



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

LAND ACQUISITION (AMENDMENT)
ACT, No. 8 OF 1979

[Certified on 25th January, 1979]

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L.D.—O.15/78

AN ACT TO AMEND THE LAND ACQUISITION ACT AND TO PROVIDE RELIEF TO PERSONS WHOSE LANDS HAVE BEEN ACQUIRED WITHOUT ADEQUATE JUSTIFICATION.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Land Acquisition (Amendment) Act, No. 8 of 1979.

Short title.

2. The following new section is hereby inserted immediately after section 39, and shall have effect as section 39A, of the Land Acquisition Act:—

Insertion of new section 39A in Chapter 460.

'Divesting of lands where actual possession has been taken.

39A. (1) Notwithstanding that by virtue of an Order under section 38 (hereafter in this section referred to as a "vesting Order") any land has vested absolutely in the State and actual possession of such land has been taken for or on behalf of the State under the provisions of paragraph (a) of section 40, the Minister may, subject to subsection (2), by subsequent Order published in the *Gazette* (hereafter in this section referred to as a "divesting Order") divest the State of the land so vested by the aforesaid vesting Order.

(2) The Minister shall prior to making a divesting Order under subsection (1) satisfy himself that—

(a) no compensation has been paid under this Act to any person or persons interested in the land in relation to which the said divesting Order is to be made;

(b) the said land has not been used for a public purpose after possession of such land has been taken by the State under the provisions of paragraph (a) of section 40;

(c) no improvements to the said land have been effected after the Order for possession under paragraph (a) of section 40 had been made; and

- (d) the person or persons interested in the said land have consented in writing to take possession of such land immediately after the divesting Order is published in the *Gazette*.

(3) Copies of any divesting Order made under subsection (1) shall be published in at least one Sinhala daily newspaper, one Tamil daily Newspaper, and one English daily newspaper circulating in the area in which the land to which the Order relates is situated, and shall be exhibited in conspicuous places upon and in the vicinity of the land.

(4) The following provisions shall apply in any case where any land vested in the State by a vesting Order referred to in subsection (1) is subsequently divested by a divesting Order under the said subsection :—

- (a) that land shall be deemed never to have vested in the State by virtue of that vesting Order ;
- (b) every right, title, or interest in or over that land of a person interested in that land existing at the time the vesting Order was published in the *Gazette* shall be deemed not to have been extinguished and every such right, title or interest shall be valid and enforceable notwithstanding such vesting Order ;
- (c) the person or persons interested in that land at the time the vesting Order was published in the *Gazette* shall forthwith be restored to possession of the said land ;
- (d) all claims made under this Act to the compensation payable in respect of that land and all proceedings taken under this Act in relation to such claims before the divesting Order took effect shall be deemed to be null and void ;

- (e) no fresh claims to compensation in respect of that land and no claim for damages against the State, a public officer or the Minister by any person or persons interested in that land at the time the vesting Order was published in the *Gazette* or subsequent thereto, shall be entertained or allowed in any court or tribunal ; and
- (f) the preceding provisions of this section shall have effect notwithstanding anything in any other provisions of this Act or in any other written law. '.