

CHAPTER XX
STATUTORY LAWS APPLICABLE IN SURVEYING
INDEX

	Page
20.1 State Land Ordinance.	3
20.1.1 Survey of land to precede issue of grant or long term lease.	3
20.2 Land Grant (Special Provisions) Act.	3
20.2.1 President may transfer free of charge lands vested in the State under this Act.	3
20.2.2 Survey of land to precede transfer.	3
20.3 State Land Encroachment Ordinance.	4
20.4 State Land (Recovery of Possession) Act.	4
20.5 Land Resumption Ordinance.	4
20.6 State Landmarks Ordinance.	4
20.6.1 Landmarks for adjoining lots.	4
20.7 Definition of Boundary Ordinance.	4
20.7.1 Make survey of boundary of land.	4
20.7.2 Action when it is impossible to make survey of boundary of a land.	5
20.7.3 Action when it is impossible to make survey of boundary of a land.	5
20.7.4 Payment of such cost of survey.	5
20.8 Land Surveys Ordinance.	5
20.9 Survey Act.	5
20.9.1 The powers and functions of the surveyor General.	5
20.9.2 Surveyor General, of any person authorised may demand production of deed.	6
20.9.3 Proof of certain plans signed by the surveyor general.	7
20.10 State Land (Claims) Ordinance.	7
20.11 Land Acquisition Act.	7
20.11.1 Investigation for selecting land for public purposes.	7
20.11.2 Declaration that a land or servilities is required for a public purpose.	8
20.11.3 Survey and plan of land.	8
20.11.4 Possession and disposal order for taking possession of a land or subjecting a land to servitude.	9
20.12 Temple Lands (Compensation) Ordinance.	9
20.13 Land Reform Laws.	9
20.14 Land Settlement Ordinance.	10
20.14.1 Reference of two or more claims and limitation at hearing of reference to matters referred.	10
20.14.2 Procedure on hearing.	10
20.14.3 Order by district judge for fresh survey.	10
20.14.4 Appeals.	10
20.15 Land Development ordinance.	11
20.15.1 Permits and Grants.	11
20.15.2 Diagram to be attached to grant.	11
20.15.3 Dispositions powers of owners to dispose of holding.	12
20.15.4 The owner of holding.	12
20.15.5 Disposition of land alienated on permit.	12
20.16 Nindagama Lands Act.	12

20.17	Registration of Title Act	12
20.17.1	Preparation of Cadastral Maps	13
20.18	Evidence Ordinance.	13
20.19	Urban Development Authority Law.	13
20.20	Town and Country Planning ordinance.	13
20.21	Apartment Ownership Law.	13

CHAPTER XX**STATUTORY LAWS APPLICABLE IN SURVEYING.****20.1 State Lands Ordinance Nos. 8 of 1947, 9 of 1947, Act No. 13 of 1949.**

An Ordinance to make provision for the grant and disposition of state lands in Sri Lanka; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid.

20.1.1 Survey of land to precede issue of grant or long-term lease.

No state grant and no instrument of disposition whereby State land is leased for any term exceeding such period as may be prescribed shall be issued under this Ordinance unless and until that land has been surveyed and demarcated to the satisfaction of the Land Commissioner.

20.2 Land Grants (Special Provisions) Act No. 43 of 1979.

An act to provide for the vesting in the state, of agricultural or estate land which is vested in the Land Reform Commission under the Land Reform Law; to enable the transfer, free of charge, to the landless, of the lands so vested in the state; and to provide for matters connected therewith or incidental thereto.

20.2.1 President may transfer free of charge lands vested in the State under this Act.

The President may by an instrument of disposition substantially in the Form set out in the Schedule here to, transfer, free of charge, any portion of any land vested in the State by virtue of an Order made under section 2, to any citizen of Sri Lanka over eighteen years of age.

In transferring any State land under this section; the President shall have regard to-

- the fact that the prospective transferee does not own any land;
- the level of income of the family of the prospective transferee; and
- the capacity of the prospective transferee to develop such land.

20.2.2 Survey of land to precede transfer.

No State land shall be transferred under section 3 until after such land has been surveyed and demarcated to the satisfaction of the Land Commissioner.

20.3 State lands Encroachments Ordinance Nos. 12 of 1840, 22 of 1931, 8 of 1947 Act No. 8 of 1954.

An Ordinance to make provision for the prevention of encroachments upon state lands.

20.4 State Lands (Recovery of Possession) Act No. 7 of 1979.

An Act to make provision for the recovery of possession of State Lands from persons in unauthorized possession or occupation thereof and for matters connected therewith or incidental thereto.

20.5 Land Resumption Ordinances No. 4 of 1887, 2 of 1934, 57 of 1942, Act No. 22 of 1955.

An ordinance relating to lands alienated by the crown, which are abandoned by the owners thereof.

20.6 State Landmarks Ordinance No. 7 of 1909.

An ordinance to provide for the erection and maintenance of permanent landmarks to define the boundaries of land alienated by the state.

20.6.1 Landmarks for adjoining lots: -

Where a State landmark serves, or is intended to serve, as a boundary between two or more adjoining lands, the owners of which would both or all be liable to set up or repair the landmark, the requisition shall be served on the owner or occupier of each such lands. Where one only of such owners has complied with the requisition, he may recover from the other or owners the proportionate share of the expense which he has incurred in complying with the requisition.

20.7 Definition of Boundaries Ordinances Nos. 1 of 1844, 13 of 1905, 28 of 1919, 27 of 1933, 8 of 1947, Act No. 22 of 1955.

An ordinance to make provision for the more easily ascertaining the boundaries of lands in Sri Lanka.

20.7.1 Make survey of boundary of land.

When owner of such land cannot get its boundary satisfactorily surveyed, Government Agent or Assistant Government Agent may get Surveyor-General to make survey.

20.7.2 Action when it is impossible to make survey of boundary of a land.

The Government Agent or Assistant Government Agent, if he is of opinion, after consultation with the Surveyor-General, that the work of making or renewing a boundary cannot be satisfactorily carried out by such person or any surveyor employed by him, may call upon the Surveyor-General to make or renew such boundary in whole or in part and thereupon such Surveyor-General shall make or renew such boundary, as the case may be;

20.7.3 Surveyor General shall certify cost of such survey;

The Survey General shall certify the amount of the cost of the survey to such Government Agent or Assistant Government Agent, and such certificate shall be final and conclusive:

20.7.4 Payment of such cost of survey;

Such person as aforesaid shall pay the amount so certified to such Government Agent or Assistant Government Agent, and in the event of such person refusing or neglecting to pay such amount, a summons shall be served upon him requiring him to show cause before a Magistrate why the said amount should not be paid by him, and if he falls to show cause, or if he fails to appear, the Magistrate, on proof of service of the summons and on reading the Surveyor-General's certificate as aforesaid, may make an order for payment of the amount;

20.8 Land Surveys Ordinance Nos. 4 of 1866, 2 of 1917.

An Ordinance to enlarge the power of the Surveyor-General to demand the production of deeds and make surveys of lands, and to facilitate the proof of surveys.

This ordinance was superseded by Survey Act No. 17 of 2002.

20.9 Survey Act: No. 17 of 2002

An act to provide the powers and functions of the Surveyor – General; To regulate the carrying out of Land Surveys ; To provide for the establishment of a Land Survey Council to regulate the professional conduct of surveyors ; To repeal the Land Survey Ordinance and the Surveyors Ordinance ; And to provide for matters connected therewith or incidental thereto.

20.9.1 The powers and functions of the surveyor – General shall include following, that is:-

- (a) To regulate all land survey activities in Sri Lanka ;
- (b) To establish and administer the National Geodetic Control Network ;

- (c) To specify the standards of accuracy for cadastral, geodetic and topographic surveys ;
- (d) To set standards for mapping;
- (e) To establish and administer a system of accreditation for registered surveyors seeking to conduct surveys under the Registration of Title Act, 21 of 1998 and to maintain a register of the surveyors issued with Certificates of Accreditation ;
- (f) To establish and make available to all Surveyors base lines for the calibration of survey bands and electronic distance measuring equipment;
- (g) To receive, approve and maintain, cadastral surveying recodes so as to facilitate the production of cadastral survey plans and maps and to serve as a comprehensive base for integration of land information;
- (h) To produce and maintain records of topographic, thematic and special purpose maps;
- (i) To be the principal authority responsible for receiving, storing and exchanging in any from all data for the purpose of promoting the integration of surveying and mapping, geographically based information and land related information with land information system requirements ;
- (j) To provide land surveying land information and related services;
- (k) To receive, store , reproduce and distribute, topographic, cadastral and derived maps, remote sensed data, aerial photographs and other survey and mapping documents ;
- (l) To authorize where appropriate the use or reproduction of survey and land information recorded by the department and to levy a fee for the use or reproduction of information;
- (m) To co – ordinate where necessary, with foreign agencies for the exchange of surveying, mapping and land information technology;
- (n) To render advice to any Government Department, public Corporation or other institution on surveying, mapping and land information activities and related matters and to levy a fee from such corporation or such institution for the advice so rendered;
- (o) To conduct such research as may be necessary in respect of matters relating to surveying ;
- (p) To issue a certificate authorizing any person, to function as a draughtsman where such person, is competent to prepare a survey plan using surveyor’s field notes and to computer the area of a survey plan for the use of any registered surveyor, after satisfying himself of the competence of such person by conducting examination ;
- (q) To ensure the maintenance of high professional standards among persons engaged in land survey activities in the Department ;

20.9.2 Surveyor General, of any person authorised may demand production of deed

The deed, document, or other instrument demanded under section 14 shall be produced on the premises to which such deed, document or instrument may relate or at such other place as the person demanding the same may require, and the power of demanding the production thereof, under section 14 shall be deemed to include the power of making such examination of such deed, document, or other instrument, as shall be necessary for the purpose of land survey; and every person refusing or failing without cause to permit such examination of any such deed, document or other

instrument, to any person referred to in section 14, shall be guilty of an offence under this Act and shall be conviction after summary trial before a Magistrate to fine not exceeding ten thousand rupees.

23.9.3 Proof of certain plans signed by the surveyor general.

Any cadastral map, plan or any other plan or map prepared in accordance with the provisions of this Act or any written Law, purported to be signed by the surveyor-General or officer acting on his behalf, and offered in evidence in any suit shall be received in evidence, and shall be taken to be prima facia proof of the facts stated therein; and it shall not be necessary to prove that it was in fact signed by the Surveyor-General or an officer acting on his behalf, nor that it was made by his authority, nor that the same is accurate, until evidence to the contrary shall have first been given.

20.10 State Land (Claims) Ordinance No. 21 of 1931.

An Ordinance to provide for the consideration and decision of applications in respect of claims to lands at the disposal of the state.

20.11 Land Acquisition Acts Nos. 9 of 1950, 39 of 1954, 22 of 1955, 28 of 1964, 20 of 1969, 48 of 1971, 8 of 1979.

An Act to make provision for the Acquisition of Lands and servitudes for public purposes and to provide for matters connected with or incidental to such provision.

20.11.1 Investigations for selecting land for public purpose.

Preliminary Investigation and Declaration of intended acquisition.

Where the Minister decides that land in any area is needed for any public purpose, he may direct the acquiring officer of the district in which that area lies to cause a notice in accordance with subsection (2) to be exhibited in some conspicuous places in that area.

The notice referred to in subsection (1) shall be in the Sinhala, Tamil and English languages and shall state that land in the area specified in the notice is required for a public purpose and that all or any of the acts authorized by subsection (3) may be done on any land in that area in order to investigate the suitability of that land for that public purpose.

After a notice under subsection (2) is exhibited for the first time in any area, any officer authorized by the acquiring officer who has caused the exhibition of that notice, or any officer acting under the written direction of the officer authorized as

aforesaid, may enter any land in that area, together with such persons, implements, materials, vehicles and animals as may be necessary, and

- survey and take levels of that land,
- dig or bore into the subsoil of that land,
- set out the boundaries of that land and the intended line of any work proposed to be done on that land.
- mark such levels, boundaries and line by placing marks and cutting trenches.
- where otherwise the survey of that land cannot be completed and such levels taken and such boundaries and line marked, cut down and clear away any part of any standing crop, fence or jungle on that land and
- do all other acts necessary to ascertain whether that land is suitable for the public purpose for which land in that area is required.

Provided that no officer, in the exercise of the powers conferred on him by the preceding provisions of this subsection, shall 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.

20.11.2 Declaration that a land or servitude is required for a public purpose

Where the Minister decides under subsection (5) of section 4 that a particular land or servitude should be acquired under this Act, he shall make a written declaration that such land or servitude is needed for a public purpose and will be acquired under this Act, and shall direct the acquiring officer of the district in which the land which is to be acquired or over which the servitude is to be acquired is situated to cause such declaration in the Sinhala, Tamil and English languages to be published in the Gazette and exhibited in some conspicuous places on or near that land.

A declaration made under subsection (1) in respect of any land or servitude shall be conclusive evidence of the fact that such declaration was duly made.

The publication of a declaration under subsection (1) in the Gazette shall be conclusive evidence of the fact that such declaration was duly made.

20.11.3 Survey and plan of land.

When a declaration under section 5 that a particular land is needed for a public purpose has been published in the Gazette, the acquiring officer of the district in which that land is situated may, if there is no plan of that land made by the Survey Department of the Government, or no such plan which is suitable for use for the purposes of proceedings under this Act, cause a survey and a plan of that land to be made by a surveyor of that department, or by a licensed surveyor acting under the directions of the Surveyor-General.

20.11.4 Possession and Disposal Order for taking possession of a land or subjecting a land to servitude.

At any time after an award is made under section 17, the Minister may by Order published in the Gazette.

- where the award relates to the acquisition of any land, direct the acquiring officer of the district in which that land is situated, or any other officer authorized in that behalf by such acquiring officer, to take possession of that land for and on behalf of the State, or
- where the award relates to the acquisition of any servitude, declare that the land over which that servitude is to be acquired shall be subject to that servitude;
- Provided that the Minister may make an Order under the preceding provisions of this section;-
- where it becomes necessary to take immediate possession of any land on the ground of any urgency, at any time after a notice under section 2 is exhibited for the first time in the area in which that land is situated or at any time after a notice under section 4 is exhibited for the first time on or near that land, and
- where it becomes necessary immediately to acquire any servitude on the ground of any urgency, at any time after a notice under section 4 is exhibited for the first time on or near the land over which that servitude is to be acquired.

20.12 Temple Lands (Compensation) Ordinance No. 28 of 1944, Act No. 9 of 1950

An Ordinance to make provision for the payment to the public trustee of moneys payable as compensation under the Land Acquisition Act in respect of lands Belonging to temples; for the application of such moneys to certain purposes; and for matters connected therewith or incidental thereto.

20.13 Land Reform Laws Nos. 1 of 1972 39 of 1975.

A Law to establish a Land Reform Commission to fix a ceiling on the extent of agricultural land that may be owned by persons, to provide for the vesting of lands owned in excess of such ceiling in the land reform commission and for such land to be held by the former owners on a statutory lease from the commission, to prescribe the purposes and the manner of disposition by the commission of agricultural lands vested in the commission so as to increase productivity and employment, to provide

for the payment of compensation to persons deprived of their lands under this law and for matters connected therewith or incidental thereto.

20.14 Land Settlement Ordinances Nos. 20 of 1931, 22 of 1932, 31 of 1933 Act No. 22 of 1955.

An Ordinance to amend and consolidate the law relating to Land Settlement.

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

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 anytime before the decision of such claims order that any one or more of them be dealt with separately.

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.

20.14.2 Procedure on hearing

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.

20.14.3 The District Judge may order a fresh survey.

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.

20.14.4 Appeals

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.

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.

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.

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.

20.15 Land Development Ordinances Nos. 19 of 1935, 3 of 1946 Acts Nos. 49 of 1953, 22 of 1955, 16 of 1969, and 21 of 1971, Law No. 43 of 1973.

An Ordinance to provide for the systematic Development and alienation of State Land in Sri Lanka.

20.15.1 Permits and Grants

Form of permit

Every permit shall be substantially in a prescribed form.

Form of grant

Every grant shall be substantially in a prescribed form.

Grant not to issue for un-surveyed land.

Land, which has not been surveyed, shall not be alienated by grant.

Registration of grants

Every grant, when issued, shall be registered at the instance of the Government Agent in such manner as maybe prescribed.

No fees shall be paid or recovered for such registration.

20.15.2 Diagram to be attached to grant.

The land alienated on any grant shall be described with reference to a plan prepared by or under the authority of the Surveyor-General and kept in his charge. There shall be attached to each grant a diagram of the land alienated on that grant. The diagram

shall be prepared under the authority of the Surveyor-General but it shall not be necessary for the diagram to bear on the face thereof a certificate to the effect that it was so prepared.

20.15.3 Dispositions Power of owner to dispose of holding (19,16 of 1969).

The owner of a holding may dispose of such holding to any other person except where the disposition is prohibited under this Ordinance, and accordingly a disposition executed or effected in contravention of the provisions of this Ordinance shall be null and void.

20.15.4 The owner of a holding;

Shall not lease such holding to any other person except in such circumstances as may be prescribed; and

Shall not mortgage such holding to any person other than the People's Bank or the State Mortgage and Investment Bank or a registered society or other prescribed institution.

20.15.5 Disposition of land alienated on a permit

Subject to the provisions of subsection (2), no permit-holder shall execute or effect any disposition of the land alienated to him on the permit.

With the written consent of the Government Agent, a permit-holder may mortgage his interest in the land alienated to him on the permit to any registered society of which he is a member.

Any disposition, other than a disposition in accordance with the provisions of subsection (2), of any land alienated on a permit shall be null and void.

20.16 Nindagama Lands Act: No. 30 of 1968

An act to abolish the services due from the tenants and holders of nindagama lands to the proprietors thereof, to make such tenants and holders the absolute owners of such lands. To provide for the registration of such tenants and holders as absolute owners thereof, and to provide for matters connected therewith or incidental thereto.

20.17 Registration of Title Act: No. 21 of 1998

An act to make provision for the investigation and Registration of Title to a Land parcel ; For the Regulation of transaction relating to a Land parcel so registered ; And for matters connected therewith or incidental thereto.

20.17.1 Preparation of Cadastral Maps

On the publication of an order under section 1 of this act the commissioner of Title Settlement shall request the surveyor-General to prepare Cadastral Maps for the area specified in such order and upon such request the Surveyor-General shall cause such cadastral map to be prepared and certified copies of the same to be issued to the commissioner of Title settlement.

20.18 Evidence Ordinance No. 14 of 1895, 15 of 1904, 16 of 1925, 25 of 1927, 18 of 1928, 1 of 1946 and Act No. 3 of 1961

An Ordinance to consolidate define and amend the law of Evidence.

This Ordinance shall apply to all Judicial proceedings in or before any court other than courts, martial, but not to proceeding before an arbitration.

20.19 Urban Development Authority Law No. 41 of 1978, Act No. 70 of 1979

A law to provide for the establishment of an Urban Development Authority to promote integrated planning and implementation of economic, Social and Physical Development of Certain areas as may be declared by the Minister of be Urban development areas and for matters connected therewith or incidental thereto.

20.20 Town and Country Planning ordinance No. 13 of 1946, Act Nos. 9 of 1950, 29 of 1953, 10 of 1955, 22 of 1955

An Ordinance to authorize the making of schemes with respect to Planning and Development of Land in Sri Lanka, to provide for the protection of Natural amenities and the Preservation of Buildings and objects of interest o giving effect to such schemes and to provide for matters incidental to or connected with the matters aforesaid.

20.21 Apartment Ownership (Amendment) No. 39 of 2003

This act superseded the previous apartment laws, i.e., Apartment Ownership Law No. 11 of 1973 and Act No. 25 of 1982. Condominium property surveys are carried out for registering the legal interests in condominium properties under the provisions of the above act. Condominium properties are those where multiple ownership arises due to the construction of storied buildings with several independent units for separate occupation. More information in this regard can be found in DSR 21.5.12.

CORRECTION SLIP