

CHAPTER 299

LAND SETTLEMENT

Ordinances AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO LAND SETTLEMENT.
 Nos. 20 of 1931,
 22 of 1932,
 31 of 1933,
Act
 No. 22 of 1955.

[23rd October, 1931.]

Short title. 1. This Ordinance may be cited as the Land Settlement Ordinance.

“unoccupied land” includes land occupied by, on behalf of, or under, the State.

Interpretation. 2. In this Ordinance, unless the context otherwise requires—

“claim” means any claim made under this Ordinance and “claimant” means any person making a claim ;

“interest”, in relation to any land, means an interest less than the full ownership of the land ;

“land” means an allotment of land the boundaries of which have been delineated by survey, or any portion of any such allotment divided, or capable of being divided, from the remainder of such allotment, and includes the bed of any waterway or collection of water, whether such waterway or collection of water is natural or artificial ;

“Ordinance” includes the Ordinance referred to and any enactment amending it and any rules, regulations or by-laws made under any of such Ordinances or enactments and for the time being in force ;

“person” includes any body of persons corporate or unincorporate, but does not include the State ;

“Settlement Officer” includes an Assistant Settlement Officer and a Government Agent acting under section 3 (2) ;

“share”, in relation to any land, means an undivided share of the land ;

“the board” means the board established by section 11 ;

3. (1) There may be appointed a Settlement Officer and such number of Assistant Settlement Officers as may be necessary.

Appointment of Settlement Officer and Assistant Settlement Officers and powers of Government Agents to apply the Ordinance.

(2) It shall be lawful for any Government Agent to apply the provisions of this Ordinance to any land, being of any of the descriptions set forth in section 4 (1), situated within his administrative district, and for that purpose to exercise and perform the powers and duties conferred and imposed by this Ordinance upon the Settlement Officer.

(3) It shall be lawful for any Settlement Officer appointed under this Ordinance to continue or to complete any action or proceeding taken or commenced under Ordinance No. 1 of 1897* by a special officer appointed under section 28 of that Ordinance or by the Government Agent of a province or by the Assistant Government Agent of a district, where any such proceeding or action was pending or incomplete on the 23rd day of October, 1931 ; and for such purpose and from that date a Settlement Officer is hereby authorized to perform, execute and exercise the functions, duties and powers assigned to, imposed upon or vested in, any such special officer, Government Agent or Assistant Government Agent as the case may be.

4. (1) Whenever it appears to the Settlement Officer that any land is of any of the following descriptions :—

Settlement Officer may by notice call for claims. Publication and form of notice.

(a) forest, waste, unoccupied, or uncultivated land, or chena or other land which can only be cultivated after intervals of several years ; or

* Repealed by Ordinance No. 20 of 1931.

(b) cultivated or otherwise improved land which was, within the period of twenty-five years next preceding the date of the notice hereinafter in this subsection provided for, land of any of the descriptions specified in paragraph (a) of this subsection,

it shall be lawful for him to declare by a notice signed and dated by him and published as hereinafter provided (in this Ordinance referred to as a "settlement notice") that, if no claim to such land or to any share of or interest in such land is made to him within a period of three months from a date to be specified in such notice the land to which or to any share of or interest in which no claim has been made as aforesaid will be declared under section 5 (1) to be the property of the State and will be dealt with on account of the State :

Provided that the date specified in such notice shall not be earlier than the date of the first publication of such notice, and that two or more lands shall not be included in one notice if such lands are respectively situated in more villages than one.

(2) Every settlement notice shall be published in the Gazette in the Sinhala, Tamil and English languages, and copies thereof shall be posted within the village in which the land is situated and on or near the land to which the notice relates and shall also be affixed to the walls of the several kachcheris and of the several courts, including the Primary Courts, of the province within which the land is situated and in such other localities as may secure the greatest possible publicity therefor, and the notice shall also be advertised by beat of tom-tom on or near the land within six weeks from the date of the publication of the notice.

(3) Whenever the extent of the land or the aggregate extent of all the lands included in a settlement notice exceeds ten acres, a notification substantially in form No. 4 in the First Schedule shall be published once at least in any two of the newspapers of Sri Lanka in the language in which each such newspaper is ordinarily published, provided that one of such newspapers shall be a newspaper published either in Sinhala or in Tamil.

(4) If the Settlement Officer has reason to think that any person has a claim to the land to which the settlement notice relates or to any share of or interest in the land, he shall, in addition to publishing the notice as hereinbefore prescribed, cause a copy thereof to be served upon such person or to be sent by post addressed to him at his last-known place of abode.

(5) Every settlement notice shall be in all material respects in form No. 1 in the First Schedule, and the Gazette in which such notice is published or an extract therefrom containing such notice and purporting to have been printed by the Government Printer or certified by some officer of the State, on behalf of the State, to be correct shall, if produced in any court in Sri Lanka be received as prima facie evidence that the requirements of this Ordinance have been duly complied with in respect of such notice.

5. (1) If no claim is made within a period of three months from the date specified in any settlement notice to any land specified therein or to any share of or interest in any such land, the Settlement Officer shall make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement in favour of the State, that such land to which or to any share of or interest in which no claim has been made is the property of the State :

Powers and duties of Settlement Officer when claim is or is not made.

Provided that if at any time within the said period of three months it is brought to the knowledge of the Settlement Officer that any person has a claim to any such land or to any share of or interest in any such land and that such person is then absent from Sri Lanka and was so absent at the date of the first publication in the Gazette of the notice aforesaid, the Settlement Officer shall not make a declaration that such land is the property of the State until after the expiry of a further period of six months commencing from the day on which the said period of three months expired.

(2) If in pursuance of the settlement notice a claim is made to any land specified therein or to any share of or interest in any such land, either within the aforesaid period of three months or, in any case in which within the said period of three

months it is brought to the knowledge of the Settlement Officer that some person who is absent from Sri Lanka has a claim to any such land or to any such share or interest, within the further period prescribed by the proviso to subsection (1), the Settlement Officer shall proceed to hold an inquiry into such claim and for that purpose may with such assistants as may be required enter upon any land to which the claim relates and make such inspection as may be necessary.

(3) For the purpose of the inquiry the Settlement Officer shall call upon every claimant, by summons in writing served upon him either personally or by being left at his last-known place of abode, to appear before the Settlement Officer upon a day and at a time and place within the administrative district in which the land is situated to be specified in such summons and to produce the evidence upon which such claimant relies in proof of his claim: and if after due service of the summons such claimant, upon the day and at the place and time specified as aforesaid or upon any subsequent day to which the inquiry or any proceeding under subsection (4) has been adjourned and at the place and time to which such inquiry or proceeding has been so adjourned or upon the day and at the place and time specified in any further summons duly served upon him as provided by this subsection, does not appear or does not produce such evidence, or if he withdraws his claim, then in any of such cases his claim shall be deemed to be null and void and the Settlement Officer may thereupon deal with the land to which the claim relates as though no such claim had been made:

Provided that if any claimant who has so failed to appear or to produce such evidence as aforesaid shall thereafter, and before the publication under section 8 of the order prescribed by subsection (5), appear before the Settlement Officer and satisfy the Settlement Officer that he had reasonable grounds for such failure to appear or to produce such evidence, the Settlement Officer shall proceed to consider his claim as though he had duly appeared or

produced such evidence, and in such case it shall be lawful for the Settlement Officer for the purpose of dealing with such claim to declare any declaration made by him under subsections (1) or (4) or any agreement entered into by him under subsection (4) to be null and void;

Provided also that it shall be lawful for the Settlement Officer in his discretion to dispense with the personal appearance of any claimant and to permit such claimant to appear or produce evidence and to be represented by an attorney-at-law or any duly authorized agent.

(4) If any claimant appears and produces such evidence as aforesaid, the Settlement Officer may, after considering such evidence and making any further inquiry that may appear proper, do any one or more of the following things:—

- (a) make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement, that any land specified in the settlement notice is not claimed by the State; or
- (b) make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement, that some person unascertained is entitled to a particular share of or interest in any land specified in the settlement notice; or
- (c) enter with the claimant, upon such terms and conditions as may appear fit to the Settlement Officer, into an agreement in writing signed by the Settlement Officer and by the claimant, providing for either or both of the following, namely, that the said claimant or any other person shall be declared by settlement order under subsection (5) to be entitled either wholly or in part, or that the said claimant shall withdraw his claim either wholly or in part, to any land or to any share of or interest in any land specified in the settlement notice, and make a

settlement of such land or share or interest in pursuance of such agreement :

Provided that in any case in which all claimants to, or to shares of or interests in, any land withdraw their claims by agreements entered into under this subsection or otherwise the Settlement Officer may deal with such land as though no claim had been made thereto ;

Provided also that it shall be lawful for the Settlement Officer, with the written consent of the claimant which shall not be revocable, to make a declaration in writing, which shall be deemed for the purposes of this Ordinance to be a settlement in favour of the State, that any land to which such claimant would otherwise have been declared to be entitled is State property set apart for the purpose of a communal chena reserve for the use of the inhabitants of such village as the Settlement Officer shall specify in such declaration.

(5) The Settlement Officer shall embody every settlement of any land specified in the settlement notice or of any share of or interest in any such land, whether made by declaration under subsection (1) or (4) (a) or (b) or (c), or in pursuance of an agreement entered into under subsection (4) (c), or in pursuance of or by decree of court under section 23, in an order made by him (in this Ordinance referred to as a "settlement order"), which shall be substantially in form No. 2 in the First Schedule.

(6) No settlement, other than a settlement made in pursuance of or by decree of court, which relates to any land or to any aggregate of lands exceeding ten acres in extent shall without the consent of the Minister be embodied in any settlement order made under subsection (5) ; and upon publication of such settlement order under section 8 there shall be subjoined thereto substantially in form No. 3 in the First Schedule, a certificate of the consent of the Minister to such settlement ; and if no such certificate is subjoined to the order as so published, the publication shall be of no effect so far as it relates to such settlement.

(7) Notwithstanding anything in this section contained, it shall be lawful for the Settlement Officer at any time prior to the publication under section 8 of the settlement order to make a declaration in writing that any land specified in the settlement notice has ceased to be the subject of proceedings under this Ordinance. Every such declaration shall be published in the Gazette as an appendix to the settlement order published under section 8 and relating to such notice, and no subsequent settlement notice shall have any force or validity in law so far as it relates to any land in respect of which any such declaration has been so made and published.

6. (1) Before the Settlement Officer refers any claim or any portion thereof which is in dispute between himself and the claimant to the District Judge under section 12, he shall, if he thinks that in the circumstances of the case an offer should be made to the claimant by way of compromise and in order to ensure speedy settlement of such claim or portion thereof, communicate such offer in writing to the claimant and record in writing the nature of the offer and the fact that it was so made ; and if the claimant accepts the offer the Settlement Officer shall enter with him, under section 5 (4) (c), into an agreement embodying it.

Offers by way of compromise.

(2) (a) It shall be lawful for the Minister to make rules defining the basis on which such offers are to be assessed and made.

(b) All rules made under this subsection shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by Parliament, such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

(3) If the Settlement Officer decides that no such offer should be made, he shall record in writing the fact that no such offer has been made and shall communicate his decision to the claimant.

(4) Any claimant who is dissatisfied with the nature or amount of any offer made to him under subsection (1), or to whom no such offer has been made, may apply, within a period of one month from the day on which such offer was made to him or on which the decision of the Settlement Officer not to make an offer was communicated to him, as the case may be, to the board to revise such offer, where the claimant is dissatisfied with the nature or amount of the offer, or to make an offer, where no offer has been made. Such application shall be made by petition addressed to the board and delivered to the Settlement Officer, who shall forward the petition to the chairman of the board.

(5) The board may, after considering any such application made as aforesaid and after holding or making, or ordering to be held or made, any inquiry or inspection that it may think fit, decide to—

- (a) confirm any offer made by the Settlement Officer, or any decision of the Settlement Officer not to make an offer; or
- (b) revise any offer made by the Settlement Officer; or
- (c) make an offer where no offer has been made by the Settlement Officer; or
- (d) revise any offer made by the Settlement Officer to persons other than the applicant after due notice to them.

(6) The chairman of the board shall inform the Settlement Officer of the decision of the board in respect of every such application, and the Settlement Officer shall thereupon communicate such decision to the claimant by writing under his hand.

(7) Every claimant to whom an offer has been made by the Settlement Officer under subsection (1) or to whom the decision of the Settlement Officer not to make an offer or any decision of the board has been communicated under subsections (3) or (6) may, within a period of one month from the day on which such offer was made or such decision was communicated to him or within such longer period therefrom as the Settlement Officer may by order in writing allow, enter with the Settlement Officer into an agreement under section 5 (4) (c).

(8) No offer made by the Settlement Officer under subsection (1) in respect of any claim, or confirmed, revised, or made by the board under subsection (5), and no proceedings relating thereto, shall be considered or adjudicated upon by any court; but the court shall make order in respect of the claim as if no such offer had been made, confirmed or revised.

7. Notwithstanding anything in this Ordinance contained it shall be lawful for the Settlement Officer to enter with any claimant into any agreement under section 5 (4) (c) at any time prior to the publication of the settlement order under section 8.

Agreements under section 5 (4) (c) may be made at any time prior to publication of settlement order.

8. Subject to the provisions of section 5 (6), every settlement order shall be published in the Gazette, and every settlement order so published shall be judicially noticed and shall be conclusive proof, so far as the State or any person is thereby declared to be entitled to any land or to any share of or interest in any land, that the State or such person is entitled to such land or to such share of or interest in the land free of all encumbrances whatsoever other than those specified in such order and that subject to the encumbrances specified in such order such land or share or interest vests absolutely in the State or in such person to the exclusion of all unspecified interests of whatsoever nature and, so far as it is thereby declared that any land is not claimed by the State or that some person unascertained is entitled to a particular share of or interest in any land,

Settlement orders when published to be proof of title, &c.

that the State has no title to such land or that some person unascertained is entitled to such share of the land or that such interest in the land exists and that some person unascertained is entitled thereto, as the case may be :

Provided that nothing in this section contained shall affect the right of any person prejudiced by fraud or the wilful suppression of facts of any claimant under the notice from proceeding against such claimant either for the recovery of damages or for the recovery of the land awarded to such claimant by the order.

Registration of settlements.

9. (1) The Settlement Officer shall, before any settlement order is published under section 8, send a copy thereof to the Registrar of Lands of the registration district within which the lands in respect of which such order has been made are situated or, in any case in which such lands are situated in more registration districts than one, send a copy of the portion of such order relating to each registration district to the Registrar of Lands of that district. The Registrar of Lands shall, upon receipt thereof, enter in the books prescribed by the Registration of Documents Ordinance for the registration of instruments affecting land the particulars prescribed by that Ordinance of every settlement to which such copy relates as though such copy were an instrument affecting land presented for registration under that Ordinance, and shall note upon the copy in the proper column the reference to the volume and folio in which each such entry has been made and return the copy to the Settlement Officer ; and every such settlement shall, upon the publication of the order under section 8, be deemed to have been registered under the said Ordinance on the day on which the order was so published :

Provided that it shall not be necessary for the Settlement Officer to comply with the provisions of this subsection in any case in which any settlement order or portion thereof relates to the settlement of any land or share of or interest in any land in favour of the State or of any unascertained person ;

Provided, also, that for the purposes of this subsection it shall not be necessary to embody in any such order or in any schedule subjoined thereto any description of the boundaries of any land to which such order relates if such land is delineated in a plan purporting to be signed by the Surveyor-General or by some person acting on his behalf and is described in such order by reference to such plan, anything in section 13 of the Registration of Documents Ordinance, to the contrary notwithstanding.

(2) The particulars of every settlement to which the copy of any settlement order or of any portion thereof sent to the Registrar of Lands in accordance with subsection (1) relates shall be entered by the Registrar of Lands in a new folio to be allotted by him, and an instrument affecting the land so settled which is registered after the date on which such order or portion thereof was deemed to have been registered shall not be deemed to be duly registered unless it is registered in or in continuation of the new folio allotted as aforesaid.

(3) Notwithstanding anything in the Registration of Documents Ordinance, no fee shall be chargeable in respect of the registration of any settlement under this section.

10. (1) No land which has been declared under the proviso to section 5 (4) (c) to be State property set apart for the purpose of a communal chena reserve shall at any future time be used for any other purpose except by the State and with the consent of two-thirds of the persons present at a meeting of the inhabitants of the village for the benefit of which it has been set apart summoned, after such notice as he shall deem sufficient, by the Government Agent in charge of the administrative district within which such land is situated :

Lands declared under section 5 (4) (c) to be communal chena reserves not to be otherwise used without the consent of the inhabitants of the village.

Provided that it shall be lawful for the State to grant or lease portions of any such land to any persons who permanently reside in the village for the benefit of which it has been set apart and who do not own or possess an extent of land sufficient in the opinion of the Government Agent as aforesaid for their own support and for that of their families.

(2) The Government Agent in charge of the administrative district within which is situated any such land to the use of which for a purpose other than that of a communal chena reserve consent has been given as provided in subsection (1) shall give notice of such consent in the Gazette, and no such consent shall be valid or of any effect in law unless a notice in respect thereof has been published in the Gazette as provided in this subsection.

(3) In this section the term "inhabitant" shall have the same meaning as it has in the Village Councils Ordinance.

Establishment, constitution, &c., of board for considering and deciding applications under section 6 (4).

11. (1) There shall be established a board to consider and decide applications made under section 6 (4). The board shall consist of the following members to be appointed by the Minister—

- (a) an officer selected from Class I of the Sri Lanka Administrative Service; and
- (b) an attorney-at-law of the Supreme Court of Sri Lanka of not less than ten years' standing.

(2) (a) It shall be lawful for the Minister to make rules regulating or making provision for—

- (i) the form and manner of proceeding to be observed by the board in considering applications as aforesaid; and
- (ii) any other matter which may be necessary for carrying out the provisions of this Ordinance in relation to the board.

(b) All rules made under this subsection shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by Parliament, such rules shall be deemed to be rescinded as from the date

of such disapproval, but without prejudice to anything already done thereunder; and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

(c) Subject to such rules the proceedings of the board shall be conducted without regard to matters of judicial form.

(3) (a) Stamp duty shall be chargeable in respect of petitions addressed to the board under section 6 (4) at the rates specified in the Second Schedule.

(b) Every claimant to land or to a share of land who makes an application to the board under section 6 (4) shall declare in his petition the aggregate extent of land or of the share of land in respect of which he considers that an offer should have been made to him under section 6 (1) in satisfaction of his claim; and stamp duty shall be chargeable in respect of such petition in accordance with the extent so declared.

(c) For the purposes of paragraph (b) of this subsection, the extent of a share of land shall be deemed to be the equivalent divided extent of land.

(d) It shall be lawful for the board, if it thinks proper to do so, to waive the stamp duty chargeable in respect of any petition or to accept, upon such terms and conditions as it thinks fit, any petition which has not been duly stamped or to order that the whole or any part of the stamp duty paid in respect of any petition be refunded.

(4) In any case in which the members of the board are unable to agree with regard to the decision of any application as aforesaid, they shall apply to the Minister to appoint a supernumerary member of the board to assist them in making such decision. Such supernumerary member shall be appointed from among the attorneys-at-law of the Supreme Court of Sri Lanka of not less than ten years' standing for the purpose of considering and deciding such application and, if after the appointment of such supernumerary member the members of the board including the supernumerary member

are unable to agree with regard to the decision of such application, the opinion of the majority shall prevail.

Reference to District Judge or Judge of Primary Court.

12. (1) If any claimant fails, within the period of one month prescribed by section 6(7) or within such longer period as the Settlement Officer may allow under that subsection, to enter with the Settlement Officer into an agreement under section 5(4) (c), the Settlement Officer shall, if he has not made a declaration under section 5(4) (a) that the land in respect of which or in respect of a share of or interest in which the claim is made is not claimed by the State or a declaration under section 5 (7) that such land has ceased to be the subject of proceedings under this Ordinance, refer the claim or any portion thereof which is in dispute between himself and the claimant to the District Judge of the district within which the land is situated.

(2) Notwithstanding the provisions of subsection (1), whenever the Settlement Officer and the claimant agree that any claim or portion thereof which is in dispute shall be referred to the Judge of the Primary Court of the division within which the land affected is situated, the Settlement Officer shall refer it accordingly, and thereupon the Judge of the Primary Court may exercise and perform in respect of such reference all the powers and duties vested by sections 13, 14, 15, 18, 19, 20, 21 and 22 in the District Judge; and the expression "District Judge", wheresoever in subsection (1) of this section and in sections 13, 14, 15, 18, 19, 20, 21, 22, 26 and 27 occurring, shall be deemed to include a Judge of the Primary Court to whom any such reference has been made.

Reference of two or more claims and limitation at hearing of reference to matters referred.

13. (1) It shall be lawful for the Settlement Officer in referring any claim to a District Judge under section 12 to include any other claim in the reference :

Provided that the District Judge may, if he thinks that, in any case in which two or more claims have been included in one reference by the Settlement Officer, such claims cannot conveniently be dealt with together, at any time before the decision of such claims order that any one or more of them be dealt with separately.

(2) No matters other than those included in the reference shall be adjudicated upon at the hearing of the reference nor shall any issue be framed or decided as between the State and any party not mentioned in the reference.

14. (1) Upon a reference being made to him as aforesaid, the District Judge shall cause to be served on every claimant named in such reference a notice requiring him to furnish to such District Judge on or before a date to be specified in the notice a written statement setting out the nature and extent of his claim. Every such statement of claim shall name the Settlement Officer as the party defendant on behalf of the State.

Notice to claimant to furnish statement of claim.

(2) Any two or more claimants named in any reference may embody their claims in one statement of claim.

15. (1) If no statement of claim is furnished by the claimant in pursuance of the notice served upon him under section 14(1), the District Judge shall cause to be affixed in some conspicuous place on the land specified in the reference a notice to the effect that, if the claimant does not, on or before a day to be specified in the notice, appear before the District Judge and state the particulars of his claim, he will be declared to have withdrawn his claim.

Procedure when no statement of claim furnished.

(2) If the claimant does not appear and state the particulars of his claim in pursuance of the notice, the District Judge shall declare that he has withdrawn his claim.

(3) A declaration by the District Judge under subsection (2) that any claimant has withdrawn his claim shall be equivalent to and be deemed to be a withdrawal of such claim by agreement entered into under section 5(4) (c).

16. Subject to the provisions of section 19 (2), it shall be lawful for any party to any reference made under this Ordinance to appear by his attorney-at-law at any stage of the proceedings in respect of such reference.

Parties may appear by attorney-at-law.

17. The proceedings in respect of references made under this Ordinance shall, except as in this Ordinance otherwise provided, be regulated by the provisions of the Civil Procedure Code, so far as the said provisions are applicable.

Proceedings on reference to be regulated by Civil Procedure Code.

Reference cases to have precedence.

18. The District Judge shall give the proceedings in respect of references made under this Ordinance precedence of all other business, unless in his opinion special circumstances of urgency in any particular case otherwise require.

(2) The District Judge on receiving such petition of appeal shall transmit it, together with all the papers and the proceedings relating to the reference, to the Registrar of the Court of Appeal, and such appeal shall have precedence of all other appeals.

Procedure when statement of claim furnished.

19. (1) The District Judge shall, as soon as the statement of claim required by the notice served under section 14 (1) has been furnished, or as soon as the claimant has appeared in pursuance of the notice prescribed by section 15 (1) and stated the particulars of his claim, fix a day, of which notice shall be given to the parties, for their appearance and for the hearing of the reference; and on the day so fixed the parties shall bring their witnesses into court together with any documents upon which they intend to rely.

(3) Stamp duty shall be charged upon every such petition of appeal at the rate specified in Part II of Schedule A to the Stamp Ordinance,* for similar petitions in the District Court, and upon subsequent proceedings at the rates specified in the said Schedule for appeals from the District Court.

(2) It shall be lawful for the District Judge to require the personal attendance of any claimant at any stage of the proceedings.

(4) Every such appeal shall be dealt with in the manner in which appeals from the District Court are dealt with, and upon the determination thereof the Court of Appeal shall by order either dismiss the claim or make any declaration which could have been made by the District Judge under section 20.

Procedure on hearing.

20. On the day fixed for the hearing of the reference or on any day to which the hearing is adjourned the District Judge shall proceed to examine the witnesses tendered by the parties and, upon such examination and after inspecting the documents produced by the parties and making any further inquiry that may appear necessary, shall by order either dismiss the claim or declare that the claimant is entitled as against the State to the whole or to any part, as the case may be, of the land or of the share of or interest in the land in respect of which the claim has been made and shall make such order as to costs as he may think appropriate in the case.

23. Every order made under sections 20 or 22 shall be embodied in a decree which shall for the purposes of the settlement order to be made under section 5 (5), if and in so far as by such decree the claim of any claimant is dismissed, be equivalent to and be deemed to be an agreement for the withdrawal of such claim under section 5 (4) (c) and, if and in so far as by such decree any claimant is declared to be entitled as against the State to any land or to any share of or interest in any land, be equivalent to and be deemed to be a declaration by the Settlement Officer under section 5 (4) (a) or (b) that such land is not claimed by the State or that some person unascertained is entitled to such share of or interest in such land, as the case may be.

Equation of decrees of court with settlements.

The District Judge may order a fresh survey.

21. Whenever the District Judge is of opinion that a fresh survey is necessary for the purpose of hearing any reference made under this Ordinance, he may order such survey to be made.

24. (1) Notwithstanding anything in section 8, it shall be lawful for any person, within a period of twelve months from the date of the publication under that section of any settlement order embodying the settlement of any land or of any share of or interest in any land, in any case where such land, share or interest has been declared under section 5 to be the property of the State, to make by petition, to which the Settlement Officer shall be named as respondent, presented to the District Judge

Claims before the District Judge within one year from publication of settlement order in respect of lands, &c., declared to be the property of the State.

Appeals.

22. (1) Any party to any reference who is dissatisfied with the decision of the District Judge thereon may appeal to the Court of Appeal against such decision by lodging with the District Judge within thirty days from the date of the decision a petition of appeal addressed to the Court of Appeal.

* See also the Stamp Duty Act, No. 43 of 1982.

of the district within which such land is situated a claim to, or to compensation in respect of, such land or share or interest :

Provided that no such petition shall be entertained by any District Judge—

(a) if the person presenting it has previously entered into an agreement with the Settlement Officer under section 5 (4) (c) by which he has withdrawn his claim to such land or share or interest ; or

(b) if such person's claim to such land or share or interest has previously been dismissed by the District Judge under section 20 or by the Court of Appeal under section 22 ; or

(c) if such person fails to show good and sufficient reason for not having made his claim before the Settlement Officer either within the period prescribed by section 4 (1) or, in any case in which it was within the said period brought to the knowledge of the Settlement Officer that some person who was absent from Sri Lanka had a claim to such land or share or interest, within the further period prescribed by the proviso to section 5 (1).

(2) The presentation of and the proceedings in relation to every such petition shall be subject to the provisions of Chapter XXIV of the Civil Procedure Code, relating to summary procedure by petition, and if after investigation of the claim the District Judge is of opinion that it has been established, wholly or in part, he shall—

(a) if the land to which or to a share of or interest in which such claim relates has been alienated or settled on a claimant under the provisions of this Ordinance by the State or has been utilized for any public purpose, make order that the claimant shall receive from the State by way of compensation a sum representing the fair market value, as assessed by the District Judge, of such land or share or interest or, in any case in which the District Judge is of opinion that the claim has been established only in part, such smaller sum as the

District Judge considers to be proportionate to that part of the claim which has in his opinion been established ; or

(b) if the land to which or to a share of or interest in which such claim relates has not been alienated by the State and has not been utilized for any public purpose, make order that the State shall transfer to the plaintiff the whole or any part, as the case may be, of such land or share or interest.

(3) Every order made under this section shall be expressed as an award, which shall be in full satisfaction of the claim and shall be a bar to any further claim against the State by any person whomsoever in respect of such land or share or interest.

25. (1) Notwithstanding the provisions of any other written law, it shall be lawful for the Settlement Officer, if, after holding such inquiry as he considers necessary, he is satisfied that any claimant or any person on whose behalf a claim is made or any person who the Settlement Officer thinks has a claim under section 4 (4) is a minor or a person of unsound mind, to appoint a fit person as curator or manager of the estate of such minor or person of unsound mind, as the case may be, for the purpose of the investigation and settlement of the claim.

Appointment of curator or manager for purposes of claim.

(2) The Settlement Officer shall, immediately upon making such appointment, send to the District Judge of the district within which the land to which or to a share of or interest in which the claim relates is situated a certificate in duplicate, which shall be signed and dated by him and shall specify—

- (a) the particulars of the claim ;
- (b) the name and address of the minor or person of unsound mind by or on behalf of whom the claim is made ;
- (c) the name and address of the person appointed as curator or manager ;

(d) the date on which the appointment was made ; and

(e) the reason for making the appointment.

(3) The District Judge shall on receipt of the certificate by order sanction the appointment, or disallow it and appoint some other person ; and where the District Judge sanctions the appointment it shall be valid from the time at which it was made by the Settlement Officer.

(4) It shall not be necessary for the District Judge, before he sanctions or disallows the appointment, to require the Settlement Officer, the curator or manager appointed by the Settlement Officer, the minor or the person of unsound mind, or any other person, to appear before him.

(5) The District Judge shall endorse his order upon both duplicates of the certificate and shall file one duplicate in his court and return the other duplicate to the Settlement Officer. The Settlement Officer shall file the duplicate so returned in the record of his proceedings in respect of the claim and the appointment shall be as valid and effectual for the purpose of the investigation and settlement of the claim as though the person appointed had been granted a certificate of curatorship to the estate of the minor, or had been appointed manager of the estate of the person of unsound mind, under Chapter XL or Chapter XXXIX of the Civil Procedure Code, as the case may be.

(6) No stamp duty shall be payable in respect of such appointment, anything in the Stamp Ordinance* to the contrary notwithstanding.

Award of compensation by the Minister.

26. Nothing in this Ordinance shall be deemed to prevent the Minister, if any claim is established to his satisfaction and notwithstanding that the claimant has not made his claim within the time prescribed by this Ordinance, or has not made a statement of claim upon being noticed by the District Judge under section 14 or has not appeared and stated the particulars of

his claim in pursuance of a notice affixed on or near any land under section 15, from awarding to the claimant such compensation in land or in money or in land and money as the Minister may think proper.

27. Every person engaged in carrying out any order made by the Settlement Officer, the board, or any District Judge in pursuance of the powers or duties conferred or imposed by this Ordinance shall be deemed to be a public servant within the meaning of the Penal Code.

Persons engaged in carrying out orders of Settlement Officer, &c., to be public servants.

28. For the purpose of holding or making any inquiry or inspection or of considering and deciding any application under this Ordinance, the Settlement Officer and the board shall have the powers conferred on a commission appointed under the provisions of the Commissions of Inquiry Act.

Settlement Officer and board to have powers of commission under the Commissions of Inquiry Act.

29. Every return made by a Fiscal to process issued under section 5(3) shall be duly verified by the oath or affirmation of the officer employed to execute the same, and for such purpose the Fiscal is hereby authorized to administer such oath or affirmation.

Verification of service of process.

30. Any proceedings instituted or taken under this Ordinance by any person as Settlement Officer may be continued by any other person as Settlement Officer.

Proceedings under the Ordinance not invalidated by change of Settlement Officers.

31. The Settlement Officer shall not be liable in damages by reason of anything in good faith done or omitted to be done in his official capacity.

Protection of Settlement Officer.

32. (1) Any order made after the commencement of this Ordinance under section 2 or section 4 of Ordinance No. 1 of 1897† in respect of any proceeding under that Ordinance which is pending or incompleated when this Ordinance comes into operation may, notwithstanding the provisions of any written law other than this Ordinance, be made in form No. 2 in the First Schedule to this Ordinance (amended as may be necessary), and such order shall be valid and effectual for all purposes,

Order in respect of proceedings under Waste Lands Ordinance pending at the date of commencement of this Ordinance to be made in form No. 2 in First Schedule.

* See also the Stamp Duty Act, No. 43 of 1982.

† Repealed by Ordinance No. 20 of 1931.

notwithstanding the non-recital therein of any absence of claims, failure of any claimant to make a claim, failure of any claimant to appear or to produce any evidence or documents, withdrawal by any claimant of his claim, admission of the whole or any part of any claim or agreement. (2) Every order made under this section shall have the same force as an order made in consequence of proceedings under this Ordinance.

FIRST SCHEDULE

Form No. 1

LAND SETTLEMENT ORDINANCE Settlement Notice

[Section 4 (5).]

Notice is hereby given, under section 4 of the Land Settlement Ordinance, that if no claim to (the land)* (any one of the lands) † specified in the schedule hereto or to any share of or interest in (the said land)* (such land) † is made to the undersigned within a period of three months from the ... day of ..., 19 ... , (the said land)* (such land) † will be declared under section 5 (1) of the aforesaid Ordinance to be the property of the State and will be dealt with on account of the State.

Given at the Settlement Office, Colombo, the Kachcheri,

this ... day of ..., 19

Settlement Officer. Assistant Settlement Officer. Government Agent of the ... District.

* If the notice relates to only one land. † If the notice relates to more lands than one.

Schedule

(Here specify the land or lands in respect of which the notice is published.)

Form No. 2

LAND SETTLEMENT ORDINANCE Settlement Order

[Sections 5 (5) and 32.]

Whereas a settlement notice under section 4 of the Land Settlement Ordinance was duly published in the Gazette No. ... of ..., 19 ... , and as otherwise required by the said section, in respect of the land (s) situated in ... and described as lot (s) ... in ... Plan No. ... :

And whereas all claims received in pursuance of the said notice have been duly dealt with in accordance with the provisions of the said Ordinance :

[Or, And whereas no claims have been received in pursuance of the said notice :]

I, the undersigned, in pursuance of the powers conferred on me by section 5 (5) of the said Ordinance, do hereby make order that the said land (s) be settled as specified in the schedule to this order.

Given at the Settlement Office, Colombo, the Kachcheri,

this ... day of ..., 19

Settlement Officer. Assistant Settlement Officer. Government Agent of the ... District.

[Form No. 2—contd.]

Schedule

Lot No.	Sub-divisional Lot No.	Extent	No. of Title Plan	Subsection under which settled	On whom settled	Remarks (Shares, interests, encumbrances, Nos. of Reference Cases, &c.)	Land Register Office at which registered	Volume No.	Folio No.
1		A. R. P. 2 0 00	999,901	5 (4) (c)	A, of _____ B, of _____ C, of _____	Settled in undivided shares of one-third each			
2	2A	10 3 24	—	5 (1) and 5 (4) (c)	The State . . .	Subject to a right of way from point X to point Y as shown in _____ plan No. _____ in favour of the owner of land Z.			
2	2B	2 2 02	—	5 (4) (a)	Not claimed by the State				
2	2C	25 2 27	—	5 (1) and 5 (4) (b)	The State . . .	Subject to the right of some person unascertained to a one-fifth share: see judgment in D. C. _____ case No. _____			
3		7 3 31	999,902	5 (4) (c)	D	Subject to Mortgage Bond No. _____ of _____ attested by _____			
4		8 1 01	—	5 (4) (c)	The State . . .	Communal chena reserve			
5		10 0 00	—	5 (1)	The State . . .				

Appendix

I, the undersigned, hereby, in pursuance of the powers conferred on me by section 5 (7) of the Land Settlement Ordinance, declare that the land (s) described as lot (s) _____ in _____ Plan No. _____ has (have) ceased to be the subject of proceedings under the said Ordinance.

the Settlement Office, Colombo.
Given at _____

the Kachcheri,

this day of, 19

.....
Settlement Officer.
Assistant Settlement Officer.
Government Agent of the
..... District.

LAND SETTLEMENT

[Cap. 299

Form No. 3

THE LAND SETTLEMENT ORDINANCE

[Section 5 (6).]

Certificate

It is hereby certified that the Minister has consented to the settlement (s) embodied in the above settlement order in so far as such settlement (s), (other than settlements, if any, made in pursuance of or by decree of court), relate (s) to any land or to any aggregate of lands exceeding ten acres in extent.

Dated at Colombo, this day of, 19

Land Commissioner.

Form No. 4

LAND SETTLEMENT ORDINANCE

[Section 4 (3).]

Settlement Notice No. calling for claims to lands in * in † Plan No. in ‡ of the District has been published in Gazette No. of

For further information apply to the undersigned.

Settlement Officer.
Assistant Settlement Officer.
Government Agent of the District.

* Village or area. † Description of plan. ‡ Locality.

SECOND SCHEDULE

LAND SETTLEMENT ORDINANCE

[Section 11 (3) (a).]

Rates of Stamp Duty chargeable in respect of Petitions

1. If the claim is to the full ownership of any land or share of a land and the aggregate extent of land or of the share of land which the claimant has declared to be the extent in respect of which he considers that an offer should have been made to him in satisfaction of his claim—

Table with 2 columns: Land extent description and Rate (Rs. c.). Rows include 'Does not exceed 2 acres' (1 0), 'Exceeds 2 acres, but does not exceed 5 acres' (1 50), 'Exceeds 5 do. 10 acres' (3 50), 'Exceeds 10 do. 20 acres' (6 0), 'Exceeds 20 do. 40 acres' (12 0), 'Exceeds 40 do. 60 acres' (25 0), 'Exceeds 60 do. 80 acres' (50 0), 'Exceeds 80 do. 100 acres' (75 0), and 'Exceeds 100 acres' (100 0).

2. If the claim is to an interest 5 0