

CHAPTER VIII
DEMARCATION SURVEYS
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CHAPTER VIII**DEMARCATION SURVEYS****Preliminary Investigation of Demarcation Surveys**

- 8.1** After the Settlement Officer receives prints of Block Survey plans he makes enquiries in the field and sends to the S.G. a memo of demarcations together with a sketch on a copy of a Village Plan.
- 8.2** Additional work should not, as a rule, be attended to at the direct request of the Settlement Officer without reference to Head Office. It is desirable that every assistance should be given the Settlement Officer by officers of this Department, but if any additional work asked for is, in the opinion of the District Senior Superintendent, not justified or is likely to be of a protracted nature, the matter should at once, be referred to Head Office for instructions.
- 8.3** District Senior Superintendents of Surveys must keep Head Office fully informed of any important communications between the Settlement Officer and field officers of this Department.
- 8.4** District Senior Superintendent of Surveys should discuss matters requiring elucidation with the Assistant Settlement Officer when he is in the Province. For such purposes District Senior Superintendent of Surveys may correspond direct with the Settlement Officer, inquiring when the Assistant Settlement Officer in charge of any particular village will be next on circuit, so that an appointment can be made.

Field Work

- 8.5** The Settlement Officer's requirements must be carefully scrutinized in the field to see that they are not contrary to departmental regulations, and that the required extents are available, Superintendents of Surveys may with the approval of the District Senior Superintendent of Surveys correspond direct with the Settlement Officer regarding difficulties arising out of encroachments, insufficient extents, access or claimants. Explanatory tracings with suggestions should be forwarded at the same time. Copies or such correspondence should be forwarded with the certified copied of plans, and reference made to them in the Surveyor's report to Head Office.
- 8.6** Demarcation Surveys should be so organized that extensive work in a village in suitably divided amongst two or more surveyors and dealt with in parts. Each part of the work should have a separate report and must be signed for on the margin of the A3 sheet.
The Superintendent of Surveys should examine and pass the work as each part is completed.
- 8.7** The boundaries will be surveyed in accordance with the Settlement Officer's requirements, as illustrated by sketches, and the Grama Niladhari or an authorized

substitute, should attend to supply any information required. A Grama Niladhari's certificate should be sent with the plans of each Demarcation Requisition. The boundaries of allotments should be pointed out to allottees in the presence of the Grama Niladhari or his substitute. Addresses of non-resident recipient of allotment can be obtained from the Demarcation Memos. If boundaries are not pointed out to any particular allottee, the reason should be given in the report.

- 8.8** The original Block Survey pickets must be used for subsequent resurveys of any of the original Block Survey boundaries.
- 8.9** It will be sufficient in burying additional landmarks to re-chain the old line and enter the work on a new page of the field book, comparing the new survey with the original survey. The landmarks can then be plotted on the original sheet, which must be signed by the surveyor.
- 8.10** Where it becomes necessary to re-lay lines, they should be copied from the old field book into the new, in pencil, and inked in black, as they are re-laid.
- 8.11** The angular and linear misclosures on an old picket, after relaying must be clearly shown in the new field book.
- 8.12** The definition of boundaries scaled off a plan must be done in accordance with D.S.R. 9.85-9.88.

Error Limits of Extent for Land Settled

- 8.13** When the Settlement Officer has asked for an Extent 'more or less' to be demarcated, any deficit in the extent must be within the limit of error allowed in the sliding scale for computations, and any excess must not be more than twice that limit. In areas where land is not of much value, the deficit can be increased to twice the permissible error of computations when the extent of the allotments is over 0.2023 hectare (2 roods) and the excess can be increased to four times the permissible error when the allotment is 0.4047 hectare (one acre) or less and under, and balance area is available. This should not be done without the sanction of the Superintendent of Surveys.
- 8.14** Where an allottee has cultivated land in excess of the extent settled on him, the extent can be increased up to a limit of four times the error allowed, or, where land is not of much value, up to 15 per cent of the extent of the Settlement Officer's allotment, whichever is greater to include the excess cultivation, provided balance area is available.
Any cultivation in excess of this limit should be landmarked, lotted separately and reported on, provided it falls within the balance area.

Opportunities to change the original Extent

- 8.15** The original extents of Block Survey lots are to be retained as far as possible. They should only be altered under the following conditions: -

- (a) When careful and rigorous re computation in connection with new work proves the computation of the original area to be beyond the limit of error allowed.
- (b) When a definite alteration in the boundary of a lot is made on the ground and on the plan, the areas of all the lots affected will be amended even it is within allowed error.

8.16 District Senior Superintendents of Surveys must use their discretion in such amendments and consider each case on its merits. The continual amendment of records should be avoided. In the case mentioned in paragraph 8.15 (a), the matter must be reported to Head Officer at once.

Agreements with Settlement Orders

8.17 Demarcations in connection with the issue of Settlement Orders under the Land Settlement Ordinance have to be carried out in terms of agreements between the Settlement Officer and claimants. These agreements are signed by both parties, and are binding on both. Once both parties have signed, no alteration in the wording can be made without re-opening the inquiry and obtaining the signatures of both parties to that alteration. The Attorney-General's ruling is very strict on this point. Consequently the Settlement Officer will not accept demarcations, which involve any alteration in the wording of the agreements.

8.17.1 Example 1- A claimant and the Settlement Officer sign an agreement by which the claimant is to receive 2.0234Ha (5acres) of lots 21 and 22. The Settlement Officer calls on this Department to carry out the demarcation, which he states is to be declared private by Settlement Order under the Land Settlement Ordinance. The claimant is fully aware of the situation of the 2.0234 Ha (5acres) and the sketch clearly shows that it lies in both lots. If the 2.0234 Ha (5acres) is surveyed in lot 21 only, at the request of the claimant at the time of survey, it will not agree with the wording of the agreement and, either he demarcation will have to be altered, or the agreement altered by striking out the Word "lot 22". The latter course would mean the re-opening of the inquiry, involving the summoning of the claimant, and a special visit by the Settlement Officer; the amended agreement would have to be signed by both parties, a fresh report written by the Settlement Officer and, in some instances, passed by the Attorney-General before final approval. The time, labour, and expense involved in this course would probably be considerably greater than the cost of amending the survey.

8.17.2 Example II - Several claimants and the Settlement Officer sign an agreement by which the claimants jointly are to receive 491.3736Ha (1,214acres 34 perches) more or less, out of lot 4. The Settlement Officer calls on this Department to carry out the demarcation, which he states is to be declared private by Settlement Order under the Land Settlement Ordinance. The demarcation sketch shows that the area is in lot 4 only; but the surveyor, in making the demarcation, straightens the common boundary

of lots 4 and 5; thereby including small portions of lot 5, which has been declared State under the Land Settlement Ordinance, in the area now to be declared private.

The Settlement Officer cannot accept this as he is precluded from issuing a private order for any subdivisions of lot 5, which has already been declared State and legally he is strictly bound by the wordings of the agreement that the demarcation is to be cut out of lot 4.

- 8.18** The cases cited clearly show that demarcations under the Land Settlement Ordinance or the Waste Land Ordinance must be strictly and literally carried out. The demarcations must lie precisely in the lots stated. No subsequent alteration in the boundaries or the inclusion of portions of other lots whether amicably arranged between a surveyor and the grantees or not, can be considered, any more than they would be considered in case of a Title Plan and State Grant, which had been signed, sealed and delivered. An adjustment, which may seem very simple in the field, may be impossible, or very difficult, from a legal point of view.
- 8.19** The integrity of each Block Survey lot should be maintained and an allotment falling within two Block Survey lots should be separately lotted in each.
- 8.20** If there is any great difficulty in carrying out the requirements of the Settlement Officer, the matter must be reported, and the demarcation must await further instructions. If it appears that the survey indicated cannot physically or equitably be made to fulfill the wording of the agreement, the Settlement Officer will take the necessary steps for re-opening the inquiry and making necessary amendments. He cannot agree to alterations prompted by second thoughts of claimants or the suggestions of surveyors.

Discrepancies between the sketches and Settlement Officer's requisitions for demarcations should be reported to the District Senior Superintendent of Surveys, for reference to Head Office, if necessary.

Encroachments

- 8.21** Encroachments on lands settled under the Land Settlement Ordinance and on lands to be sold outside that Ordinance should always be reported to the Settlement Officer with full particulars of their approximate extents, age of cultivation, names of encroachers, etc., and instructions sought for their survey.

Encroachments in all other areas will be surveyed as laid down in D.S.R. 9.94 – 9.105.

Demarcating Reservation

- 8.22** In lands settled under the Land Settlement Ordinance or declared not claimed by the State, reservations will be surveyed and defined according to the extent available, and in no case at the expense of the extent to be settled or declared not claimed by the State. The Settlement Officer's approval should, however, be obtained before reservations not shown in his sketch are surveyed.

8.23 In lands to be sold outside the Land Settlement Ordinance, standard reservations for adjacent streams should always be demarcated. Where a balance area is not available for this purpose, the extent to be sold can be reduced without reference to the Settlement Officer but if there is a balance area available, the Settlement Officer should be asked in what position the land to be sold should be surveyed.

8.24 Where encroachments are surveyed, standard reservations for adjacent streams should be demarcated.

Plan work

8.25 Earlier Demarcation Surveys were plotted direct on the Block Survey sheets in the field and the plan were drawn on the same lines as laid down for the original Block Survey plans. For method of lotting, see paragraphs 12.48-12.51. But now the separate A3 field sheets are taken up for this survey as well.

8.26 The Grama Niladhari's name must be given on the supplementary A3 size tenement list as in the original Block Survey Tenement Lists. Tenement form 242, which is used earlier, is not in use now.

8.27 Cultivation and land use references must be entered against the lots in tenement lists of Demarcation Surveys, in accordance with D.S.R 12.56.

8.28 Requisitions for Survey made during Demarcation Surveys will be drawn on A3 field sheets (not on old chain scale Block Survey sheets). Supplementary tenement lists will be made for them on A3 size tenement list.

8.29 If a portion of the original Block Survey work is found, during subsequent surveys to be in error, or a portion of the Block Survey sheet has become congested or spoiled, a detailed report will, at once, be sent to Head Office for instructions.

8.30 When a lot is found to be incorrect or incomplete the District Senior Superintendent of Surveys will immediately report the matter in detail to Head Office. He should give his opinion on the best method of rectifying the error, and should forward an explanatory tracing. The Settlement Officer will then be consulted and instructions for rectifying the error will be issued.

Plan Checking

8.31 A report should be sent with each completed survey.

8.32 The surveyor must show clearly, over his signature in A3 field sheet the work for which he is responsible. The month and year in which the survey was made should be given.

8.33 The Superintendent of Surveys and the District Senior Superintendent of Surveys will sign the plan below the surveyor's signature.

- 8.34** The Superintendent of Surveys will insert, under the certificate concerning checks, references to the field book in which his checks will be found, and sign this endorsement.
- 8.35** Pattern of lettering and size of them should be shown as Block Survey Sheets.
- 8.36** Requisition of Settlement officer and other requisitions should be signed and send to SGO with supplementary TL and Surveyor General's Village Plan Copy.
- 8.37** In examining Demarcation Surveys, District Senior Superintendents of Surveys and Superintendents of Surveys and surveyors should ascertain whether: -
- (i) Settlement Officer's requirements have been carried out.
 - (ii) Computations have been correctly adjusted.
 - (iii) Supplementary tenement list is correctly written.
 - (iv) Reference has been made to old and new work.
 - (v) Amendments to tenement lists have been made.
 - (vi) Requisitions have been cancelled in registers and diagrams

Document Amendments

- 8.38** Original Block Survey boundaries, letters, or figures must not be erased from a plan. If they have to be amended, they should be neatly crossed out or clitched.

Any error in the Block Survey plan or field book should be referred to District Senior Superintendent of Surveys for instructions.

Amendments to tenement Lists requested by the Settlement Officer will only be carried out after verification in the field and amendment of the Field Books where necessary. The field verification should be done within 2 weeks of receipt of notification in the District S.O. Only visual inspection and location of lots are necessary for this purpose. No re-opening of boundaries is involved.

- 8.39** New boundaries, landmarks, chain lines, pickets, field book references & etc. will be shown on the Block Survey sheet to accord with the original Block Survey.
- 8.40** Where landmarks are inserted on a common village boundary in connection with new work, the landmarks must be shown on the Block Survey sheet, and tracings should be forwarded for the amendments of necessary copies of the Village Plans or Final Village Plans of the adjoining villages.

Bill of cost

- 8.41** When it is needed to calculate the cost for any special survey, bill of cost should be prepared according to the instructions given by circulars issued by the Surveyor general from time to time.
- 8.42** Senior Superintendent of Surveys should carefully check each item and the cost included according to the work load, cost for the special survey included in the form should be checked whether the actual bill was prepared by the surveyor.

Terms under Land Settlement Ordinance

- 8.43** Some terms used in Demarcation Requisitions are defined below: -

“Settled under the L.S.O.” – A settlement of claim by agreement with a private party or parties under the provisions of paragraph 5 (4) (c) of the Land Settlement Ordinance, whereby a person or persons is or are declared entitled to an extent of land either on the payment of a sum of money or without any payment.

“Sold outside the L.S.O.” – A sale outside the provisions of the Land Settlement Ordinance, of the rights of the State to a land which is at the disposal of the State.

“Declared not claimed by the State”. – A declaration under paragraph 5 (4) (a) of the Land Settlement Ordinance, which disclaims State rights to a land. This does not vest title in any particular party.

“Ceased to be the subject of proceedings under the L.S.O.” – A declaration under section 5 (7) of the Land Settlement Ordinance which excludes from the provisions of the Land Settlement Ordinance a land specified in a Land Settlement Notice.

Progress Report

- 8.44** These returns should be prepared as in [Annexure 01](#). No diagrams need be maintained. Surveyors should send their returns to the Superintendents of Surveys by the 1st of the following month. The Superintendents of Surveys should send to his District Senior Superintendent of Surveys his return, in respect of the party, by the 5th of the month.
- Senior Superintendent of Surveys should send to the Provincial Survey General Office a similar return, in respect of his district by the 10th of the month with copy to Senior DSG (LIS)
- Superintendent of Surveys should also maintain a register as in [Annexure 02](#)

- 8.45** Certified copies of Plans, Tenement Lists, Supplementary Tenement List should be send to The Settlement Officer with a comprehensive report by the Senior Superintendent of Surveys.

Copies of Requisitions for Survey, impotent correspondence and reports will be send to branch DM & PS of Head Office, together with the Surveyor-General's copy of completed plans and TL

DEMARCATIION SURVEYS
Progress Return of Mr. *Silva* for 2007

Month	V.P. No.	Province	Number of allotments under settlement exclusive of balance areas, access, reservations and encroachments.					Remarks	
			Total in s.o's Memo or Reqn.	Surveyed during month	Extent (acres)	Plan work completed during month	Lots still unsurveyed		
Janu. 2001	2996	N.W.P.	249	40	25	-	59	<i>Inspected on ground and reported encroachments and objections to s.o.</i>	
	3025	"	86	-	-	28	-		
Feb.	2996	"	249	40	28	-	18		
	3025	"	86	-	-	30	-		
	2991	"	76	-	-	-	-		
March	2996	"	249	19	30	60	-		<i>5 days sick leave.</i>
	2991	"	76						

Note : This form will be used by Surveyors and Superintendent of Surveys. The Surveyor will enter his name and the year in the heading, and the month in the first column.

The Superintendents of Surveys will enter the party and month in the heading, and the Surveyors' names in the first column. Requisitions received for amendment should be entered in red in the schedule

REGISTER OF DEMARCATIION REQUISITION

Settlement Officer's No. and Date	Extent in Acres	B.S.V.P. No.	Korale	Received from District S.O.	Issued		Plans passed and sent District S.O. S.G.O.	Remarks
					Date	To whom		

CORRECTION SLIPS