



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

NATIONAL HOUSING (AMENDMENT)
ACT, No. 9 OF 1978

[Certified on 29th November, 1978]

Printed on the Orders of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
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PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO.

Price : 30 cents

Postage : 25 cents



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L. D.—O. 75/78

AN ACT TO AMEND THE NATIONAL HOUSING ACT

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

1. This Act may be cited as the National Housing (Amendment) Act, No. 9 of 1978. Short title.

2. The following new section is hereby inserted immediately after section 60, and shall have effect as section 60A, of the National Housing Act:— Insertion of new section 60A in Chapter 401.

“ Recovery of possession of State land possessed under an agreement with the Commissioner.

60A. Where any person is in possession of any State land in pursuance of an agreement (whether such agreement was entered into before or after the coming into operation of this section) between himself and the Commissioner and the Commissioner is satisfied having regard to the extent of State land available at his disposal for the construction of houses in the area within which such land is situated, that it is expedient to recover possession of such land, he may, notwithstanding anything in this Act or in the terms of such agreement, cancel such agreement by notice in writing to the parties to such agreement, and such agreement shall be determined accordingly.

(2) (a) Where the Commissioner cancels any agreement in the exercise of the powers conferred on him by subsection (1), he shall—

(i) return to every person who is a party to such agreement, all moneys paid by such person in compliance, or in purported compliance, with the terms of such agreement, together with interest thereon at the rate of seven *per centum* per annum from the date of payment to the date of return; and

(ii) order the payment to such person of such sum as is in the opinion of the Commissioner, reasonable compensation for improvements, if any, effected by such person on such land.

(b) Any person dissatisfied with an order made by the Commissioner under subparagraph (ii) of paragraph (a) may appeal therefrom to the Minister.

(3) Where the Commissioner cancels an agreement relating to any State land under subsection (1), any person specially or generally authorized in that behalf by the Commissioner may take possession of such land.

(4) Where a person authorized by the Commissioner under subsection (3) to take possession of any land for and on behalf of the Commissioner is unable or apprehends that he will be unable to take possession of such land because of any obstruction or resistance that has been or is likely to be offered, he may make an application in that behalf to the Magistrate's Court having jurisdiction over the place where the land is situated. Upon such application, the Magistrate shall issue an order of the court directing the Fiscal to deliver possession of that land to such person for and on behalf of the Commissioner.

(5) Where an order under subsection (4) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to that court the manner in which the order was executed.

(6) Where an order under subsection (4) is issued to the Fiscal by a Magistrate's Court, the execution of such order shall not be stayed in any manner by reason of any steps taken or proposed to be commenced in any court with a view to questioning, varying or setting aside such order.

(7) For the purposes of executing an order issued by a Magistrate's Court under subsection (4), the Fiscal or any person acting under his direction may use such force as may be necessary to enter the land to which that order relates and to eject any person in occupation thereof and to deliver possession of the land to the person authorized to take possession thereof for and on behalf of the Commissioner."