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CHAPTER VI**ACQUISITION SURVEYS**

- 6.1** When government required to acquiring land for public purpose actions have to be taken under term of land acquisition Act. Similarly surveyors who are engage on surveying for land acquisition should acquire through knowledge on each statement and orders of land acquisition act. Action has to be taken under section 2, 3,4,5,6 of land acquisition act in respect of surveying for land acquisition and Action has to be taken under section 46 for divesting of acquired land. When engage on surveys on land acquisition, for the betterment of acquiring officer and to minimizes the disputes and secure the legality following regulation has been adhered.
- 6.2** Under section 2 of the Land Acquisition Act, the gazette notification is issued by the Minister of Land, with directives and it will be sent to the Acquiring Officer by the Ministry of Land with copy to relevant Senior Superintendent of Surveys of the District.
- 6.3** The Acquiring Officer will have the notice under section 2 (2) exhibited in some conspicuous place in that area. Simultaneously, he will issue the requisition to the Senior Superintendent of Surveys to prepare an advance tracing of the land proposed to be acquired. With that notification of issued by the Minister of Land Under section 2 (3) direction given by Ministry of Land, to prepare a advance tracing of the land proposed to be acquired, to the Senior Superintendent of Surveys as required or any other officer acting under his written directions may attend this work.
- 6.4** Immediately after receiving the requisition by the Senior Superintendent of Surveys the from Acquiring Officer, will advise the local representative of the applicant department to assist the surveyor, directed by the Superintendent of Surveys, to locate the land and demarcate its boundaries.
- Requisitions for Section 2 Surveys will be issued to the field without investigation in the District Survey Office, as old work need not be investigated during these surveys. All these surveys should be connected to National geodetic control network. These surveys should be completed with the least possible delay. The Surveyor should carry out the survey immediately on the expiry of the 7 days after issue of notice to the owner. If objections or obstructions are encountered, such information should be conveyed immediately to the Ministry with copies to the Acquiring Officer and the Surveyor-General.
- 6.5** The owner of the land should be given 7 days notice of the date of survey by registered post so that he or his representative can be present if he so desires.
- 6.6** A fortnight's notice in writing should be given to officers of the Railway and similar Departments, who may have to travel from Headquarters. In addition to the written notice other communication technique like telephones, e-mail must use to contact such officers and should make convenient appointments both parties.

- 6.7** The boundaries of all acquisition surveys must be pointed out on the ground by the officer nominated or someone duly authorized by him in writing. These letters of authority should be attached to the completed papers of the requisition.

When the officer nominated to point out boundaries does not turn up on the date fixed the surveyor will report such cases to the Senior Superintendent of Surveys through the Superintendent of Surveys. Senior Superintendent of Surveys should communicate with relevant institutions and should make working environment. If Senior Superintendent of Surveys is facing difficulties then he should inform Surveyor-General through Provincial Surveyor General to take appropriate action with the Ministry which requested the Acquisition Survey.

- 6.8** Surveyors must ensure that no damage is done to cultivation, properties and boundaries during the clearing or surveying of the land to be acquired. If damage of any value is unavoidable, then the Surveyor should obtain a statement signed by the owner or his representative giving details of the damage.

- 6.9** The land will be surveyed as claimed and the different claims lotted.

- 6.10** The preliminary survey will be by Total stations. The perimeter of the land required for acquisition and the boundaries of all claims and State lands within the perimeter will be demarcated by stakes, surveyed and plotted in pencil on A3 Field Sheets. An Advance Tracing is prepared in Indian ink or Black Ink. The lot number (lotted as A,B,C,...etc), name of land, extent, name of claimant and the bounds (viz. N,S,E,W) should be given in schedule form on the tracing. The situation (Village, Minor Division or Town, D.S's Division, District and Province) will be, given in the N.E. Section of the tracing as in a P.P. The D.S.'s Reqn. Number, Ministry number, and S.G.'s Reqn. Number should be given on each tracing, together with the purpose of the acquisition and an endorsement to the effect that "State lands within the area on the tracing have not been dealt with."

In acquisitions for Village Expansion the Land Commissioner's number will also be shown on the Tracing.

Immediately the Advance Tracing is ready it will be certified by the Supervising Officer and forwarded to the District Superintendent, who will certify same. The number of prints ordered should include, 1 for the Land Ministry, and 2 for the Divisional secretary (one should be certified as a true copy), one for requested department and one each for the District Superintendent and Surveyor. The Superintendent's copy will be filed together with the original tracing with the papers of the Requisition. Claimants can obtain the copies of the tracing on payments. Digital data stored at DSO. The A3 Field Sheet used and a 1/10 000 location tracing to facilitate investigation into old work at the Section 6 stage will be sent to the D.S.O. together with the Advance Tracing and the connected papers.

- 6.11** The officer directed by the District Superintendent of Surveys to prepare an advance tracing of the land to be acquired should in addition to notifying the local representative of the applicant Department, notify the land owners to be present either in person or by authorized representative when the area to be acquired is being marked out so that the owner's wishes may as far as possible, be accommodated while meeting the requirements of the applicant Department. The Officer preparing the advance tracing should record in his field book whether the owners were present in person or by representative or absent, whether the stakes indicating the area to be acquired were shown to them, and whether they agreed to the corpus.
- 6.12** Some prominent topographical features like roads, buildings, culverts, wells, etc, in the vicinity should where available be shown on the advance tracing to enable the owner and the applicant Department to locate the land to be acquired with precision. Where the area to be acquired is part of a larger block of land, the whole or part of the outer boundary of the larger block shown sketch-wise on the advance tracing will assist in the location of the land to be acquired. The advance tracing should give a clear description of the boundaries and the extent of the land to be acquired and the names of the Grama Niladari and the persons present at the marking out.
- 6.13** The officer directed by the District Superintendent of Surveys to prepare the advance tracing should ensure that in the exercise of the powers conferred on him by the provisions of Sub-Section (3) of sections 2 of the Act, he does not enter any occupied building or any enclosed court or garden attached thereto unless he has given the occupier of that building at least seven days written notice of his intention to do so.
- 6.14** Thereafter, as soon as the Minister's a declaration under sec 6 is received from the Secretary of the Land Ministry /Divisional Secretary , the surveyors will landmark the boundaries by re-laying the lines.

By this means two objectives are achieved –

- (a) a full proof sketch showing the schedule of boundaries and extents of the "particular land" will be available;
 - (b) Acquisition Surveys will be completed in a short space of time.
- 6.15** Reservations will not be laid through land surveyed for acquisition.
- 6.16** The entirety of a building that abuts on an acquisition survey or forms part of the acquisition should be surveyed and shown on plan.
- 6.17** Private roads within estates for acquisition should not be surveyed.
- 6.18** Detailed information regarding all buildings and valuable plantations should be given. Trees within a lot should not be enumerated in the case of extents exceeding 2

hectares unless they are scattered or few in number. This does not apply to lands within Municipalities where all trees should be enumerated despite the extents.

- 6.19** Acquisition survey plans, except; those over 4 hectares and acquisitions for Village Expansion will be on the 1/2000, 1/1000 or 1/500 scales, according to the size of the lots and value of the land. Plans of acquisitions for Village Expansions may be drawn on the scale of 1:4000.
- 6.20** (a) Acquisitions falling within an area under "block survey" or being done as a Topo Preliminary Plan should be surveyed in advance of the original details and plans drawn on Supplementary Sheets after obtaining instructions from the District Survey Office. A3 sheets should be used for this purpose.
- (b) Acquisitions in areas that have been 'block surveyed', and are either awaiting settlement or the issue of the final report by the settlement Officer, in each lot should be balanced and if balance area exceeds 2 hectares then outer boundary of the balance area should be drawn on the block survey sheets.
- 6.21** The boundaries of landmarked preliminary plans, if they fall within an acquisition survey or adjoin it, must be surveyed and shown on the new plan. Boundaries of old preliminary plans on which action has been taken and which cannot be cancelled, must be shown and referred to as in the case of landmarked preliminary plans, but they may be surveyed as they now exist.
- 6.22** If more than one claim is involved the Surveyor should inquire from the owners and/or Grama Niladari whether the land had been the subject of a partition action. If a partition plan is available and a boundary dispute is likely, he should fix the internal boundaries. Existing boundaries will be accepted if there are no appreciable differences; otherwise the partition boundaries should be laid down and the portion between them and the existing boundaries lotted separately.
- 6.23** Where Title Plans, outright grant diagrams or settlement ordered private boundaries falling within private lands have to be dealt with in connection with acquisition surveys- For details see DSR 12.35.
- 6.24** In a F.V.P. /F.T.P. area when it is necessary to fix a State/Private boundary, the F.V.P./F.T.P boundary should be replotted and checked with an enlargement as in D.S.R. 10.59
- 6.25** Diagram Plan or Restricted Grant Diagram boundaries within land to be acquired should be shown in firm red lines, and the portions of land covered by each Diagram Plan or Restricted Grant Diagram should be lotted separately as 'Claimed by State'. Balance portion to be lotted and original claimant and other information should not be changed.
- 6.26** In the Tenement List reference must be made against each lot to any Title Plan Diagram, Diagram Plan or part of Title Plan that is included. Reference must also be made to old Preliminary Plan Lots, which have been or can be cancelled, but their boundaries will not be shown on plan.

In F.V.P./F.T.P. areas the names of the claimants with their addresses will be entered as "Claimed by of" after the above information when A3 size Sheet is used for the preparation of Tenement Lists.

- 6.27** Names and addresses of all claimants to a lot must be recorded in the Tenement List. In the case of lands claimed by temples, the names of the trustees should be given. In town areas the assessment numbers with the names of roads should be entered after the name of the land as Assessment No. Road or premises bearing assessment No. or part of premises bearing assessment No. whichever is applicable

All the names of lands surveyed for acquisition should be given. The expression "etc" should not be used.

Nothing will appear on an acquisition tenement list except land to be dealt with, i.e.-

- (i) to be acquired , either according to the Declaration, or because a severance lot has made acquisition necessary;
- (ii) to be given in exchange;
- (iii) land shown on the acquisition sketch and found to be state.

When land has been acquired under Section 38 of the Land Acquisition Act, it should be borne in mind that the land has already been vested in the State. When drawing up tenement lists of such plans the name of claimant should be "State". The following remarks should be made against such lots: -

"Taken over under Section 38 of the Land Acquisition Act, Original claimants (Here, state names and addresses of claimants) For finalizing acquisition proceedings".

- 6.28** The purpose of the acquisition should be stated after the District Secretary's Number and date in the Tenement List. The District Survey Office Requisition number will be entered within bracket as S.G' s Requisition Number. In acquisitions for Village Expansion, the Ministry number and Land Commissioner's number should be quoted in the "Applicant column" of Tenement List in addition to the District Secretary's number and the Surveyor-General's number.
- 6.29** State Lots which are not included in the Acquisition sketch, but are separated and defined for the use of the Department concerned, and any encroachments adjoining the survey will not be shown on the acquisition plan. Separate preliminary plans with connected tenement lists should be prepared for such lots see DSR 4:63 (a).

- 6.30** (a) In a F.V.P./F.T.P the balance extents and lot numbers are not required for the remaining portions of private lands. The balance portions of private lands will retain the original lot numbers and their extents will not be amended.
- (b) In CM areas each lot to be separately balance and should be shown in the plan with lot numbers. see DSR chapter 21.3.2 .5 and 21.3.9
- 6.31** When any state Land, which does not appear in the sketch is surveyed and demarcated in connection with an acquisition, such lots will be drawn on a F.V.P. sheet (A3), the F.V.P. amended and a Tenement list prepared. The extents of the original lot will be maintained and referenced.
- 6.32** The outer boundary of a new acquisition survey will be inserted in pencil on the original field sheets of all Preliminary Plans, Title Plans, Diagrams, Diagram Plans S.O./P Lots which may be included in the Acquisition. Reference to the acquisition plan should be given on these sheets by its new preliminary plan number.
- 6.33** (a) No lot of an acquisitions survey plan may be cancelled or amended if acquisition proceedings have been completed on it. New work within such lots will be plotted afresh and a new P. Plan or supplement to F.V.P./F.T.P. issued. Remarks against such lots in the tenement lists should clearly indicate that the lot dealt which is acquired, by referencing thus: "Part of acquired lot.....".
- (b) Amendments may, however, be made to an acquisition plan while acquisitions in progress at the request of the Acquiring Officer. Such amendments will first be made on the original A3 sheets. If it becomes necessary to sub divide an original lot, the original lot number will be crossed out on plan and the sub-divisions lotted from the last lot number used on the plan. A fresh tenement list should be prepared and prints obtained. The old number should be cancelled in the original tenement list by inserting a large red cross across the lot number and inserting "See lot page" in red in the remarks column.
- (c) All copies of the print on issue should be recalled and amendments made in the District S.O. in red to agree with the original. The amendments should be certified by the District Senior Superintendent, with a remark "Lot 2 amended and "lots 8 & and 9 inserted – Vide District Secretary's Letter No. of The certificate should be made "on behalf of the Surveyor-General".
- 6.34** As amended by Land Acquisition (Amendment) Act No. 28 of 1964, the Hon. Minister of lands reserves the power to act under the following three contexts after acquisition of any land.
- i Revoking under section 39(1)
 - ii Divesting under section 39(A)1
 - iii Abandonment of Acquisition under section 50

After receiving of the consent of the Minister of Lands act under the above three contexts, the relevant Divisional Secretary will be inform by the Ministry of Lands.

Thereafter, survey requisition will be issued by the Divisional Secretary for the amendment of plan pertaining to the above matter.

Having taking action accordingly, the amendment plan copies should be sent to the Ministry of lands, Divisional Secretary and Other Institutions.

Further, the relevant gazette notifications will be issued after the said amendments. As such, when survey requisitions are sent for the amendment of plan by the Divisional Secretary, the gazette notification is not required to be sent. It is further informed that the above amendments should be made in the new supplement or PP. See DSR 4.74.

CORRECTION SLIPS