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

**NATIONAL HOUSING DEVELOPMENT
AUTHORITY (AMENDMENT)
ACT, No. 30 OF 1999**

[Certified on 23rd September, 1999]

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*National Housing Development Authority
(Amendment) Act, No. 30 of 1999*

[Certified on 23rd September , 1999]

L. D. - O 4/98.

AN ACT TO AMEND THE NATIONAL HOUSING DEVELOPMENT
AUTHORITY ACT, No.17 OF 1979

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

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| <p>1. This Act may be cited as the National Housing Development Authority (Amendment) Act, No.30 of 1999.</p> | <p>Short title.</p> |
| <p>2. Section 68 of the National Housing Development Authority Act, No.17 of 1979 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “except under, the provisions of this Part” of the words “except under the provisions of this Part or Part VIIA”.</p> | <p>Amendment of section 68 of Act No. 17 of 1979.</p> |
| <p>3. The following new Part is hereby inserted immediately after Part VII and shall have effect as Part VIIA, of the principal enactment :-</p> <p style="text-align: center;">“PART VII A</p> <p style="text-align: center;">RECOVERY OF POSSESSION OF HOUSES, FLATS AND ANY OTHER BUILDINGS BELONGING TO THE AUTHORITY FROM PERSONS WHO ARE IN UNAUTHORISED POSSESSION OR OCCUPATION OF SUCH HOUSES, FLATS AND BUILDINGS, BY THE GENERAL MANAGER</p> | <p>Insertion of New Part VIIA in the principal enactment.</p> |
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- | | |
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| <p>Houses, flats and other buildings to which this Part applies and interpretation of the expression “building”</p> | <p>69A. This part shall apply to every house, flat or any other building belonging to the Authority (hereinafter referred to as the “building”)</p> |
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Notice to quit

69B. (1) Where the General Manager has reason to believe that a person is in unauthorised possession or occupation of any building or portion thereof, he may cause a notice to be served on such person requiring him to vacate such building or portion thereof with his dependants, if any, on or before the date specified in such notice and to deliver vacant possession thereof to the General Manager or any person authorized by him in that behalf and specified in the notice or where the General Manager considers such service to be inexpedient or impracticable, he shall cause such notice to be exhibited in a conspicuous place in or upon that building, requiring such person to vacate such building or portion thereof on or before the date specified in the notice and to deliver vacant possession thereof with his dependants, if any, to the General Manager or any person authorized by him in that behalf and specified in the notice. Every such notice shall be substantially in Form A specified in the Second Schedule and is hereinafter in this Part referred to as a "Notice to quit".

(2) For the purposes of subsection (1) of this section the date specified in the Notice to quit shall be a date not later than sixty days from the date of issue or exhibition of such notice.

(3) A Notice required to be served on any person shall be sent by registered post addressed to that person and a Notice to quit as such, shall be deemed to have been served on such person at the time when the letter containing such notice has been delivered to the address to which it is sent.

69C. Where a Notice to quit has been served or exhibited as provided under section 69B, the person in possession or occupation of the building to which the notice relates shall together with his dependants, or other occupants, if any, duly vacate such building or portion thereof and deliver peaceful vacant possession of such building or portion thereof to the General Manager or any person authorized by him in that behalf and specified in the notice.

Obligation to
comply with
Notice to quit.

69D. (1) Where any person who is in unauthorised possession or occupation of any building or portion thereof fails to comply with the Notice to quit served or exhibited as provided by section 69B, the General Manager may make an application substantially in form B set out in the Second Schedule to this Act, to the Magistrate's Court within whose jurisdiction such building or any portion thereof is situated, setting out the following facts, namely :-

Effect of non
compliance
with the
Notice to quit.

- (i) that he is the General Manager of the Authority ;
- (ii) that the building described in the schedule to the application is a building or portion of a building, belonging to the Authority ;
- (iii) that a Notice to quit was served on the person who was in possession or occupation of such building or was exhibited in a conspicuous place in or upon such building ;
- (iv) that the person named in the application is in unauthorized possession or occupation of such building or portion thereof and has failed to vacate such

building or portion thereof and hand over possession thereof as required by section 69c ; and

praying for the recovery of possession of such building or any portion thereof and for the ejectment of such person in possession or occupation of such building, his dependants and other occupants, if any, from such building or portion thereof.

(2) Every application under subsection (1) shall be supported by an affidavit substantially in the Form C set out in the Second Schedule to this Act verifying the facts set forth in such application and shall be accompanied by a copy of the Notice to quit.

(3) every application referred to in subsection (1) supported by the affidavit and copy of the Notice to quit referred to in subsection (2) is hereinafter in this Part referred to as an “application for ejectment”

(4) Notwithstanding anything in the Stamp Duty Act, No. 43 of 1982 no stamp duty shall be payable in respect of any application for ejectment.

Proceedings
on receipt of
an application
for ejectment.

69E. (1) Upon receipt of the application made under section 69D, the Magistrate shall forthwith issue summons together with a copy of the application on the person named in the application to appear and show cause on the date specified in such summons (being a date not later than two weeks from the date of issue of such summons) why such person and his dependants, if any, should not be ejected from the building or any portion thereof as prayed for in the application for ejectment.

(2) If on the date specified in the summons issued under subsection (1) the person on whom such summons was issued fails to appear or informs the Court that he has no cause to show against the order for ejectment, the Courts shall forth with issue an order directing such person and his dependants, if any, to be ejected forthwith from the building or any portion thereof.

(3) If a person on whom summons has been served under subsection (1) appears on the date specified in such summons and states that he has cause to show against the issue of an order for ejectment, the Magistrate's Court may proceed forthwith to hear and determine the matter or may set aside the case for an inquiry on a later date.

(4) Where any application for ejectment has been made to a Magistrate's Court under section 69D, the Magistrate shall give priority over all other business of that Court, to the hearing and disposal of such application, except when circumstances render it necessary for such other business to be disposed of earlier.

(5) At such inquiry the person on whom summons under subsection (1) has been served shall not be entitled to contest any of the matters stated in the application under section 69D except that such person may establish that he is in possession or occupation of the building or any portion thereof upon a valid permit or under a valid agreement entered into in writing with the Authority or any company of which the controlling shares are held by the Authority by itself or together with one or more public corporations and that such permit or such valid agreement in writing is and not revoked or otherwise rendered invalid.

(6) It shall not be competent to the Magistrate's Court to call for any evidence from the General Manager in support of the application made under section 69D.

(7) If after inquiry the Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the building or any portion thereof he shall make an order directing such person and his dependants, if any, in occupation of such building or portion to be ejected forthwith from such building or portion thereof.

(8) Notwithstanding anything contained in the preceding provisions where the Magistrate is of opinion that, having regard to the manner in which the person on whom summons under subsection (1) was served entered into occupation of the building or portion thereof, it would be unjust to order his ejectment therefrom, the magistrate may require such person and the Authority to enter into an agreement on such reasonable terms as may be determined by the Magistrate, with respect to such building or portion thereof, within a period of six months from the date of such requirement :

Provided however where such person on whom summons under subsection (1) was served fails to enter into an agreement within the period of six months from the date of such requirement the provisions contained in this Part shall apply *mutatis mutandis*.

(9) No appeal shall lie against any order of ejectment made by a Magistrate under subsection (2) or subsection (7).

(10) Where any person fails to comply with an order made under subsection (2) or subsection (7) the Magistrate shall on the application of the General Manager forthwith issue, and if need be re-issue a writ of possession to the Fiscal, of the Court requiring and authorizing such Fiscal before a date specified in the writ not being a date earlier than three and not later than seven clear days from the date of issue of such writ, to deliver possession of such building or portion thereof to the General Manager or any other person authorized by him in that behalf, specified in Notice to quit relating to such building. Such writ shall be sufficient authority for the said Fiscal or any police officer authorized by Court in that behalf, to enter such building with such assistants as the Fiscal or police officer shall deem necessary and to eject the person in possession or occupation and his dependants or occupants, if any from such building or portion thereof.

(11) Notwithstanding anything in any other law, the issue or re-issue of a writ of possession under subsection (10) shall not be stayed in any manner whatsoever by reason of any steps taken or proposed to be taken in any Court with a view to questioning the issue or re-issue of such writ of possession or the Notice to quit in pursuance of which such writ of possession was issued or re-issued.

(12) Nothing in this Part shall be read and construed as precluding any person who claims to have been unlawfully ejected from any building or portion thereof under this section from instituting an action in any Court, for damages or other relief in respect of such ejection.

Provisions of this Part to prevail over any other provision of this Act or other written law.

69F. The provisions of this Part shall have effect notwithstanding anything contained in any other provision of this Act or other written law, and accordingly, in the event of any conflict or inconsistency between the provisions of this Part and such other provision or written law, the provisions of this Part shall prevail.

69G. for the purposes of this Part -

“Unauthorised possession or occupation” shall include every form of possession or occupation except possession or occupation by any person or after his demise, by his legal heirs, upon a valid agreement entered into in writing with the Authority or any company of which the controlling shares are held by the Authority by itself or together with one or more public corporations ;

“houses flats and other buildings belonging to the Authority” shall include every house, flat or any other building constructed by the Authority or a company of which the controlling shares are held by the Authority by itself or together with one or more public corporations on State land or land belonging to a public corporation leased out to the Authority or such company. ”

Amendment of section 82 of the principal enactment.

4. Section 82 of the principal enactment is hereby amended by the substitution for the words “Schedule” , of the words “First Schedule”.

Insertion of Second Schedule in the principal enactment.

5. The following Schedule is hereby inserted immediately after the First Schedule to the principal enactment and shall have effect as the Second Schedule to the principal enactment :-

“SECOND SCHEDULE

FORM A

Notice to quit (section 69 B)

I,.....(state name and designation) the General Manager, National Housing Development Authority having reasons to believe that you(State name) are in unauthorised possession*/ occupation of the building or portion thereof, described in the schedule hereto, do by virtue of the powers vested in me by section 69B of the National Housing Development Authority Act, require you (state name) -

- (a) to vacate such building together with your dependants, or other occupants, if any ; and
- (b) to deliver peaceful vacant possession of such building or portion thereof, to me*/or(state name and designation) authorized person to act on my behalf, on or before(state date)

.....
Signature
General Manager.

Schedule above referred to (here describe the building stating the situation including the name of district)

Date

.....
Signature
General Manager.

* delete whatever inapplicable.

FORM B

APPLICATION FOR EJECTMENT

(section 69D)

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

I,..... (state name) the General Manager, National Housing Development Authority do, by virtue of the powers vested in me by section 69D of the National Housing Development Authority Act, by this application -

(a) set forth the following facts, namely -

- (i) that I am the General Manager of the National Housing Development Authority ;
- (ii) that the building or portion of the building described in the schedule to this application is a building or portion of a building belonging to the National Housing Development Authority ;
- (iii) that a Notice to quit (a copy of which is attached to this application) was served on(state name and address) */ exhibited in or upon the said building
- (iv) that the said..... (state name) is in unauthorised possession*/ occupation of the said building or portion thereof and has failed to comply with the provisions of section 69c of that Act ;

- (b) pray for the recovery of possession of the said building or portion thereof and for the ejectment of the said (state name) his dependants and other occupants, if any, from the said building or portion thereof.

.....
Signature
General Manager.

Schedule above referred to (here describe the building stating situation including district)

Date

.....
Signature
General Manager.

*delete whatever inapplicable.

FORM C
AFFIDAVIT

(section 69 D)

I,(state name) the General Manager, National Housing Development Authority do, as required by section 69D of the National Housing Development Authority Act, hereby solemnly, sincerely and truly make oath and state*/ declare and affirm as follows :-

- (i) that I am the General Manager of the National Housing Development Authority ;
- (ii) that the building described in the schedule to the application for ejectment or portion thereof is a

building or a portion of a building belonging to the National Housing Development Authority ;

(iii) that a Notice to quit (a copy of which is attached to this application for ejectment) was served on (state name and address)/ exhibited in or upon the said building ;

(iv) that the said..... (state name) is in unauthorised possession */ occupation of the said building or portion thereof and has failed to comply with the provisions of section 69c of that Act ;

.....
Signature and Designation.

*Sworn/ Affirmed before me by deponent on this (state date)

Date

.....
Signature and designation
if any, of person administering oath/
affirmation.”

*delete whatever inapplicable.

sinhala text to
prevail in case of
inconsistency

6. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Annual subscription of English Bills and Acts of the Parliament Rs.885 (Local), Rs.1,180 (Foreign).
Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, No. 32, TRANSWORKS HOUSE,
LOTUS ROAD, COLOMBO 01 before 15th December each year in respect of the year following.