

CHAPTER V
COURT COMMISSION SURVEYS
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CHAPTER V**COURT COMMISSION SURVEYS**

- 5.1** Commissions are issued to the Surveyor General by the District Court in accordance with Section 18 (3) of the Partition Law No. 21 of 1977 (Chapter 82 of Legislative Enactment of Sri Lanka)
- 5.2** Commissions to Surveyor General are initiated either by a motion of the Court itself or on an application by any one of the parties involved in the court action. Whenever state lands are involved or suspected to be involved, Attorney General also will become a party to the case in order to safeguard the interest of the state. In such instances commissions may be issued by the Court to the Surveyor General on the request of the Attorney general.
- 5.3** The Court before accepting a Licensed Surveyor's plan and the field notes may request the S.G. by issuing a commission, either to certify the accuracy of the Licensed Surveyor's plan and the field notes or to prepare a fresh plan, field notes and a report.
- 5.4** Immediately after received a court commission, before proceed further action it should be checked that the commission has to be done free of charge or fees has to be charge by the respective parties.

If a survey fee has to be charged action has to be taken to prepare estimate as per latest circular on survey fees

Registrar of the court should be inform with survey fees, that to noticed relevant parties to pay survey fees and work will be commences only after survey fees received to District Survey Office, and should convey to the relevant parties.

Work should commence only after survey fees received.

Where the commission have been issued at the instance of the Attorney General, no survey fees are charged.

- 5.5** Court Commission Surveys should always be carried out strictly in accordance with the requirements of the commission.
- 5.6** Commissions received from courts to the Surveyor General will be directed to the respective District Senior Superintendent of Surveys by Document Management and Professional Standards Branch of S.G.O.

- 5.7** District Senior Superintendent of Surveys should arrange to give Top priority for the completion of these surveys, and are expected to follow the progress of each commission until such time that they are completed.
- 5.8** It will be always advisable to engage senior and / or experienced surveyors on these surveys.
- 5.9** Early estimate for completion of work should be made by the surveyor and forward to the District Senior Superintendent of Surveys through the Superintendent of Surveys. District Senior Superintendent of Surveys should see that the estimated date for completion is well within the date given in the commission.
- 5.10** The Surveyor should give notice of survey to all parties and the Grama Niladari at least seven days before the survey.
- 5.11** All necessary boundaries should be staked out, and pointed out to the parties and the Grama Niladari. No land marking will be done.
- 5.12** Plan work should be done on the scale of the original. However a larger scale may be used to illustrate the differences. If necessary such work may be shown as insets.
- 5.13** Numbered Field Books should be used for fieldwork.
- 5.14** Plan work should be done on A3 Sheet, and should be inked using colours as mentioned below. Each Licensed Surveyor's work should be shown in a different colour, and boundaries transferred from departmental plans in red. Newly surveyed boundaries, if any, will be shown in black where they do not coincide with boundaries already shown. The colours used should be indicated clearly by legend, which will explain the order in which the colours have been used. . In addition to this plan another 3 plans should be prepared on A3 Sheet with similar colours and should forwarded to court and another additional plan should be prepared and forward to Attorney General when he also party of the court case.
- 5.15** For fixation, the tracings of plans referred to in the commission should be obtained by the Surveyor personally from the original court records. Such tracings should be certified by the Surveyor treating them as true copies. In instances where the original plans are sent with the commission, they should be used to prepare tracings.
- 5.16** All fixations should be precise, and discrepancies reported in detail. In fixation tracings, the data used for fixation should be ticked off and fixation classified. Both the Surveyor and the Supervising Officer should certify the fixation tracings.

- 5.17** All State land falling within the corpus of a Licensed Surveyor's plan should be surveyed and lotted separately.
- 5.18** Lotting will be done alphabetically and all lots formed after superimpositions will be lotted and scheduled according to the requirements of each commission.
- 5.19** A schedule of lots to be prepared by the Surveyor will indicate the lot number, name of land, descriptions inclusive of cultivations with number of trees and their ages, detailed descriptions of buildings, names of claimants with their addresses, extents and remarks which should include reference to Licensed Surveyor's plan lots, state plan lots, leases, reservations and encroachments etc.
- 5.20** Surveyor should also prepare a printed detail report giving the salient points of interest to court. Digital copy of same should be send to District Survey Office along with other documents.
- 5.21** All required numbers of original copies of completed plans, Schedule of lots, report and connected documents should be signed by the Surveyor giving his name and designation. The Superintendent of Surveys will pass the work on his satisfaction of accuracy and completeness of the work, after examination and forward to the District Senior Superintendent of Surveys with all other completed connected documents.
- 5.22** The Senior Superintendent of Surveys will certified the surveyors report, all original copies of plans at A3 size, and Schedule of lots on his satisfaction of accuracy and completeness of the work on behalf of the Surveyor General.
- 5.23** The original plan and the file of papers of the requisition will be filed at the District S. O. systematically as these papers will be needed for giving evidence in courts or to brief the State Counsellor of the Attorney General's Department.
- 5.24** Where the commission has been issued at the instance of the Attorney General or where A.G. is a party to the case, additional original plan should be prepared by the Surveyor and forward to the Senior Superintendent of Surveys through the Superintendent of Surveys. In such instances the Superintendent of Surveys should forward a original plan copy of plan, schedules and the report sent to court to the Attorney General too.
- 5.25** Correspondence to courts should always be addressed to the registrar of such courts.
- 5.26** It is the responsibility of the District Senior Superintendent of Surveys to get the work completed in time and submits the plan, schedule and the report to court before the date given in the commission. If due to some unavoidable reason, work is getting delayed the

District Senior Superintendent of Surveys should write to the registrar of the court, well before the due date given in the commission, and get an extension.

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