



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

STATE LANDS (RECOVERY OF POSSESSION)
(AMENDMENT)
ACT, No. 29 OF 1983

[Certified on 11th August, 1983]

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Act, No. 29 of 1983

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L.D.—O. 3/83

AN ACT TO AMEND THE STATE LANDS (RECOVERY OF POSSESSION)
ACT, NO. 7 OF 1979

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

1. This Act may be cited as the State Lands (Recovery of Possession) (Amendment) Act, No. 29 of 1983.

Short title.

2. Section 2 of the State Lands (Recovery of Possession) Act, No. 7 of 1979 (hereinafter referred to as the “principal enactment”) is hereby repealed.

Repeal of
section 2 of
Act No. 7
of 1979.

3. Section 3 of the principal enactment is hereby amended as follows :—

Amendment
of section 3
of the
principal
enactment.

(a) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

“ (1) Where a competent authority is of the opinion—

(a) that any land is State land ; and

(b) that any person is in unauthorized possession or occupation of such land,

the competent authority may serve a notice on such person in possession or occupation thereof, or where the competent authority considers such service impracticable or inexpedient, exhibit such notice in a conspicuous place in or upon that land requiring such person to vacate such land with his dependants, if any, and to deliver vacant possession of such land to such competent authority or other authorized person as may be specified in the notice on or before a specified date. The date to be specified in such notice shall be a date not less than thirty days from the date of the issue or the exhibition of such notice.” ; and

(b) by the insertion, immediately after subsection (1) of that section, of the following new subsection :—

“ (1A) No person shall be entitled to any hearing or to make any representation in respect of a notice under subsection (1).”.

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Amendment
of section 5
of the
principal
enactment.

4. Section 5 of the principal enactment is hereby amended in subsection (1) of that section, as follows :—

(a) by the substitution for the words "Where any person in unauthorized possession or occupation of any State land fails", of the words "Where any person fails"; and

(b) in paragraph (a) of that subsection—

(i) by the substitution, in sub-paragraph (ii) of that paragraph, for the words "application is State land," of the words "application is in his opinion State land,"; and

(ii) by the substitution, in sub-paragraph (iv) of that paragraph, for the words "application is in unauthorized possession or occupation", of the words "application is in his opinion in unauthorized possession or occupation".

Amendment
of section 18
of the principal
enactment

5. Section 18 of the principal enactment, as amended by Act No. 58 of 1981, is hereby further amended as follows :—

(a) in the definition of "competent authority"—

(i) by the relettering of paragraphs (f), (g) and (h) as paragraphs (g), (h) and (i), respectively; and

(ii) by the insertion, immediately after paragraph (e) of that definition, of the following new paragraph:—

"(f) the Chairman of the National Housing Development Authority, where such land is under the control of the National Housing Development Authority;"

(b) in the definition of "River Valleys Development Board", by the substitution for the words "River Valleys Development Board Act; and", of the words "River Valleys Development Board Act;"

(c) in the definition of "State land", by the substitution, for the words and figures "or the Sri Lanka Ports Authority Act, No. 51 of 1979, as the case may be.", of the words and figures "the National Housing Development Authority Act, No. 17 of 1979, or the Sri Lanka Ports Authority Act, No. 51 of 1979, as the case may be; and"; and

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(d) by the addition, immediately after the definition of "State land", of the following new definition:—

"unauthorized possession or occupation" means every form of possession or occupation except possession or occupation upon a valid permit or other written authority of the State granted in accordance with any written law, and includes possession or occupation by encroachment upon State land."

6. The Schedule to the principal enactment is hereby amended as follows:—

Amendment
of the
Schedule to
the principal
enactment.

(a) in paragraph (a) of Form B thereof—

(i) by the substitution, in sub-paragraph (ii) of that paragraph, for the words "application is State land;", of the words "application is in my opinion State land;"; and

(ii) by the substitution, in sub-paragraph (iv) of that paragraph, for the words "is in unauthorized possession", of the words "is in my opinion in unauthorized possession"; and

(b) in Form C thereof—

(i) by the substitution, in paragraph (ii) of that Form, for the words "for ejectment is State land;", of the words "for ejectment is in my opinion State land;"; and

(ii) by the substitution, in paragraph (iv) of that Form, for the words "is in unauthorized possession", of the words "is in my opinion in unauthorized possession".

7. (1) Where on the day immediately preceding the date of commencement of this Act, there is pending in any Magistrate's Court any application made by a competent authority to that Court under section 5 of the principal enactment, such application shall be heard and determined by such Court in accordance with the provisions of the principal enactment, as amended by this Act.

Pending
applica-
tions &c.

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(2) Where on the day immediately preceding the date of commencement of this Act, there is pending in any court of competent jurisdiction any matter in respect of any act done or order made by a competent authority or a Magistrate's Court under the principal enactment, such matter shall be heard and determined by such court of competent jurisdiction in accordance with the provisions of the principal enactment, as amended by this Act.