

PARLIAMENT OF CEYLON

4th Session 1968-69



Government Quarters (Recovery of Possession) Act, No. 7 of 1969

Date of Assent : April 28, 1969

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*Government Quarters (Recovery of Possession)
Act, No. 7 of 1969*

L. D.—O. 10/63.

AN ACT TO MAKE PROVISION FOR THE RECOVERY OF POSSESSION OF QUARTERS PROVIDED BY OR ON BEHALF OF THE GOVERNMENT FOR THE OCCUPATION OF PERSONS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: April 28, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Government Quarters (Recovery of Possession) Act, No. 7 of 1969.

Short title.

2. The provisions of this Act—

Application of Act.

- (a) shall apply to all Government quarters; and
(b) shall be deemed at all times to have been, and to be, an implied condition of the occupation by persons of such quarters.

3. (1) A competent authority may, at any time, serve or cause to be served on the occupier of any Government quarters a notice stating the reasons for the issue of such notice and requiring such occupier—

Power to issue quit notices.

- (a) to vacate such quarters together with his dependants, if any; and
(b) to deliver vacant possession of such quarters to such authority, or any other such competent authority or authorized person as may be specified in the notice,

before the expiry of such period as shall be specified in the notice, being a period commencing on such date as shall be so specified. The specified period shall not in any instance be less than two months from the date of its commencement.

(2) Every notice under sub-section (1) issued in respect of any Government quarters is in this Act referred to as a "quit notice".

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(3) A quit notice issued in respect of any Government quarters shall be deemed to have been served on the occupier of such quarters if such notice is sent by registered letter through the post to such occupier at the address of such quarters.

(4) Every quit notice shall be in the form A set out in the Schedule to this Act.

Obligation to
comply with a
quit notice.

4. Where a quit notice has been served on the occupier of any Government quarters—

(a) neither such occupier nor any dependant of his shall be entitled to occupy such quarters after the expiry of the period within which such occupier is required by such notice to vacate such quarters; and

(b) such occupier shall, before the expiry of that period, deliver vacant possession of such quarters to the authority or person to whom he is required to do so by the quit notice, and together with his dependants, if any, depart from such quarters.

Withdrawal
or suspension
of quit
notice.

5. The Deputy Secretary to the Treasury may at any stage withdraw any quit notice or suspend its operation for such period as he deems fit.

Effect of non-
compliance with
a quit notice.

6. (1) In any case where the occupier of any Government quarters fails to comply with the provisions of paragraph (b) of section 4 in respect of any quit notice served on him relating to any Government quarters, any competent authority (whether or not he is the competent authority who issued such notice) may make an application in writing in the form B set out in the Schedule to this Act to the Magistrate's Court having jurisdiction over the area in which such quarters are situated—

(a) setting forth the following facts, namely—

(i) that he is a competent authority for the purposes of this Act,

(ii) that a quit notice (a copy of which is attached to the application) was served on the occupier of such quarters,

(iii) the reason for the serving of such quit notice on the occupier, and

(iv) that such occupier has failed to comply with the provisions of the aforesaid paragraph (b) in respect of such notice relating to such quarters; and

(b) praying for the recovery of possession of such quarters and for the ejectment of such occupier and his dependants, if any, from such quarters.

(2) Every application under sub-section (1) shall be supported by an affidavit in the form C set out in the Schedule to this Act verifying the facts set forth in such application, and shall also be accompanied by a copy of the quit notice.

(3) Every application supported by an affidavit and accompanied by a copy of a quit notice under the preceding provisions of this section is in this Act referred to as an "application for ejectment".

(4) Every application for ejectment shall be conclusive evidence of the facts stated therein.

(5) No stamp duties shall be payable for any application for ejectment.

7. Upon receipt of an application for ejectment in respect of any Government quarters, a Magistrate's Court shall forthwith issue, and if need be reissue, a writ of possession to the Fiscal of the district in which such quarters are situated requiring and authorizing such Fiscal before a date specified in the writ, not being a date earlier than three or later than seven clear days from the date of the issue of such writ, to deliver possession of such quarters to the competent authority or other authorized person specified in the quit notice relating to such premises. Such writ shall be sufficient authority for the said Fiscal or any police officer authorized by him in that behalf to enter such quarters with such assistants as the Fiscal or such officer shall deem necessary and to give possession accordingly, and to eject the occupier and his dependants, if any, from such quarters.

Proceedings on receipt of an application for ejectment.

8. Nothing in the provisions of the Rent Restriction Act shall apply to the ejectment of any person in occupation of any Government quarters.

Exclusion of application of the Rent Restriction Act.

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Interpretation.

9. In this Act, unless the context otherwise requires—

“ authorized person ”, in relation to any Government quarters, means any person, other than a competent authority, authorized by a quit notice issued in respect of such quarters to take possession of such quarters;

“ competent authority ” means the Deputy Secretary to the Treasury, or any other public officer authorized by such Deputy Secretary to be a competent authority for the purposes of this Act;

“ dependant ”, in relation to the occupier of Government quarters, means any person who is dependent on the occupier, whether as spouse, child or otherwise, and includes any other person who is permitted by the occupier to reside in such quarters;

“ Government quarters ” means any building or room or other accommodation occupied or used for the purposes of residence which is provided by or on behalf of the Government to any person, and includes any land or premises in which such building or room or other accommodation is situated, but does not include any house provided by the Commissioner for National Housing to which Part V of the National Housing Act applies;

“ occupier ”, in the event of the death of the person who first came into occupation, includes a dependant of that person.

SCHEDULE

FORM A

Quit Notice

I, (state name and designation if any) a competent authority for the purposes of the Government Quarters (Recovery of Possession) Act, do, by virtue of the powers vested in me by section 3 of that Act, require you (state name and designation if any) the occupier of Government Quarters (state address of such quarters)—

(a) to vacate possession of such quarters together with your dependants if any; and

(b) to deliver vacant possession of such quarters to me*/or
..... (state name and designation
if any) a competent authority for the purposes of
that Act*/or (state
name and designation if any),

before the expiry of a period of two months commencing on
the (state date), because (state reason).

.....
Signature and designation, if any,
of competent authority.

Date:

* Omit if inapplicable.

Form B

Application for Ejectment

To the Magistrate's Court of
(state name of such Court)

I, (state name and designation
if any) a competent authority for the purposes of the Govern-
ment Quarters (Recovery of Possession) Act, do, by virtue
of the powers vested in me by section 6 of that Act, by this
application—

(a) set forth the following facts, namely,—

(i) that I am such competent authority;

(ii) that a quit notice (a copy of which is attached to
this application) was served on
(state name and designation if any) the
occupier of Government Quarters
..... (state address of such
quarters);

(iii) that the reason for the serving of such quit notice on
such occupier was that*
..... ; and

* State whether the period for which the Government quarters were given
to the occupier has expired, or whether the occupier has been transferred
from the station which qualified him to occupy the Government quarters, or
whether the occupier to whom the Government quarters were originally given
has died, or any other reason which is considered adequate.

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(iv) that such occupier has failed to comply with the provisions of paragraph (b) of section 4 of that Act in respect of such notice relating to such quarters; and

(b) pray for the recovery of possession of such premises and for the ejectment of such occupier and his dependants, if any, from such premises.

.....
*Signature and designation, if any,
of competent authority.*

Date:

FORM C

Affidavit

I,, (*state name and designation if any*) do, as required by section 6 of the Government Quarters (Recovery of Possession) Act, hereby solemnly, sincerely and truly affirm and declare—

(a) that I am a competent authority for the purposes of that Act;

(b) that a quit notice (a copy of which is attached to my application for ejectment) was served under that Act on (*state name and designation if any*) the occupier of Government Quarters (*state address of such quarters*);

(c) that the reason for the serving of such quit notice on such occupier was that*
..... ; and

* State whether the period for which the Government quarters were given to the occupier has expired, or whether the occupier has been transferred from the station which qualified him to occupy the Government quarters, or whether the occupier to whom the Government quarters were originally given has died, or any other reason which is considered adequate,

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(d) that such occupier has failed to comply with the provisions of paragraph (b) of section 4 of that Act in respect of such notice relating to such quarters.

.....
Signature and designation, if any,
of deponent.

Affirmed before me by the deponent on the
(state date).

.....
Signature and designation, if any,
of person administering the
affirmation.