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**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

*————————*

**PROTECTION OF OCCUPANTS**

**A**

**BILL**

**to prevent a landlord from ejecting persons from occupation of a**

**premises; and to provide for matters connected therewith or incidental**

**thereto**

*————————*

*Presented by the Minister of Justice, Prison Affairs and Constitutional Reforms on 21st of August, 2024*

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*Ordered by Parliament to be printed*

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**[Bill No. 288]**

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| *Protection of Occupants* | 1 |

L.D. – O. 64/2023   
AN ACTTOPREVENTALANDLORDFROMEJECTINGPERSONSFROM

OCCUPATIONOFAPREMISES; ANDTOPROVIDEFORMATTERS

CONNECTEDTHEREWITHORINCIDENTALTHERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

**1.** This Act may be cited as the Protection of Occupants Short Title

Act, No. of 2024.

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| 5 | **2.**  The provisions of this Act shall apply to a person who**-** | Application |

of the Act

(*a*) isin lawful occupation of a premises; and   
(*b*) has been in undisturbed and uninterrupted

occupation of such premises for a period of more than three months, prior to the eventualities 10 specified under section 3, 4 or 5,

in this Act referred to as the “occupant”.

PART I   
SAFEGUARDSAFFORDEDTO OCCUPANTS

|  |  |  |
| --- | --- | --- |
| 15 | **3.** The landlord of any premises, either by himself or | Landlord not |
| through any other person, shall not- | to |
| discontinue |

amenities or

|  |  |  |
| --- | --- | --- |
| (*a*) | discontinue or withhold any amenity or facility | facilities |

or any essential supply or utility service

previously provided to the occupant; or

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(*b*) refuse, withhold, fail to repair or maintain in   
proper condition, or refuse to grant permission to   
repair or maintain in proper condition, any   
essential supply or utility service previously

|  |  |  |
| --- | --- | --- |
| 5 | provided to theoccupant. | Landlord not |
| **4.**The landlord of any premises, or any other person |
| authorised by the landlord shall not, either by himself or | to damage |
| premises |
| through any other person, directly or indirectly, damage, |

demolish or tamper with the premises, in order to induce or

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| --- | --- | --- |
| 10 | compel an occupant to vacate the premises. | An occupant |
| **5.** The landlord of any premises or any other person |
| 15 | authorised by the landlord shall not, either by himself or | not to be |
| ejected |
| through any other person, eject or cause to eject the |
| excepton an |
| occupant from the premises or a part of the premises in | order of a |
| contravention of the terms and conditions of any lease | court |

agreement or tenancy agreement entered into between the landlord and the occupant in terms of the relevant written law, ora decree or an order of a competent court.

PART II

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| 20 | INSTITUTIONOFANACTIONFORRELIEF | Institution of |
| **6.** (1) Where the landlord of any premises (in this Act |
| 25 | referred to as the "respondent") either by himself or through | action by the |
| occupant |
| any other person, directly or indirectly, commits any one or |
| against the |
| more acts or omissions referred to in section 3, 4 or 5, the | landlord |
| aggrieved occupant of such premises (in this Act referred to |

as the "petitioner") may institute an action in the Court having jurisdictionwithin one month of the commission or omission of the act, by presenting a petition supported by an affidavit setting out the grounds on which the action is 30 based together with any other relevant material, seeking an order for one or more of the following reliefs:-

*Protection of Occupants* 3

(*a*) to restore the amenities, facilities, essential   
 supplies or utility services or to grant permission   
 to repair and maintain such amenities, facilities,   
 essential supplies or utility services in a proper

|  |  |  |
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| 5 | (*b*) | condition; |
| to prevent the respondent from using or threatening |

to use any force or violence, or from inflicting or   
threatening to inflict any harm, damage or loss   
upon or against the occupant of such premises;

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| 10 | (*c*) | to prevent the respondent from damaging, |

demolishing or tampering with the premises;

(*d*) to restore the petitioner to vacant and undisturbed   
 possession of the premises; or

(*e*) any other relief as may be determined by the Court.

15 (2) In addition to any order seeking relief specified in subsection (1), the petitioner may seek interim relief to maintain the *status quo* of the premises and to prevent the respondent from committing any wrongful act in contravention of the provisions of section 3, 4 or 5 or any 20 such wrongful act that would render the final judgement in the action, nugatory.

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| 25 | **7.** (1) Upon an action being instituted under section 6, if | Hearing of |
| the Court is satisfied on the evidence exhibited or adduced | the petition |
| by the Court |
| that the material facts of the petition are *prima facie* |
| established, and is of the opinion that the petitioner is entitled |

to any one or more of the reliefswhich he has prayed for, then the Court shall make-

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| 4 | (*a*) | *Protection of Occupants* |
| an order *nisi,* conditioned to take effect, in the |

event the respondent does not show cause against   
it, on a day specified by the order; or

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| --- | --- | --- |
| 5 | (*b*) | an interlocutory order specifying a day for the |
| determination of the matter of the petition, and |

intimating that the respondent will be heard in   
opposition to the petition if he appears before the   
Court for that purpose on the day so specified.

(2) The date referred to in paragraphs (*a*) and (*b*) of 10 subsection (1) shall be a date not more than fourteen days from the date of delivery of the relevant order.

(3) The provisions of Chapter XXIV of the Civil Procedure Code shall, *mutatis mutandis*, apply to any proceedings commenced under this section.

15 (4) (*a*) Any application for an order under this Act shall be heard and determined expeditiously, and the Court shall complete the hearing within three months from the date of the petition on being satisfied only of the content of the affidavit and the evidence exhibited or adduced with the

20 petition.

(*b*) Where the respondent requests to be heard in opposition by way of a statement of objection, the Court shall complete the hearing not later than nine months from the date of the statement of objection.

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| 25 | **8.** Where the respondent appears before the Court or moves | Orders made |
| to be heard in opposition in terms of the provisions of section | in matters |
| heard in |
| 7 and the Court determines that there is sufficient cause as |
| opposition |
| to why the order *nisi* should not take effect, the Court may |

order such costs, reliefs and expenses claimed for by the 30 respondent as justice may demand.

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| 5 | *Protection of Occupants* | 5 | Failure to |
| **9.** (1) Where the Court makes an order *nisi* for the | |
| restoration of any amenities, facilities, essential supplies or | | comply with |
| an order to |
| utility services in any premises, the Court may make further | |
| restore |
| order in the same order or in a subsequent order that if the | | amenities, |
| respondent fails to comply with such order *nisi* within the | | &c |

period specified in such order, such order *nisi* or subsequent order shall be executed in such manner as may be specified therein.

(2) Where the respondent fails to comply with such order 10 *nisi*, the said order shall be executed in such manner as specified in such order *nisi* or subsequent order, *exmero*  *motu* or on application of the petitioner to grant the order *nisi* to be made final.

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| 15 | **10.** (1) Where the Court orders the restoration of the | Restoration |
| of the |
| petitioner into vacant possession of the premises**,** the Court |
| petitioner |
| shall forthwith direct the Fiscal to restore the petitioner into |
| into vacant |
| vacant possession of the premises referred to in the order by | possession of |
| ejecting all those who are in occupation of the premises. | the premises |

(2) Where the Fiscal is resisted or obstructed by the 20 respondent or any other person, in the execution of the final order restoring the petitioner into vacant possession of the premises, the Fiscal shall, within fourteen days of such resistance or obstruction, report such resistance or obstruction to the Court in such form as specified in the Schedule to this 25   
 Act,and the Court shall thereupon issue a notice against the person resisting or obstructing requiring him to show cause within fourteen days from the date of such notice as to why he should not be dealt with for contempt of Court occasioned by such resistance or obstruction.

30 (3) (*a*) Where, after the petitioner is restored into vacant possession, the petitioner is hindered or ousted from the possession of the premises by the respondent or any other

6 *Protection of Occupants*

person within a period of one year and one day from the date of possession of the premises, the petitioner may, at any time within one month from the date of such hindrance or ouster, make a complaint thereon to the Court by a petition 5 in which the respondent or other person hindering or ousting him shall be named respondents.

(*b*) The Court shall, upon receipt of a petition under paragraph (*a*), serve a copy of such petition on the parties named therein as respondents and require them to show cause 10 within fourteen days from the date of such order as to why they should not be dealt with for contempt of Court occasioned by such hindrance or ouster.

(4**)** On the hearing of such report made by the Fiscalor petition filed by the petitioner under subsection (2) or (3), if 15 the Court is satisfied –

(*a*) that the resistance, obstruction, hindrance or   
 ouster complained of was occasioned by the   
 respondent to the original petition or by any other   
 person at his instigation or on his behalf;

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| 20 | (*b*) | that the resistance, obstruction, hindrance or |

ouster complained of was occasioned by a person other than the respondent to the original petition, and that the claim of such person to be in possession of the premises, whether on his own 25 account or on account of some person other than the respondent to the original petition, is not in good faith; or

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| 30 | (*c*) | that the claim made by the respondent or the person |
| who occasioned the resistance, obstruction, |
| hindrance or ouster, if any, has not been |

established,

the Court shall procced to take action as set out in subsection (5).

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(5) The Court shall, pursuant tosubsection (4) -

(*a*) direct the Fiscal to restore possession of the   
 premises, to the petitioner forthwith; and

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| 5 | (*b*) | punish the respondent or any other person who |
| occasioned the resistance, obstruction, hindrance |

or ouster as referred to in paragraphs (*a*) and (*b*) of subsection (4) for contempt of courtwith a fine not exceeding rupees five hundred thousand or with an imprisonment for a term not exceeding 10 one year or with both such fine and imprisonment:

Provided however, the provisions of section 303 of the Code of Criminal Procedure Act, No. 15 of 1979 shall not be applicable in respect of an offender on whom a sentence of imprisonment is 15 imposed under this paragraph.

(6) In any case involving a false claim under paragraph (*c*) of subsection (4), the offender shall, on conviction, be liable to a fine not exceeding rupees five hundred thousand.

(7) In any proceedings under this section, the Court may 20 make an order as to the costs, and charges and expenses incurred for the hearing and the issue of writ, as the Court shall deem meet.

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| 25 | **11.** (1) The execution of any final order made by the Court | Execution of |
| shall not be stayed unless there is a specific stay order made | final order |
| not to be |
| by a competent higher court under section 12. |
| stayed |

(2) An order for the stay of execution shall not be made by such higher court without notice to the petitioner in whose favour the Court made the final order.

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| 8 | *Protection of Occupants* | Appeals |
| **12.** Any person aggrieved by a final order made under |

the provisions of this Act may prefer an appeal in terms of the provisions of subsection (1) of section 754 of the Civil Procedure Code.

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| 5 | **13.** In this Act, unless the context otherwise requires – | Interpretation |

“Civil Procedure Code” means the Civil Procedure Code (Chapter 101);

“Court” means the District Court having jurisdiction;

“eject” in relation to the occupantof any premises, means 10 to deprive, by using direct or indirect methods, such occupant of his right to use and occupy the whole or any part of such premises in contravention of the provisions the lease agreement or tenancy agreement entered into between the landlord and 15 the occupant;

“essential supplies or utility services” includes supply of water, electricity, sewerage, cooking gas and lights including lights in passages and on staircases, lifts and conservancy or sanitary 20 services;

“landlord” in relation to any premises, means the person entitled to receive the rent of the premises from an occupant, and includes an occupant who lets the premises or any part thereof to a subtenant, with 25 the written consent of the original landlord;

“lessee” shall have the same meaning as in the Recovery of Possession of Premises Given on Lease Act, No.

1 of 2023;

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| 5 | *Protection of Occupants* | 9 |
| “occupation” in relation to a premises or any part of a premises, means having entered into occupation of such premises as a lessee or tenant under a lease agreement or tenancy agreement with the landlord, continues to be in occupation with the consent of the landlord for a particular period of time; and | |

“possession” and “premises” shall have the same meaning as in the Recovery of Possession of Premises Given on Lease Act, No. 1 of 2023.

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| 10 | **14.** In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |

case of   
inconsisteney

**SCHEDULE**

**FORM** [Section 10(2]

**REPORT TO COURT BY THE FISCAL OF RESISTANCE AND OBSTRUCTION**

To the Judge of the District Court of ………………

I, ……………………………….,the Fiscal of the District Court of…………, do hereby report to the court that on the ………. day of…………20\*\*, …………………….. (*name of the respondent and/ or other person who caused resistance and/ or obstruction)* of……………………………… caused resistance and/or obstruction to me by ………………………………….…………………………………(*describe the manner in which the resistance and/or obstruction was caused*), while executing the final order of the court made on the…….day of 20\*\* to restore ……………………………………..(*name of the petitioner* ) into vacant possession of the premises referred to in the Schedule hereto.

The Schedule of the premises above referred to

*(signed) ……………………………*  
 *(Name of the Fiscal)*

On this ………………. day of ………………………., 20\*\*.

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| 10 | *Protection of Occupants* |

Department of Government Printing