

(2) Where-

(a) an owner who has been served with a notice under subsection (1) cannot be found by the exercise of due diligence, the notice shall be deemed to be duly served on that owner if a copy thereof is left with some member of the family of such owner or with a person residing with such owner; or

(b) there is no member of the family of that owner on whom the notice can be so served, the notice shall be deemed to be duly served on that owner if a copy thereof is affixed to some conspicuous part of the house or home in which the owner ordinarily resides.

Cancellation of a grant  
[8, 11 of 2022]

**104D.** (1) Where a person who has been served a notice, fails to appear on the date and at the time and place specified in a notice or appears and states that he has no cause to show why the grant should not be cancelled, the Commissioner-General of Lands may, if the Commissioner-General of Lands is satisfied that there has been due service of such notice and that the grant has been obtained fraudulently, make recommendations together with the reasons for such recommendations to the Minister to whom the subject of Lands is assigned on the cancellation of such grant.

(2) The Minister may, where necessary call for further clarifications from the Commissioner-General of Lands in respect of such recommendations.

(3) Where the Minister is satisfied that there has been reasons to cancel the grant, the Minister shall forward the recommendations made by the Commissioner-General of Lands to the President.

(4) The President may, having considered the recommendations of the Commissioner-General of Lands make order whether or not to cancel the grant.

(5) Upon the receipt of the order of the President, the Commissioner-General of Lands shall inform such order to the relevant persons referred to in section 104C and take necessary action to comply with the order of the President.

Power of the Government Agent in respect of a land alienated on a permit where there is a failure of succession or where such land has been vested in the State.

**105.**

Where in the case of a land alienated on a permit to any person who was at the time of his death paying an annual instalment by virtue of the provisions of section 19\* there has been a failure of succession because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed or where any land has vested in the State under section 86, the Government Agent of the administrative district in which that land is situated shall be entitled to take possession of that land on behalf of the State.

[\*Section 19A is repealed by Law No. 43 of 1973]

[5, 27 of 1981]  
[53, 16 of 1969]

Notice to permit-  
holder where there  
has been a breach  
of the conditions of  
the permit.  
[7, 22 of 1993]

**106.**If it appears to the Government Agent that a permit-holder has failed to observe a condition of the permit, the Government Agent may issue a notice in the prescribed form intimating to such permit holder that his permit will be cancelled unless sufficient cause to the contrary is shown to the Government Agent on a date and place specified in such notice.

Period allowed for  
showing cause. [7,  
22 of 1993]

**107.**The date specified in a notice issued under section 106 shall not be less than thirty days from the date of the issue of such notice on the permit-holder.

Notice to be posted  
on land and served  
on interested  
parties.  
[55, 16 of 1969]

**108.**(1) A copy of every notice issued under section 106 shall be served on the permit-holder and a copy shall also be affixed in a conspicuous position on the land affected by such notice. The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the land or may be affected by a cancellation of the permit.

(2) If a permit-holder who has to be served under subsection (1) with a notice issued under section 106 cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is left with some adult member of his family or with his servant residing with him; and, if there is no member of the family or servant of that permit-holder on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) Where a notice issued under section 106 is served on the permit-holder personally, the officer to whom service thereof has been entrusted shall furnish a declaration duly signed by him to the Government Agent that such notice has been served on the permit-holder.

Order cancelling  
permit if permit-  
holder fails to  
appear.  
[56, 16 of 1969]

**109.**(1) If the permit-holder fails to appear on the date and at the time and place specified in a notice issued under section 106, or appears and states that he has no cause to show why his permit should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of

any of the conditions of the permit, make order cancelling such permit but no such order shall be made until after the expiry of a period of twenty-eight days reckoned from the date specified in the notice issued under section 106.

(2) If, within a period of fourteen days reckoned from the date specified in the notice issued under section 106, the permit-holder satisfies the Government Agent that he has cause to show why his permit should not be cancelled and that he was prevented by accident, illness, misfortune or other unavoidable cause from appearing on the date and at the time and place specified in such notice, the Government Agent shall appoint another date, time and place for the purpose of enabling the permit-holder to show cause why his permit should not be cancelled.

Procedure where permit-holder appears and shows cause  
[57, 16 of 1969]

110.(1) If on the date and at the time and place specified in a notice issued under section 106 or appointed by the Government Agent under section 109 (2) the permit-holder appears and offers to show cause why his permit should not be cancelled, the Government Agent may, if he is satisfied after inquiry that there has been a breach of any of the conditions of the permit, make order cancelling the permit.

(2) The Government Agent may adjourn any inquiry under this section from time to time and shall hear evidence before making his order.

All such evidence shall be given on oath or affirmation which the Government Agent is hereby authorized to administer for the purpose.

(3) Where an inquiry under this section is adjourned, notice in writing of the date and the time to which the inquiry is adjourned shall be given by the Government Agent to the permit-holder.

Date of order of cancellation

111. Every order made by the Government Agent for the cancellation of a permit shall be dated as of the date on which such order was made.

Order of Government Agent to be served on permit-holder and to be posted on land.

112.(1) A copy of an order made by a Government Agent under section 110 shall be served forthwith on the permit-holder and a copy of such order shall also be affixed forthwith in a conspicuous position on the land affected by such order. Every copy so served or affixed shall contain a statement to the effect that an appeal from such order will lie to the Commissioner-General of Lands if preferred within a period of thirty days reckoned from the date of the order and such date shall

be specified in such statement.

(2) If a permit-holder who has to be served under subsection (1) with a copy of an order made by the Government Agent under section 110 cannot by the exercise of due diligence be found, the copy shall be deemed to be duly served if it is left with some adult member of the permit-holder's family or with his servant residing with him; and, if there is no member of the family or servant of that permit-holder on whom the copy can be so served by way of substitution for personal service, it shall be deemed to be duly served on that permit-holder if it is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

"instalments  
already paid to be  
funded on  
cancellation."  
[9, 27 of 1981]

**112A.** (1) Where any permit is cancelled under subsection (1) of section 109 or sub-to section (1) of section 110, the Government Agent shall return to the permit-holder the instalments already paid on such permit.

(2) The Government Agent shall deduct from such amount paid as instalments a sum calculated at such rate as may be prescribed for the period during which the land was occupied under such permit.

Appeal to  
Commissioner-  
General of Lands.  
[2, 11 of 2022]

**113.A** permit-holder aggrieved by an order made by the Government Agent under section 110 may appeal therefrom to the Commissioner-General of Lands.

Time-limit for  
appeal.  
[56, 16 of 1969]

**114.**(1) An appeal under section 113 shall be preferred by written petition within a period of forty-two days reckoned from the date on which the order appealed from was made.

(2) In computing the time within which an appeal must be preferred, the date on which the order appealed from was made shall be excluded, but all public holidays shall be included.

Power of  
Commissioner-  
General of Lands.  
[2, 11 of 2022]

**115.**The Commissioner-General of Lands may in appeal-

(a) direct further inquiry to be made or information to be furnished or evidence to be given; or

(b) allow the appeal and set aside the order of the Government Agent; or

(c) modify the order of the Government Agent; or

(d) affirm the order of the Government Agent; or

(e) make such other order as he may consider just.

Copy of  
Commissioner-  
General of Lands's  
decision to be  
served on permit-  
holder and to be  
final.  
[2, 11 of 2022]

- 116.
- (1) The decision of the Commissioner-General of Lands under section 115 shall be communicated to the Government Agent who shall forthwith cause a copy thereof to be served on the permit-holder who preferred the appeal.
  - (2) Any decision made by the Commissioner-General of Lands under section 115 shall be final and conclusive for all purposes.

Government  
Agents Section  
under section 109  
is final

- 117.No appeal shall lie against an order of cancellation made by the Government Agent under section 109 but such order shall be final and conclusive for all purposes.

Right of party to be  
represented by  
agent.

- 118.** The agent or representative of any owner or permit-holder may appear before the Government Agent in any proceedings taken or inquiry held under this Chapter:
- Provided that the Government Agent may at any time require any owner or permit-holder to appear in person before him if in his opinion the attendance of that owner or permit-holder is necessary for the purpose of any proceedings taken or inquiry held under this Chapter.

Effect of the  
Commissioner-  
General of Lands  
reversing a  
decision of the  
Government Agent  
selecting a person  
to receive a permit  
for the occupation  
of land.  
[2, 11 of 2022]  
[8, 22 of 1993]  
[59, 16 of 1969]

- 118A.** Where the Commissioner-General of Lands in the exercise of his powers under section 23A\* and 23B varies a decision of a Government Agent selecting a person to receive a permit for the occupation of land, the Commissioner-General of Lands shall give notice in writing in the prescribed form to such person that-
- (a) where a permit has been issued to such person, such permit shall, with effect from the date specified in the notice, be deemed to be cancelled; or
  - (b) where no permit has been issued to such person and where such person is in occupation of the land, such person shall vacate and deliver possession of the land on such date and at such time, and to such officer, as may be specified in the notice. [\*Section 23A is repealed by Law No. 43 of 1973]

**CHAPTER IX**  
**PROCEDURE IN EJECTION**

Notice to issue on party in occupation to vacate holding. [2, 9 of 1995] **119.**When the grant of a holding has been cancelled under the provisions of occupation to section 104, the Government Agent may issue a notice on any person in possession or occupation of the holding calling upon such person forthwith to vacate the holding.

Report to a Magistrate if person served with notice refuses to vacate holding. **120.**If any person on whom a notice has been issued under section 119 fails forthwith to vacate the holding and deliver over possession thereof in terms of the notice so issued and served upon him, the Government Agent, or some other person deputed by him for the purpose, may present to the Magistrate a written report stating the fact that the grant relating to such holding has been duly cancelled and that the person named in such report is in unlawful possession or occupation of such holding and has failed to vacate such holding though served with a notice issued under section 119.

Summons to issue. **121.**Upon receipt of a written report presented to him under section 120, the Magistrate shall forthwith issue a summons to the person named in such report to appear and show cause on a specified date why he should not be ejected from the holding.

Order of ejection where no cause is shown. **122.**If on the date specified in a summons issued under section 121, the person to whom such summons was issued fails to appear, or appears and informs the court that he has no cause to show against an order of ejection, the court shall forthwith issue an order directing such person to be ejected from the holding.

Inquiry if cause is shown. **123.**If the person to whom summons has been issued under section 121 appears on the date specified in such summons and states that he has cause to show against the issue of an order of ejection, the Magistrate may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some future date.

Order of ejection. [124, 16 of 1969] **125.**If, after due inquiry, the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the holding, he shall make order directing such person forthwith to be ejected from the holding. [Section 124 is repealed by Act No. 16 of 1969]

Appeal to Court of Appeal. 126. Any person aggrieved by an order made against him by the Magistrate under section 125 may appeal therefrom to the Court of Appeal; and the provisions of Chapter XXVIII of the Code of Criminal Procedure Act shall apply accordingly as though the appeal were preferred against a final order of a Magistrate in respect of which an appeal lies to the Court of Appeal under that Chapter of that Act.

Execution of order of ejectment. [62, 16 of 1969] 127. (1) If no appeal has been preferred against an order of ejectment made by Magistrate under section 125 within the time allowed for such an appeal, or, if an appeal has been preferred after the final decision of the Court of Appeal affirming the order of ejectment shall have been duly certified to the Magistrate's Court, the Magistrate shall, on the application of the Government Agent or other prescribed officer, direct the Fiscal or a peace officer to eject from the holding any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or other prescribed officer or to the representative of the Government Agent or other prescribed officer.

(2) The Fiscal or the peace officer entrusted with the execution of the order of ejectment shall comply with the directions of the Magistrate and make due return of the manner in which he executes the order.

(3) In executing an order of ejectment, the Fiscal or the peace officer or any officer authorized by either of them may use such force as may be necessary to enter the holding, to eject any person bound by the order of ejectment and to deliver possession of the holding to the Government Agent or other prescribed officer or to the representative of the Government Agent or other prescribed officer.

Ejectment from land alienated on permit [63, 16 of 1969] [63, 16 of 1969] 128. (1) The provisions of this Chapter shall apply, mutatis mutandis, in a case where any person is in unlawful or unauthorized possession or occupation of State land-

(a) after the cancellation of the permit whereby that land was alienated, or

(b) after the date on which possession of that land was required by notice under paragraph (b) of section 118A to be delivered to the officer specified in such notice, or

(c) after the Government Agent was entitled to take possession of that land by virtue of the provisions of section 105.

(2) At any inquiry by a Magistrate into cause shown against the issue of an order of ejectment from a land alienated on a permit, it shall not be open to the permit-holder or any other person claiming title to such land through or under the permit-holder to assert or prove-

(a) that such land does not belong to the State, or

(b) if the permit was cancelled, that such cancellation should not have been made.

**CHAPTER X**  
**RECOVERY OF ANNUAL PAYMENTS AND MONEYS DUE TO**  
**THE STATE**

Payment of  
moneys due to the  
State  
[64, 16 of 1969]

129. Any annual or other payment of any money due to the State by a permit-holder in respect of any land alienated under this Ordinance may be made at the district kachcheri to the Government Agent or to an officer authorized by the Government Agent to receive such payments and to issue receipts therefor.

Remission,  
reduction and  
waiver of annual  
payments.  
[65, 16 of 1969]

130. (1) It shall be lawful for the Minister at any time to remit any annual payment or arrears or annual payments or any moneys due to the State under this Ordinance.

(2) The powers of the Minister under subsection (1) may be exercised on his behalf by such persons and in such manner as may be prescribed.

(3) If the Government Agent is satisfied that there is sufficient cause for granting relief generally to any class of persons in any locality in respect of any annual payments due by such persons on account of lands alienated in such locality on permits, he may either reduce the amount of any such annual payment or waive it altogether:

Provided that such reduction or waiver shall not be made operative for a period exceeding one year.

Specified grounds  
upon which a  
reduction or waiver  
of annual payments  
may be made.

131. Without prejudice to the generality of the grounds upon which a Government Agent may reduce or waive any annual payment under section 130, any general failure of crops due to unfavourable weather conditions, any exceptional fall in the price of any staple commodity, any epidemic, or any outbreak of cattle disease adversely affecting the

cultivation of the land, may be deemed to be a sufficient cause for granting relief under that section.

Penalties for payments overdue or in arrears. [66, 16 of 1969] 132. A permit-holder shall be liable in respect of any payments which may be overdue or in arrears, to make additional payments to the State according to such scale and in such manner as may be prescribed.

Money due to State a first charge on land [67, 16 of 1969] 133. Any amount due to the State by a permit-holder in respect of any land alienated under this Ordinance shall be a first charge on the land held by such permit-holder on the permit.

Seizure and sequestration of crops and movable property of defaulting permit-holder. [68, 16 of 1969] 134. If a permit-holder makes default in the due payment of any moneys payable by him in respect of the land alienated to that permit-holder on the permit, the Government Agent or any person authorized by him in writing may seize and sequester the crops of such land together with any movable property therein belonging to the permit-holder who has so made default:  
Provided that the following property shall not be liable to seizure or sequestration under this section:-  
(a) the necessary wearing apparel, beds, and bedding of the permit-holder who has made default, or of his wife, and children; and  
(b) utensils used in his dwelling house for cooking or for the preparation of food, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the officer effecting the seizure or sequestration, be necessary to enable him to earn his livelihood as an agriculturist.

In this Chapter a growing crop is movable property. 135. In this Chapter a growing crop on any land shall not be regarded as an interest in land but shall be deemed to be movable property.

Property seized to be taken charge of. 136. The person effecting the seizure charge of or place another person in charge of any crops, produce or movable property seized under section 134.

Sale of property  
seized.

137.(1) If the defaulter fails to pay the amount due to the State together with the costs of seizure within a period of thirty days reckoned from the date of such seizure the Government Agent may cause the property seized to be sold by public auction or by tender:

Provided that perishables may be sold as soon as may be deemed expedient by the person effecting the seizure.

(2) In computing the period of thirty days referred to in subsection (1), the date on which the seizure was made shall be excluded but all public holidays shall be included.

(3) Regulations may be made prescribing the costs which may be charged or recovered for any seizure or sale effected under this Chapter.

List of property seized.

138.(1) A list shall be made showing details of the property seized under section 134 and sold under section 137, the names and addresses of the purchasers, the prices realized, and the total amount recovered by the sale.

(2) Upon payment of the purchase money, a purchaser at a sale under section 137 shall receive a certificate of sale showing the property purchased and the price paid for such purchase.

Excess to be refunded to defaulter.

139.If the amount realized by the sale of the property seized under section 134 exceeds the total amount of the debt due to the State together with the costs of seizure and sale, the Government Agent shall refund the excess to the defaulter.

Seizure of land alienated on the permit.  
[69, 16 of 1969]

140.If at a sale under section 137 the amount recovered is insufficient to discharge the debt due by the permit-holder to the State together with the costs of seizure and sale, the Government Agent or a person authorized by him in writing may seize the land alienated on the permit.

Seizure, how effected.  
[70, 16 of 1969]

141.(1) A seizure of a land referred to in section 140 shall be effected by serving upon the permit-holder to whom that land was alienated a notice substantially in the prescribed form and by affixing a copy of such notice in a conspicuous position on such land. A copy of such notice may also be served on any other person interested in the land or affected by the seizure thereof.

(2) If a permit-holder who has to be served with a notice under subsection (1) cannot by the exercise of due diligence be found, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is left with some adult member of his family or with his servant residing with him; and, if there is no member of the family or

servant of that permit-holder on whom the notice can be so served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) No land shall be seized if the defaulting permit-holder to whom that land was alienated surrenders free and unclaimed movable property to satisfy the entirety of the amount due from him.

Registration of seizure.  
[71, 16 of 1969]

142.(1) Every seizure of a land referred to in section 140 shall be registered.

(2) No disposition of a land alienated on a permit shall be valid if it is effected or registered after the seizure of that land has been registered.

Seizure of land under section 142 operates as cancellation of permit.  
[72, 16 of 1969]

143.(1) The seizure of a land under section 142 shall operate as a cancellation of the permit under which such land was alienated, and the permit-holder to whom such land was alienated shall have no claim whatsoever to such land but such permit-holder shall, if he pays within a period of one year from the date of the seizure of the land the total amount due in respect of such land together with the costs of seizure, be entitled to be placed in possession of such land on the same terms and conditions on which the land was held by such permit-holder on the date of the seizure.

Where the permit-holder dies before the expiry of the period of one year hereinbefore specified the right to be placed in possession of the land alienated to the deceased permit-holder may be exercised by the spouse of such permit-holder or any other person nominated by such permit-holder as his successor on the same terms and within the same period.

(2) The right referred to in subsection (1) may be given effect to upon an endorsement substantially in the prescribed form made by the Government Agent on the permit relating to such land. Every such endorsement shall be registered.

Recovery of money due to local authorities.  
[74, 16 of 1969]

152.(1) If a permit-holder fails to pay any sum due to a local authority in respect of the land alienated to that permit-holder on the permit, such local authority may report the defaulter to the Government Agent, who may thereupon take action under this Chapter to recover the sum due from the defaulter as though such sum were due to the State and

not to such local authority.

(2) Save as is herein expressly provided, a local authority shall not take proceedings for the recovery of any sum due to such local authority from a permit-holder in respect of the land alienated to that permit-holder on the permit. [\* Sections 144 to 151 are repealed by Act No. 16 of 1969]

Delivery to local authority of money received by Government Agent. 153. The Government Agent shall deliver to a local authority any sum recovered by him in satisfaction of the debt due to such local authority and of the interest thereon, if any, and shall pay the costs of seizure, if recovered, into the Consolidated Fund.

All moneys due to State must be recovered by procedure under this Chapter. [75, 16 of 1969] 154. No money, rate, tax, duty or fee due to the State under any other written law in respect of or on account of a land alienated on a permit to any person, shall be recovered except in accordance with the provisions of this Chapter.

## CHAPTER XI REGULATIONS

Minister authorized 155.

The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

to make regulations.

Matters which may be provided for by regulations [9, 11 of 2022] [2, 10 of 1983] [10, 27 of 1981] 156. In particular and without prejudice to the generality of the powers conferred by section 155, regulations may be made for, and with respect to, all or any of the following matters:-

(a) the forms, fees, documents, and matters stated in or required by this Ordinance to be prescribed ;

(b) the mapping-out of State land ;

(c) the mapping-out of State land ;

(c) the alienation under this Ordinance of State land over one thousand and six hundred metres in elevation;

(d) the maintenance of reserves for the preservation of the sources and courses of streams and for the prevention of erosion of the soil;

(e) the manner of paying or recovering fees, costs or other charges;

(f) the collection by the Government Agent of moneys due to local authorities;

- (g) the classification of persons for the purpose of alienating State land under this Ordinance;
- (h) the procedure to be observed, the fees to be paid and the forms to be used in preferring appeals to the Minister;
- (ha) the procedure to be followed by the owner of the holding when disposing or mortgaging the holding under this Act;
- (i) the manner of publishing or serving notices or of serving other process ;
- (j) the assessment of annual payments;
- (k) the return of the annual instalments paid by the permit holder who had paid such instalments under section 19 and whose permit was cancelled ;
- (kk) the manner in which the cost of improvements to any land alienated to any person under subsection (5) of section 19 may be recovered ;
- (l) any matters incidental to or connected with the matters or subjects specifically referred to in this section.

Regulations to be approved. **157.**No regulation shall have effect until it has been approved by Parliament, Notification of such approval shall be published in the Gazette.

Regulations to have statutory force. **158.**A regulation made by the Minister shall, upon the publication of the notification of approval provided for in section 157, be as valid and effectual as though it were herein enacted.

## CHAPTER XII MISCELLANEOUS

Ordinance deemed to be referred to in leases or permits executed prior to its introduction. **159.**Where in any State lease or permit executed before the date on which this Ordinance shall come into operation it is provided-

- (a) that such lease or permit shall terminate when legislation is passed for its cancellation ; or
- (b) that at the expiration of a stated period of time or upon the fulfillment by the lessee or by the permit-holder of stated conditions such lessee or permit-holder shall be given the right to hold the land

upon a tenure to be thereafter introduced by legislation,

this Ordinance shall be deemed to be the legislation referred to in such lease or permit.

Alienee under this Ordinance.  
[2, 11 of 2022]  
[11, 27 of 1981]

**159A.** (1) Every person to whom any land was alienated under this Ordinance, shall have the right to purchase such land within such time as may be prescribed and obtain a grant of that land under subsection (4) of section 19.

(2) The amount to be paid by such person shall be determined by the Commissioner-General of Lands having regard to the value of the land.

Special provisions in respect acquired to apply in respect of land acquired under the Land Redemption Ordinance and obtained by way of grant or permit issued under this Ordinance.  
[11, 27 of 1981]

**159B.** The following provisions shall apply in respect of the issue of a grant for alienation of land under section 159 where such land has been acquired under the provisions of the Land Redemption Ordinance, No. 61 of 1942, and was held on a permit or grant issued under this Ordinance

(a) the grant shall be in the prescribed form:

(b) Chapter VII of this Ordinance shall not apply to the land held on such grant; and

(c) the grant shall have effect as if it were an absolute grant of land under section 2 of the Crown Lands Ordinance and the provisions of that Ordinance shall apply to the right, title and interest of the alienee of the land under such grant.

Government Agent **160.**

The Government Agent or any person duly authorized by him in

to enter any land alienated on a permit or holding at any time.  
[77, 16 of 1969]

writing may at any time of the day between 6 a.m. and 6 p.m. enter any land alienated on a permit or holding for the purpose of inspection or for any other purpose incidental to or connected with the duties of a Government Agent under this Ordinance.

No prescriptive title to be acquired to land alienated under Ordinance.  
[78, 16 of 1969]

**161.** No person shall, by possession of any land alienated on a permit, acquire any prescriptive title thereto against any other person or against the State.

Notary prohibited **162.**

from attesting instrument of disposition of a holding in contravention of the provisions of this Ordinance.  
[79, 16 of 1969]

- (1) A notary shall not attest any instrument operating as a disposition of a holding which contravenes the provisions of this Ordinance.
- (2) An instrument executed or attested in contravention of the provisions of this section shall be null and void.

Notary attesting deed in breach of section 162 guilty of offence.

163. A notary who knowingly attests any deed in breach of the provisions of section 162 shall be guilty of an offence and shall, on conviction by a Magistrate after summary trial, be liable to a fine not exceeding five hundred rupees.

Mapped-out land may be settled.

164. The fact that any land has been mapped-out shall be no bar to the inclusion of such land in a settlement notice under the Land Settlement Ordinance.

Action re vindicatio may be maintained against State in respect of alienated land.  
[80, 16 of 1969]

165. (1) Nothing in this Ordinance contained shall preclude any person claiming to be entitled to any land which has been alienated from instituting an action against the State for the vindication of his title thereto; but nothing in this section shall enable or authorize the owner of a holding or a permit-holder to sue the State for the vindication of title to such holding or to the land alienated to such permit-holder, as the case may be.

(2) Notwithstanding anything in any other law-

(a) the State shall be entitled to institute action against any person, in whose favour an action against the State for vindication of title to any land referred to in subsection (1) has been decided, for the value of any improvements effected on that land by the State or any person to whom such land has been alienated under this Ordinance; and

(b) no action shall be maintainable in any court of law against the State for damages arising from the occupation of such land by any person to whom such land has been so alienated.

Power to acquire  
land the title of  
which has been  
vindicated under  
section 165.

[81, 16 of 1969]

**165A.** (1) Where an action instituted by any person against the State for vindication of title to any land alienated under this Ordinance has been decided in favour of such person, and where the Minister approves the acquisition of that land by the State, that land shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act.

(2) For the purposes of the assessment of compensation in respect of any land which is referred to in subsection (1) and which is acquired under the Land Acquisition Act, subsection (1) of section 45 of that Act shall have effect as if there were substituted, for the words ' on the date of publication of that notice in the Gazette ' occurring in that subsection, the words ' on the day immediately preceding the date of alienation of that land by the State under the Land Development Ordinance '.

Protection of  
public servants  
[12, 27 of 1981]

166.No suit shall lie against any public officer for anything done or omitted to be done by him in good faith under this Ordinance.

Provisions of  
particular  
enactments not to  
apply.

167.(1) The provisions of the enactments enumerated in the first column of the Fourth Schedule shall, to the extent indicated in the second column of such Schedule, have no application to any land alienated under this Ordinance.

(2) The Minister may, by regulation made under section 155, add to the Fourth Schedule.

Offences in regard  
to State land.  
[82, 16 of 1969]

168.(1) If any person without the permission of the Government Agent-  
(a) clears or breaks up for cultivation or cultivates any State land ; or  
(b) erects any building or structure on such land; or  
(c) fells or otherwise destroys any trees standing on such land ; or  
(d) otherwise encroaches on such land,

he shall be guilty of an offence and shall on conviction by a Magistrate be liable to pay a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment:

Provided that no person shall be convicted under this section unless the land in question has been declared to be the property of the State under the Land Settlement Ordinance, or under any Ordinance repealed by Ordinance No. 20 of 1931, or has been acquired by the State under the Land Acquisition Ordinance, 1876,\* or under the Land Acquisition Act. [\*Repealed by Act No. 9 of 1950]

(2) A conviction under this section shall operate as an order of ejectment made under section 125 and on such conviction the Government Agent or other prescribed officer may, after the lapse of

the appealable time, or, if an appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejection.

Encroachment on land alienated on a permit.  
[83, 16 of 1969]

**168A.** (1) If any person encroaches on any land which has been alienated under this Ordinance on a permit, he shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Proceedings under subsection (1) may be instituted by the Government Agent of the administrative district in which the land encroached on is situated or by any officer authorized in that behalf by such Government Agent.

(3) A conviction under subsection (1) shall operate as an order of ejection made under section 125 and on such conviction the Government Agent of the administrative district in which the land encroached on is situated or other prescribed officer may, after the lapse of the appealable time, or, if any appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejection.

Trusts, &c. affecting land not to be recognized.

**169.** No trust or equitable charge shall be created, declared, recognized or enforced in respect of any land alienated under this Ordinance.

Succession to be regulated entirely by this Ordinance.  
[84, 16 of 1969]

**170.**(1) No written law (other than this Ordinance) which provides for succession to land upon an intestacy and no other law relating to succession to land upon an intestacy shall have any application in respect of any land alienated under this Ordinance.

(2) No person shall, by virtue of any appointment in any last will, have or acquire any title to succeed to any land alienated under this Ordinance save and except a successor duly nominated by last will under the provisions of Chapter VII.

Loans to permit-holders who are paying annual sums by virtue of

**172.** Regulations may be made for lending money to permit-holders who are paying an annual instalment by virtue of the provisions of section 19\* out of funds provided for the purpose by Parliament. Such regulations may prescribe the conditions upon which and the terms

provisions of  
section 19A(3)T  
[5, 27 of 1981]  
[86, 16 of 1969]

for which such money may be lent. Where default is made in the repayment of any money lent to such a permit-holder under this section such money together with the interest, if any, which is due thereon shall be deemed to be money due to the State under this Ordinance and may be recovered in the manner hereinbefore provided in Chapter X.

[\*Section 19A is repealed by Law No. 43 of 1973]

[Section 171 is repealed by Act No. 16 of 1969]

[First and Second Schedules are repealed by Act No. 16 of 1969]