

the landlords constitute *prima facie* evidence of their title to the land claimed by them as well as the fact of their possession thereof through a tenant cultivator. It is obvious that Section 45(3) of the said Act was not intended to extend to *title* to agricultural land, and that the presumption arising from the entries in “ඉ1” with regard to the landlord and description of land is displaced in this case by the overwhelming evidence that the Respondents had never enjoyed possession of the land “Nilaththu Pattiyal” which had been possessed exclusively by the Appellants.

It is the name Hinni Appuhamy that appears in the extract marked “ඉ1” as tenant cultivator for the ten years from 1979 to 1989, despite the alteration which the Respondents admittedly got done in 1988, by which the name of the 1<sup>st</sup> Appellant as landlord, and the description of the land as “Nilaththu Pattiyal” in extent 3 acres 2 roods and 26 perches, had been replaced by the names of the Respondents as landlords and description of the land as “Palugahakumbura” in extent 4 acres. Neither Hinni Appuhamy, nor any other witness, was called by the Respondents to establish that the paddy field cultivated by Hinni Appuhamy was in fact the four acre land to which the deeds P1 and P3 to P6 related, and it is manifest that the alteration to the Agricultural Land Register effected in 1989 was a calculated move by the Respondents to stake a claim to the land possessed by the Appellants on the basis that the said land was the same as what is described in the schedule to the petition and the schedules to the said title deeds, which fact however, the Respondents have failed to establish by evidence.

#### *Conclusion*

In all the circumstances of this case, I allow the appeal answering the substantive questions 1, 3, 4 and 5 on which special leave had been granted by this Court, in favour of the Appellants. I do not consider it necessary to answer substantive question 2. I would accordingly set aside the judgements of the District Court and the Court of Appeal, and make order dismissing the action filed by the Respondents in the District Court. I also award costs in a sum of Rs. 25,000/- payable to the Appellants jointly, by the Respondents jointly and severally.

**JUDGE OF THE SUPREME COURT**

**HON. J.A.N. DE SILVA, C.J.**

I agree.

**CHIEF JUSTICE**

**HON. P.A. RATNAYAKE, J.**

I agree.

**JUDGE OF THE SUPREME COURT**