

PARLIAMENT OF CEYLON

1st Session 1960-61



Requisitioning of Land (Amendment) Act, No. 55 of 1961

Date of Assent: June 19, 1961

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price: 30 cents.

Postage: 10 cents.

*Requisitioning of Land (Amendment) Act,
No. 55 of 1961*

L. D.—O. 53/55.

AN ACT TO AMEND THE REQUISITIONING OF LAND ACT, NO. 33 OF 1950, AND, IN REGARD TO CERTAIN LANDS OF WHICH POSSESSION IS DEEMED TO BE TAKEN UNDER THAT ACT AND IN RESPECT OF WHICH PROCEEDINGS UNDER THE REPEALED LAND ACQUISITION ORDINANCE ARE PENDING IN ANY DISTRICT COURT, TO PROVIDE FOR THE METHOD OF DETERMINATION OF THE MARKET VALUE OF SUCH LANDS FOR THE PURPOSES OF THE AWARD OF COMPENSATION.

[Date of Assent: June 19, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Requisitioning of Land (Amendment) Act, No. 55 of 1961.

Short title.

2. Section 2 of the Requisitioning of Land Act, No. 33 of 1950, (hereinafter referred to as the "principal Act."), is hereby amended in sub-section (1) of that section as follows:—

Amendment of section 2 of Act No. 33 of 1950.

(1) by the relettering of paragraph (b) of that sub-section as paragraph (c); and

(2) by the insertion, immediately after paragraph (a) of that sub-section, of the following paragraph:—

“(b) for the purpose of implementing any such scheme as is approved by the Prime Minister for the importation, storage or distribution of essential commodities by any Government department, local authority, corporation or co-operative society; or”.

3. Section 4 of the principal Act is hereby amended as follows:—

Amendment of section 4 of the principal Act.

(1) by the substitution, for the word and letter “paragraph (b)”, of the words and letters “paragraph (b) or paragraph (c)”;

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(2) by the substitution, for the words "authorise a person", of the words "authorise a person or co-operative society"; and

(3) by the substitution, for the words "between such person", of the words "between such person or co-operative society".

Amendment of
section 6 of
the principal
Act.

4. (1) Section 6 of the principal Act is hereby amended as follows:—

(a) in sub-section (1) of that section, by the insertion, immediately after the first Proviso to that sub-section, of the following new Proviso:—

"Provided, further, that in the case of the land or lands specified in each entry in column I of the Schedule to this Act the rent payable for the purposes of paragraph (a) of sub-section (1) during the period for which possession of such land or lands is retained by virtue of this Act shall be the amount specified in the corresponding entry in column II of that Schedule:";

(b) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

"(2A) No compensation shall be payable under paragraph (b) of sub-section (1) for any damage done to any land of which possession is deemed to be taken under section 2 of this Act by reason of the demolition of any building or structure which was erected on that land before the appointed date by a competent authority or any person acting on his behalf during the period for which that land was in the occupation of such competent authority or person under the Defence (Miscellaneous) Regulations as having effect whether before or after February 24, 1946.";

(c) by the renumbering of sub-section (4A) of that section (as amended by Act No. 20 of 1953) as sub-section (4B); and

(d) by the insertion, immediately after sub-section (4) of that section, of the following new sub-section:—

“(4A) In determining for the purposes of sub-section (4) the market value of any land of which possession is deemed to be taken by virtue of section 2 of this Act, no account shall be taken of any appreciation in the value thereof due to any building or structure erected, or any work done, on that land before the appointed date by a competent authority or any person acting on his behalf during the period for which that land was in the occupation of such competent authority or person under the Defence (Miscellaneous) Regulations as having effect whether before or after February 24, 1946.”.

(2) The amendments made in the principal Act by sub-section (1) of this section shall be deemed to have come into force on the date on which the principal Act came into operation.

5. Section 16 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for the words “ authority or person ”, of the words “ authority, person, local authority or co-operative society ”.

Amendment of
section 16 of
the principal
Act.

6. Section 21 of the principal Act is hereby amended by the insertion, immediately after the definition of “ land ”, of the following new definition:—

Amendment of
section 21 of
the principal
Act.

“ “ local authority ” means any Municipal Council, Urban Council, Town Council or Village Committee;’.

7. Where rent in excess of the amount payable under section 6 (1) (a) of the principal Act was paid in respect of any land of which possession was deemed to have been taken by virtue of section 2 of the principal Act and was terminated before the date of commencement of this Act, such payment shall be deemed to have been valid.

Validation of
payment of rent
in excess of
that payable
under section
6 (1) (a)
of the
principal Act.

Addition of
Schedule to the
principal Act.

8. (1) The principal Act is hereby amended by the addition, at the end thereof, of the following Schedule:—

<i>" Schedule</i>	
<i>Column I</i> <i>Description of land</i>	<i>Column II</i> <i>Rent per month</i> <i>Rs. c.</i>
<i>Western Province</i>	
1. Tonbridge situated in Katunayake ...	8 50
2. Goluwapokuna Estate situated in Katunayake	21,520 87
3. Warrings Bungalow Estate (Lot A) situated in Katunayake ...	438 63
4. Warrings Bungalow Estate (Lot C) situated in Katunayake ...	1,446 00
5. Warrings Bungalow Estate (a portion in extent 52A. 3R. 22P.) situated in Katunayake ...	1,071 19
6. Kadirana Group (portion) situated in Katunayake ...	3,156 30
7. Kadirana Estate situated in Katunayake ...	174 00
8. Dambuwa Estate (part) situated in Katunayake ...	88 00
9. Land depicted as lot 16 in Requisition Survey Plan 69 and situated in Katunayake ...	10 00
10. Land depicted as lot 21 in Requisition Survey Plan 69 and situated in Katunayake ...	12 00
11. Land depicted as lot 23 in Requisition Survey Plan 69 and situated in Katunayake ...	2 00
12. Land depicted as lot 30 in Requisition Survey Plan 69 and situated in Katunayake ...	50
13. Land depicted as lot 31 in Requisition Survey Plan 69 and situated in Katunayake ...	2 25
14. Land depicted as lot 32 in Requisition Survey Plan 69 and situated in Katunayake ...	5 66
15. Land depicted as lot 113 in Requisition Survey Plan 69 and situated in Katunayake	50
16. Land depicted as lots 118 and 120 in Requisition Survey Plan 69 and situated in Katunayake ...	5 50
17. Land depicted as lot 121 in Requisition Survey Plan 69 and situated in Katunayake	5 00
18. Land depicted as lot 122 in Requisition Survey Plan 69 and situated in Katunayake	58
19. Land depicted as lot 19 in Requisition Survey Plan 69 and situated in Katunayake ...	18 15
20. Land depicted as lot 21 in Requisition Survey Plan 69B and situated in Katunayake ...	25
21. Land depicted as lot 22 in Requisition Survey Plan 69B and situated in Katunayake ...	25
22. Land depicted as lot 24 in Requisition Survey Plan 69B and situated in Katunayake ...	50

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<i>Column I</i> <i>Description of land</i>	<i>Column II</i> <i>Rent per month</i> <i>Rs. c.</i>
23. Land depicted as lot 25 in Requisition Survey Plan 69B and situated in Katunayake ...	25
24. Land depicted as lot 26 in Requisition Survey Plan 69B and situated in Katunayake ...	25
25. Land depicted as lot 27 in Requisition Survey Plan 69B and situated in Katunayake ...	25
26. Land depicted as lot 28 in Requisition Survey Plan 69B and situated in Katunayake ...	25
27. Land depicted as lot 29 in Requisition Survey Plan 69B and situated in Katunayake ...	25
28. Land depicted as lot 30 in Requisition Survey Plan 69B and situated in Katunayake ...	25
29. Land depicted as lot 31 in Requisition Survey Plan 69B and situated in Katunayake ...	25
30. Land depicted as lot 32 in Requisition Survey Plan 69B and situated in Katunayake ...	25
31. Land depicted as lot 33 in Requisition Survey Plan 69B and situated in Katunayake ...	25
32. Land depicted as lot 36 in Requisition Survey Plan 69B and situated in Katunayake ...	25
33. Land depicted as lot 37 in Requisition Survey Plan 69B and situated in Katunayake ...	25
34. Land depicted as lot 38 in Requisition Survey Plan 69B and situated in Katunayake ...	25
35. Land depicted as lot 39 in Requisition Survey Plan 69B and situated in Katunayake ...	25
36. Land depicted as lot 40 in Requisition Survey Plan 69B and situated in Katunayake ...	25
37. Ekala Mahawatta (lot 1) situated in Ekala ...	1,000 00
38. Yaknaran Kotuwa (lot 2) situated in Ekala ...	308 30
39. Yaknaran Kotuwa (lot 3) situated in Ekala ...	308 30
40. Land in extent 17.5 perches situated in Katunayake ...	3 50
41. Land in extent 5.2 perches situated in Katunayake ...	75
42. Land in extent 4.6 perches situated in Katunayake ...	1 75
43. Land in extent 0.5 perch situated in Katunayake ...	25
44. Land in extent 7.7 perches situated in Katunayake ...	1 25
45. Land in extent 10 perches situated in Katunayake ...	1 50
46. Land in extent 9.5 perches situated in Katunayake ...	1 25
47. Land in extent 10 perches situated in Katunayake ...	1 75

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<i>Column I Description of land</i>	<i>Column II Rent per month Rs. c.</i>
48. Land in extent 1.2 perches situated in Katunayake	75
49. Land in extent 1 perch situated in Katunayake	25
50. Land in extent 2.1 perches situated in Katunayake	75
51. Land in extent 2.3 perches situated in Katunayake	1 00
52. Land in extent 5 perches situated in Katunayake	1 00
53. Land in extent 9 perches situated in Katunayake	1 25
54. Land in extent 4.8 perches situated in Katunayake	75
55. Land in extent 6.5 perches situated in Katunayake	1 75
56. Land in extent 4.5 perches situated in Katunayake	50
57. Land in extent 2.2 perches situated in Katunayake	1 00
58. Land in extent 4.5 perches situated in Katunayake	1 25
59. Land in extent 3.5 perches situated in Katunayake	1 00
60. Land in extent 3.2 perches situated in Katunayake	1 00
61. Josita Estate (Part) situated in Ekala ...	112 00
62. Cinco Estate (Part) situated in Ekala ...	48 00
63. Ekala Estate (Part) situated in Ekala ...	200 00
64. Land depicted as lot 5 in Requisition Survey Plan 71A, known as Dagonna and situated in Horahena	93 00
65. Lands known as Kurunduwatte and Boralesgamuwa situated in Gangodawila ...	12 00
66. Pelendegahakanatta situated in Gangodawila ...	23 00
67. Kekunagahawatte situated in Gangodawila ...	12 00
68. Kekunagahawatte (No. 2) situated in Gangodawila	28 62
69. Land depicted as lots 5 and 6 in Requisition Survey Plan 42 situated in Gangodawila ...	40 00
70. Land depicted as lot 7 in Requisition Survey Plan 42 situated in Gangodawila ...	30 00
71. Kimbulapitiya (lot 5) situated in Horahena ...	21 50
72. Dagonna (lot 21) situated in Horahena ...	153 00
73. Kimbulapitiya (lot 8) situated in Horahena ...	84 00
74. Kimbulapitiya (lot 6) situated in Horahena ...	14 50
75. Kimbulapitiya (lot 7) situated in Horahena ...	44 00

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<i>Column I</i> <i>Description of land</i>	<i>Column II</i> <i>Rent per month</i>
	<i>Rs. c.</i>
76. Kimbulapitiya (lot 4) situated in Horahena...	26 00
77. Land depicted as lot 3 in Requisition Survey Plan 7B situated in Gangodawila ...	336 00
78. Land depicted as lots 14 and 18 in Requisition Survey Plan 7 situated in Gangodawila ...	107 00
79. Land described as Block 2A situated in Gangodawila ...	1 00
80. Land depicted as lot 15 in Requisition Survey Plan 7 situated in Gangodawila ...	30 00
81. Micadewatte Estate, Colombo District ...	906 64
82. No. 556, Second Division, Maradana, Colombo (presently No. 555)	163 00
83. No. 47, Church Street, Colombo ...	48 90
84. No. 24, Galpotte Street, Colombo ...	69 27
85. No. 9, Hyde Park Corner, Colombo ...	16 30
86. Numbers 31 and 33, Galle Road, Bambalapitiya, Colombo ...	105 45
87. No. 259, Layards Broadway, Colombo ...	40 16
88. No. 336, Deans Road, Colombo ...	124 53
89. No. 371, Grandpass Road, Colombo ...	28 03
90. No. 138, Skinners Road South, Colombo ...	40 16
91. No. 44, Cotta Road, Colombo ...	73 35
92. No. 429, Havelock Road, Colombo ...	28 40
93. No. 85, Main Street, Colombo ...	183 38
94. Numbers 177 and 179, Galle Road, Wellawatte, Colombo ...	104 58
95. No. 103, Havelock Road, Colombo ...	56 55
96. No. 74, Deans Road, Colombo ...	40 12
97. No. 218, Deans Road, Colombo ...	44 82
98. No. 24, Silversmith Street, Colombo ...	27 67
99. No. 198, Bankshall Street, Colombo ...	203 00
100. No. 219, Main Street, Colombo ...	478 16
101. No. 893, Maradana Road, Colombo ...	48 65
102. No. 198, Wolfendhal Street, Colombo ...	20 25
103. No. 200, Wolfendhal Street, Colombo ...	20 25
104. No. 202, Wolfendhal Street, Colombo ...	20 25
105. No. 625 (part), Aluthmawatte Road, Colombo	32 29
106. No. 129 (part), Church Road, Mattakuliya, Colombo ...	22 71
107. No. 416, Baseline Road, Colombo ...	52 72

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Column I Description of land	Column II Rent per month Rs. c.
108. No. 277, Galle Road, Wellawatte, Colombo	24 32
109. No. 93, Pickerings Road, Colombo ...	36 42
110. No. 369, Aluthmawatte Road, Colombo ...	38 88
111. No. 238, Dam Street, Colombo ...	89 65
112. No. 146, Nagalagam Street, Colombo ...	17 90
113. No. 19, Ramsay Road, Colombo ...	40 88
114. No. 35, Norris Road, Colombo ...	69 15
115. No. 327, Galle Road, Kollupitiya, Colombo	72 72
116. No. 137, St. Michaels Road, Colombo ...	60 75
117. No. 194, Dematagoda Road, Colombo ...	81 50
118. Numbers 65, 65/1, 65/2, 65/3, 65/6, 65/7, 65/8, 65/9, 65/10 and 12, 65/11 and 69, St. Sebastian Street, Colombo ...	1,515 90
119. No. 77, St. Sebastian Road, Colombo ...	37 75
120. No. 226, Sea Street, Colombo ...	68 20
121. Land depicted as lot 3 in Requisition Survey Plan 11 known as Kottambagahakelawatta and situated in Kalutara District ...	72 00
122. Land described as lot 10 in Requisition Survey Plan 11 known as Kottambagahakelawatte and situated in Kalutara District ...	31 00
123. Land described as lot 15 in Requisition Survey Plan 11 known as Kottambagahakelawatte and situated in Kalutara District ...	20 55
124. " Beatrice Villa " (building only) situated in Kalutara ...	52 68
<i>Southern Province</i>	
125. Numbers 148 and 150, Main Street, Galle ...	142 92
<i>Eastern Province</i>	
126. Veppandudakadu } Thirukkaikuda } Snug Cove } Karimalaiuttu } Nachchikuda }	Situated in Trincomalee 2,648 00
127. Nachchikudakani } Nallathanniodaikadu }	Situated in Trincomalee 539 04
128. Sinnakunchikadu situated in Trincomalee ...	2 00 "

(2) The amendment made in the principal Act by sub-section (1) of this section shall be deemed to have come into force on the date on which the principal Act came into operation.

9. Where in respect of any land of which possession is deemed to be taken by virtue of section 2 of the principal Act proceedings under the repealed Land Acquisition Ordinance are pending in any District Court on the date on which this Act comes into force, then, for the purposes of determining the amount of compensation to be awarded under that Ordinance for any such land, the market value of such land shall, notwithstanding anything in that Ordinance, be the market value which such land would have at the time of awarding compensation if it had remained in the condition in which it was at the date on which possession thereof was taken by a competent authority under regulation 34 of the Defence (Miscellaneous) Regulations as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, of the Parliament of the United Kingdom.

Method of determination of the market value of lands of which possession is deemed to be taken under section 2 of the principal Act and in respect of which proceedings under the repealed Land Acquisition Ordinance are pending in any District Court.