

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
BACHELOR OF LAWS EXAMINATION, YEAR II (Online) – 2021

LAND LAW

(Three Hours)

Total Number of Questions: **06**

Answer **THREE (03)** questions and **no more**.

Total Number of Pages: 5

(Candidates will be penalized for illegible handwriting)

01. In January 2019, Rosemary Range Co. Ltd (the Company) opened its new guest inn, 'Rosemary Villa,' for local and foreign tourists in Hikkaduwa. For a period of 12 years, the Company leased a property in order to construct Rosemary Villa, an antique-styled house with six bedrooms situated near the seashore of Hikkaduwa. The lease agreement stated that the Company should refrain from making any structural changes to the house without the consent of the land owner.

In order to make Rosemary Villa a pleasant place for their guests, the company built a full wooden restaurant attached to the main building with a cement foundation. They also built a unique attached-bathroom for each room, complete with glass doors and glass ceilings with a jacuzzi. All constructions were firmly fixed to the main building with cement frames. Further, the company installed a high quality solar power system to the Villa and a water sprinkler system in the garden which has expensive Bonsai plants.

Due to the Easter attack in April 2019, the Company was less profitable as there were fewer local and foreign guests. Thereafter, since March 2020 to the present, the Company had to close the Villa from time to time due to the Covid-19 outbreak. Given the circumstances, the company decided to terminate their lease agreement and remove all the new building structures which they had fixed to the main building and plants. The landlord refuses to allow

the Company to remove them as the company had fixed them without the consent of the landlord.

Rosemary Range Company Ltd seeks your advice as to the legal remedies available to them. Advise the Company with reference to decided cases.

(Total 100 Marks)

02. Sriyani is the only child of the Wickramanayake family and she inherited the property, Dodangaslanda upon her parents' demise. She is unmarried and is looked after by Narmadha, her cousin sister's daughter. Sriyani gifted Narmadha her Dodangaslanda property irrevocably on her 70th birthday in November 2012, based on her love, affection, and kindness to her, expecting to be continued in the care and wellness she was receiving from Narmadha. Narmadha accepted the gift. Few years later, Narmadha got married and now has a 2-year-old child. She lives in Dodangaslanda with her family looking after Sriyani. On 24 August 2021, Narmadha shouted at Sriyani that she is throwing all her meals around the dining room to feed cats, which is unacceptable since it will harm her child's health. Sriyani apologized to Narmadha and promised to stop feeding cats inside the house. A few days later, Sriyani had fallen with her meal in hand, and had inadvertently scattered the contents of the meal on the dining room floor. When Narmadha came upon the scene, she shouted angrily at Sriyani and hit the cats with a broom. During the altercation, one of the broom swings hit Sriyani in the head, causing serious head injury. However, Narmadha did not care about Sriyani. Following the incident the next day, Narmadha, on the advice of her husband, handed Sriyani over to an elderly home without her consent.

Sriyani now wishes to reclaim her Dodangaslanda property. Assume that you are the Attorney-at-Law of Sriyani and advise her of the possibility of reclaiming her property from Narmadha.

Would your answer be different if Sriyani is governed by Kandyan law? What would be the change, if at all? Support your answer with relevant statutory provisions and case law authorities.

(Total 100 Marks)

03. Ravi and Kumar are the owners of Vil Uyana. Following an amicable settlement in the year 2000, Ravi entered the Northern part and Kumar entered the Southern part of Vil Uyana and possessed the land separately, without intervention from each other. Ravi made numerous necessary improvements to his portion. In March 2021, Kumar claims that as a co-owner, he has the right to use and enjoy Ravi's portion as they did not divide the land through a Partition Action. Kumar and Ravi quarreled when Kumar attempted to enter Ravi's portion to use some of Ravi's vegetable cultivation and Kumar forcibly ejected Ravi from his portion. After a month, Ravi obtains a possessory remedy and regains his portion of Vil Uyana.

Ravi seeks your advice as to his rights to his portion of Vil Uyana. Advise Ravi with relevant statutory provisions and case law authorities.

(Total 100 Marks)

04. a) Discuss whether the title registration system introduced by the Registration of Title Act, No. 21 of 1998 achieved its overall objective. Your answer should focus on the provisions of the said Act and the implementation of the system introduced.
- b) Discuss the legal impact of the decisions in *Banda v. Allitamby* (1952) 54 NLR 249 and *Gunasekera v. Lewis Appuhamy* (1966) 69 NLR 414 on the effect of registration of a document under Section 7 of the Registration of Documents Ordinance, No. 23 of 1927. Support your answer with relevant legal authorities.

(50 x 2 = Total 100 Marks)

05. Anura owned the land known as 'Thalgahawatte' situated in Gampaha on which he had built a house. He was contemplating renting out the property to Lal in order to make some extra money. Saman's property was adjacent to Anura's. In order to enter Anura's land he had to take the long way around the block due to the positioning of Saman's land. Lal thought this was quite unfair and stated that he would only agree to enter into the tenancy of Anura's property if Lal was granted the right to walk over Saman's property rather than the long way that Anura was using. He complained that the route was inconvenient and wasteful of time and energy. He also wanted the footpath to be at least 5 feet wide in order to enable easy access.

Furthermore, Lal informed Anura that he had certain acquaintances that would be happy to enter into tenancy agreements with Anura due to the advantageous location and peaceful environment. Upon this information Anura decided to add another storey to the house.

When Anura went to speak to Saman about Lal's request to walk over Saman's property in order to access Thalgahawatte, Saman became quite angry. He also objected to Anura's plans to construct an entire storey, which would partially block the sunlight and air to Saman's house. Anura responded that as the owner, he had every right to expand on his land. Saman retorted that the same principle applies to him when it comes to precluding Lal from walking across his land. Then Anura went to the extent of contending that a right to require a neighbour not to construct so as to interfere with the light and air flowing to a land cannot be recognized in law.

Advise Anura on his rights and liabilities with regard to ownership and servitudes citing relevant case law.

(Total 100 Marks)

06. (a) Unlike the possessory remedy, which seeks to ensure that individuals do not take the law into their own hands and restore parties to the *status quo ante*, the *rei vindicatio* action is far more serious and deals with the issue of title.

Critically analyze the above statement citing relevant case law.

(b) In Sri Lanka, the paulian action has evolved to ensure that debtors are granted no leeway to resort to mischief in order to defraud creditors.

Discuss and analyse the accuracy of the above statement with regard to the paulian action. Support your answer with relevant legal authorities.

(50 x 2 = Total 100 Marks)
