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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

Local Government Institutions (Standard by Laws) Act, No. 06 of 1952

BY virtue of powers vested under Section 2 of the Local Government (Standard by laws) Act, No. 06 of 1952 to be read with Section 2(1) (a) of Provincial Council (incidental provisions) Act, No. 12 of 1989, the following By Laws made by Hon. Minister in charge of the subject of Local Government in the North Western Province Council in terms of the provisions of Section 2 of the said Local Authorities (Standard by Laws) No. 06 of 1952 are hereby published.

Standard by law on Development of Housing property and blocking out and sale of lands.

Pradeshiya Sabha are vested with powers under Section (221) (a) of Pradeshiya Sabha Act, No. 150 of 1987 to compile By Laws including provisions of these By Laws and accordingly all the Pradeshiya Sabha are vested with powers to accept this By Laws in terms of the provisions of Section 2 of Local Authorities (Standard By Law) Act, No. 06 of 1952.

The by laws published as development of housing property and blocking out and sale of lands, in part (IV) (a) Provincial Council of the Gazette No. 1317 of Democratic Socialist Republic of Sri Lanka on 28.11.2003 is hereby resinded.

Attorney at Law J. P. DAYASIRI PADMAKUMARA JAYASEKARA,
Chief Minister of the North Western Province and the Minister of Finance and Planning ,
Law and Order, Local Government and Provincial Administration,
Human Resources, Education and Cultural Affairs, Lands Environment
and Food Supply and Distribution.

Kurunegala,
9th September 2014.



DEVELOPMENT OF HOUSING PROPERTY AND SALE OF BLOCKED OUT LAND

PROPOSED BY LAW

01. This by law is cited as the by law on the development of housing property and sale of blocked out lands within the area of authority of Pradeshiya Sabha.
02. These by laws are imposed with the objective of making provisions for regularizing and controlling relevant activities in every instances where a land or part of land of 80 perches or exceeding its is sub divided for development, blocking out and selling or transfer within an area where the provisions of Housing and Urban Council Ordinance are effective in the area of authority of Pradeshiya Sabha of the North Western Province.
03.
 - i. In every instances where a land or a part of land of 80 perches or exceeding it is divided into four or more lots within the area where the provisions of Housing and Urban Council Ordinance are effective in the area of authority of Pradeshiya Sabha, the relevant development plan of such division shall be furnished to the Chairman of the Pradeshiya Sabha and prior approval should be obtained before such division.
 - ii. Every application submitted for development activities should be prepared in accordance with the specimen application form given in the schedule 01 of these by laws and such application should be bought from the Pradeshiya Sabha on payment of an amount of Rs. 250/-. The respective application should be perfected by the owner or developer as the case may be and submitted by fulfilling the requirements in terms of the following provisions of these by laws.
 - (a) In case the proposed land to be blocked out is a coconut land exceeding 0.2 Hectares in extent, approval of the Commissioner of Local Government should be obtained.
 - (b) In case of blocking out a land exceeding 0.2 Hectare in extent a report ensuring that no harm will be caused to the environment by such blocking out should be obtained by the North Western Provincial Environment Authority of the North Western Provincial Council.
 - (c) In case the proposed land to be blocked out is a paddy land, approval of the Commissioner of Agrarian Services should be obtained.
 - (d) In case of land is situated within coastal zone, approval of the Director of coastal conservation of the Department of Coastal Conversation should be obtained in terms of coastal Conservation Act, No. 57 of 1981.
 - (e) In case the proposed land to be blocked out is required to reclaim totally, partly or several lots, the recommendation of land Reclamation and Development Corporation of Sri Lanka should be obtained.
 - (f) In case the proposed land to be blocked out has not been provided with pipe borne water facilities, the recommendation of the water resources board should be obtained in order to ensure the drinking water supply.
 - (g) The proposed land to be blocked out is located adjoining to reservation or responsive area or affecting the safety of it, the recommendation of the public or provincial council institute that declared the said reserve or responsive area or in charge of the same.
 - (h) Information of the number of proposed lots, number of smallest lots, number of largest lots, width of the internal roads of the blocking, out plan, water sources, hillock, pits, and in the event of drainage system is changed the manner of changing it, shall be included in the application of development plan.

04. (i) in case of relevant requirements are fulfilled in the application regarding a land area from 0.2 Hectares up to 05 Hectares, approval could be given by the Pradeshiya Sabha.
- (ii) Before granting approval for an application regarding a land area from 05 Hectares to 10 Hectares written sanction of the Commissioner of Local Government of the North Western Province shall be obtained by the Chairman of the Pradeshiya Sabha to ensure that the respective conditions have been fulfilled by the applicant.
- (iii) Written sanction of the Minister in charge of the subject of Local Government in the North Western Province shall be obtained by the Pradeshiya Sabha prior to grant the approval for an application regarding a land exceeding 10 Hectares in extent.
05. (i) No person shall cause damage, remove, cut or uproot crop cultivation in a land or a part of a land as well as block out the said land or part of land or transfer, sell, convey or publish advertisement for selling such lots of land without getting the development plan approved.
- (ii) Every person convicted under the above sub Section 01 shall apply for a Development license by forwarding an application for approval of the development plan by fulfilling the requirements of these by laws and other relevant written law in terms of the Schedule 01 after such conviction. In the event of granting approval for such application by the Chairman of the Pradeshiya Sabha the provisions of these by laws or in another written law as the case may be shall be applied.
06. A blocking out plan named as sub division hereto prepared by an accredited surveyor in accordance with the approved development plan shall be approved by the Chairman of the Pradeshiya Sabha.
07. In an every instance where a land is blocked out and sold for residential purpose within the area of authority of Pradeshiya Sabha the minimum extent of a block of land should be 0.0375 Hectares (15 perches) and in case of nonresidential purpose the minimum extent of a block of land should 0.0152 (06 perches) and the minimum width of a block of land reserved for residential purposes should be 12 meters.
08. (1) All the roads reserved within the blocked out lands should be in compliance with the following specifications.

<i>Number of block of land</i>	<i>Width of the road (Meters)</i>
04 or less than 04	5
From 05 to 08	6.5
From 09 to 20	6.5
Exceeding 20	6.5

- (2) In case any internal road is not connected to another road, such end of the road should be made as a round about with diameter of not less than 09 meters.
- (3) Any corner joining roads should be made not as an angular but as circular for the safety of the road users.
- (4) The roads constructed in this manner should be developed according to the instructions and standards of Technical Officers of the Pradeshiya Sabha.
9. (1) In case the extent of land to be blocked out is 01 Hectare (2.47 Acres) or more than that extent and if the extent of smallest block land is 0.1 Hectares (40 perches) or more than that extent, an area of five per cent (5%) of the remaining total land area excluding the area reserved for the roads of the land should be reserved for general purposes.

- (2) In case of the extent of blocked out land is more than 01 Hectare and in if the extent of a block of land is less than 0.1 Hectare (40 perches) , an area of ten percent (10%) of the remaining total land area excluding the extent reserved for roads of the land should be reserved for general purposes, public wells and cemeteries for all roads when necessary. The lands so reserved for the Pradeshiya Sabha should be utilizable lands and they should not be rocky or muddy and marshy lands.
 - (a) In case water supply facilities are not provided for the blocked out land, considering the number or blocks of lands a public well for each 40 blocks less than that amount should be constructed and handed over to the Pradeshiya Sabha including the land where the well is located.
- (3) If the number of blocks to be sold is more than 40, every block of land should be compulsorily provided with pipe borne water supply facilities and the pipe borne water supply system should be installed and the water sources should be put up before the sale of transfer of the block of lands.
- (4) If any natural water way or tank or pond is situated crosswise the blocked out lands, a reservation for the said water way, tank or the pond should be reserved.
- (5) Subsequent to the approval of sub division (blocking out plan) and before the sale of such blocks of lands, if a land area should be reserved for general purpose and cemetery, a deed of land in favour of the Pradeshiya Sabha should be regularly prepared and certified by a Notary Public for the land area reserved for general purposes, and the land area reserved for the cemetery and should be transferred to the Pradeshiya Sabha without levying any charge.
- (6) (a) In case of a land exceeding one Hectare in extent is divided into two or more lots less than a Hectare in extent after the effective date of these by laws and in case such lots are blocked out an sold, transferred and conveyed at one occasion or on several occasions before laps off a period of 10 years, the requirements set out in Section (1), (2) and sub Section (3) of these by laws shall be fulfilled as per the land area of the original land as at the effective date of these by laws.
 - (b) the period of 10 years in the above paragraph shall be calculated with effect from the date of registration of deeds of lands after division of the land into two or more lots.
10. Whatsoever is mentioned in the above paragraph 09 of these by laws, in an instance where an inheritance of a land by legacy or a ownership of a property or by means of a transfer of a land by a deed of gift or any sub division of land under the provisions of a court decisions regarding title by a District Court, the provisions set out in Section 09 shall not be applied.
11. The valid period of an approved development plan shall be 06 months and if any applicant fails to furnish and get the sub division approved, the chairman reserved the power to extend the period for two period of 03 months onwards on a written request of the applicant.
12. The valid period of an approved sub division is 01 year and of all the block of land were not sold the valid period could be extended by the Chairman on a written request furnished by the applicant.
13. (1) The Chairman of the Pradeshiya Sabha shall approve or not approve the development plan together with the relevant reports set out in sub Section (2) of the Section (3) of these by laws within a period of one month on receipt of such development plan to the Pradeshiya Sabha. Further the sub division (blocking out plan) set out in Section 8 of these by laws shall be approved or not approved within a period of 04 weeks on receipt of sub division to the Pradeshiya Sabha.
 - (2) If the granting of approval is refused, reason for such refusal shall be informed in writing to the applicant within the period set out in sub Section (1) of these by laws.

- (3) If the particular Pradeshiya Sabha fails to act in accordance with the provisions of the above sub Section (1) and (2) an appeal could be submitted to the Commissioner of Local Government in the North Western Province.
14. (1) Every person, institute, businessman, business companies and brokers, who engaged in development, blocking out and selling of Housing property within the administrative limits of the North Western Province shall register at the Department of Commissioner of Local Government in the North Western Provincial Council.

Following charges shall be paid for registration.

- | | | | |
|-----|--------------------------------|---|---------------|
| i. | First registration | - | Rs. 25,000.00 |
| ii. | Renewal of annual registration | - | Rs. 5,000.00 |

- (2) Every owner, auctioneer, broker or successor of land shall submit a report in every three month to the Pradeshiya Sabha regarding the sale of land and relevant consideration of it within the period of the beginning up to the completion of the sale of all the blocks of land included in their sub division plan. The reports shall be prepared in accordance with the specimen format given in schedule 11 and submitted to the Pradeshiya Sabha.
15. Below mentioned inspection charges shall be paid by the applicant to the Pradeshiya Sabha in order to get the development plan or sub division approved.

<i>Land area</i>	<i>Development Plan</i>	<i>Sub division</i>
Less than one Hectare	Rs. 500.00	Rs. 500.00
Exceeding one Hectare upto 02	Rs. 700.00	Rs. 700.00
Exceeding 02 Hectares up to 04	Rs. 1,000.00	Rs. 1,000.00
Exceeding 4 Hectares	Rs. 1,250.00	Rs. 1,250.00

16. Any person who violates these by laws shall be a guilty of an offences and after conviction before a court of law shall be liable to a fine not less than Rs. Seven Hundred and Fifty. Moreover, in the case of continuous violation such person shall be liable to an additional fine not less than Rs. Two Hundred and Fifty for every day committing such violation. Further, the registration made under Section 14(1) of these by laws shall be cancelled and the person, institution, businessman, business company or broker shall be entered in the black list maintained by the Commissioner of Local Government.

17. In these by laws

“The chairman of the Pradeshiya Sabha” means the Chairman of the Pradeshiya Sabha where the particular land is situated.

“the secretary of the Pradeshiya Sabha” means the Secretary of the Pradeshiya Sabha where the particular land is situated.

“Area of authority of Pradeshiya Sabha” means the area of authority where the particular land is situated.

“Paddy land” shall be interpreted in the same way given in the Agrarian Development Act, No. 46 of 2000.

“Development” shall be interpreted in the same way given in the Town and village designing ordinance (chapter 269)

“Coconut land” means a land where coconut had been cultivated or presently coconuts have been cultivated as the main cultivation.

“Accredited surveyor” means a person authorized to serve as a surveyor under the provisions of Surveyor Ordinance.

“Residential” means a building or a complex of buildings comprising a room, or a series of rooms consisting fully fledged unit conducive to residence including sleeping, cooking and sanitary facilities are independently used for residence.

“Non residential” means any activity carried out which is not residential.

“Sub division” means a blocking out plan of land.

“Receptive area” includes the meaning given in Environment Statute No. 12 of 1990 of the North Western Province.

“Reservation” shall be interpreted in the same way as it is given in the Land Development Ordinance.

SCHEDULE I

APPLICATION FOR BLOCK OUT AND SALE OF LANDS IN THE NORTH WESTERN PROVINCE.

01. Name of the applicant :
02. Address of the applicant :
03. Identity card number of the applicant :
04. Telephone Number of the applicant. :
05. Name of the institute. :
06. Address of the institute. :
07. District where the institute is located. :
08. Relevant divisional Secretariat. :
09. Grama Niladhari Division. :
10. Number of relevant deed of the land and the plan. :
11. Proposed number of lots to be blocked out at the land. :
12. i. Has it registered as business or as an institute
(if so furnish a photocopy of the certificate of registration)
ii. Has the certificate of the Department of Local Government obtained as an institute of blocking out land
13. Mention previous experience of blocking out and selling lands. :

<i>Year</i>	<i>Name of the land</i>	<i>Land Area</i>	<i>Relevant Local Authority</i>	<i>Has the approval of the Local Authority obtained</i>
.....
.....

The above particulars furnished by me are true and correct and I am aware that I am liable to disqualified and to be taken an legal action and cancel the license if the particulars are found to be false, You are kindly requested to issue a license for block out and sell lands within the area of authority of Pradeshiya Sabha.....

Date :

Signature :

SCHEDULE II

REPORT OF DEVELOPMENT OF HOUSING PROPERTY AND SALE OF BLOCKED OUT LANDS

Chairman

Pradeshiya Sabha.....

1. Name of the land :.....
2. Approved date number of Development plan :.....
3. Approved date and number of Sub/division :.....
4. Number of lots relating to sub division :.....
5. Details on lots and land sold out
- 5.1 From20.....
up to..... 20
- 5.2 Name and address of the Notary Public and

5.3

<i>Lot number in terms of sub division</i>	<i>Name and address of the person who purchased</i>	<i>Deed No. and Date</i>	<i>Value</i>

Date.....

.....
Signature

.....
Name

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