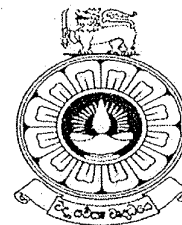


THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LLB (HONS) DEGREE PROGRAMME- LEVEL 4
 FINAL EXAMINATION- 2023/2024
 LLU4611 – LAND LAW
 DURATION- 3 HOURS



DATE: 15th of May 2025

TIME: 01.30 p.m. – 04.30 p.m.

Answer FIVE (05) questions only.

Illegible handwriting will be penalized.

01. (a) Discuss the following aspects of law relating to the co-ownership in land.

(i) The fundamental principles and features of co-ownership in land. (05 Marks)

(ii) The rights of co-owners in relation to the common property. (05 Marks)

(b) Amal and Kamal are co-owners of a tea plantation in Nuwara Eliya. Since Amal worked in Colombo, Kamal looked-after the land. Kamal decided to grow vegetables on a part of the tea plantation. For this purpose, Kamal cleared a certain portion of the tea plantation and replanted it with a variety of vegetables. Also, he built a small house on the land and utilized all the profits that he earned from selling vegetables by himself.

Amal seeks your advice as to whether he is entitled to any profits derived from the sale of vegetables.

Advise Amal.

(10 Marks)

02. “Acquisitive prescription is one of the modes of acquiring ownership in land under the Roman-Dutch law. However, the basic requirements of Roman-Dutch law for acquiring prescriptive title in land have been drastically changed by the Prescription Ordinance No.22 of 1871. Accordingly, the contemporary requirements in claiming prescriptive title to land entirely depends on the legislative provisions and case law.”

In the light of the above statement answer the following questions.

(a) The meaning and the types of prescription.

(05 Marks)

(b) The essential requirements that should be proved to claim prescriptive title in land in Sri Lanka.

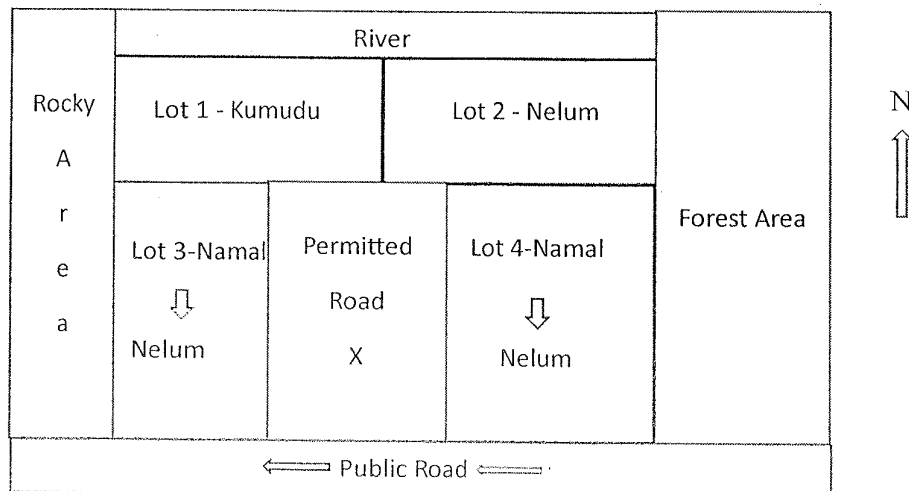
(15 Marks)

03. The model survey plan given below pertains to the use of an access road by three owners of a land depicted in the survey plan. Namal is the owner of lots 3 and 4 which are boarding the public road. The back portion of the land including lots 1 and 2 belong to Kumudu and Nelum respectively.

The North boundary of the land is bounded by a river and Eastern side of the land is covered with thick forest and Western side has impassable rocky area.

Namal, considering the inconvenience of Kumudu and Nelum permitted to get access to the main road through the road x via lots 3 and 4. After a while, Kumudu quarreled with Namal and stopped using the permitted road x to get access to the public road.

Sometime later, Namal died of heart attack. Before his death, he sold lots 3 and 4 to Nelum. After Namal's death Kumudu started to use the road again to get access to public road.



Answer the following questions.

- Briefly explain the meaning of servitudes in relation to utilizing land resources. (05 Marks)
- Briefly explain the concept of right of way of necessity. (*via necessitatis*) (05 Marks)
- Briefly describe the modes of termination of servitudes. (05 Marks)
- Discuss whether Kumudu is entitled to re-claim right of way in the above situation.

Support your answer with the relevant case law.

(05 Marks)

04. (a) "The boundaries associated with a land are always a source of conflicts among land owners. The Roman-Dutch law remedy for clearance of boundaries in land was substantially modified by legislative interventions."

In the light of above statement, discuss the action in clearance of boundaries in Sri Lanka.

(10 Marks)

- (b) "A movable property may be considered as a fixture when certain requirements introduced by the courts can be proved to exist by evidence."

Discuss.

(10 Marks)

05. Chanchala bought a land called '*Sanasuma*' from 'Supreme' Land Sales (Pvt) Ltd., in 2005. She started building a house, but she went abroad for her higher studies in 2015 before completing the construction of the house. After few months Malith, the owner of the adjoining land entered into Chanchala's land with his family and settled down there. Malith completed the house and maintained it.

He obtained electricity connection and pipe-borne water. Also, he planted ornamental plants and bought some expensive furniture for the house. He modernized the bathroom with expensive fittings.

In 2025 April Chanchala returned after her higher studies and found her property was occupied by a family that she is unaware of.

Chanchala filed action for ejectment of Malith and his family from the property.

Now, Malith wishes to know whether he is entitled to any compensation for the improvements that he has made on Chanchala's land.

Advise Malith.

Support your answer with the relevant statutory provisions and case law.

(20 Marks)

06. Imagine that you have been appointed as the Commissioner of Title Settlement and you have been requested to deliver a lecture on 'The Legal Aspects of Title Registration' to the law students of the Open University of Sri Lanka.

Draft your speech, outlining the salient features of title registration under the Registration of Title Act No. 21 of 1998.

(20 Marks)

07. (a) "Possession is one of the key concepts on which the law relating to land is based in Sri Lanka. Also, any disturbance to possession always leads to the breach of peace in the society. Therefore, the legislature has introduced the laws to address the issues relating to disturbance to possession and maintain peace in the society."

In light of the above statement briefly discuss the law relating to possessory action under Section 4 of the Prescription Ordinance of No. 22 of 1871.

(15 Marks)

- (b) Compare and contrast the possessory action provided in Section 66 in Primary Court Procedure Act No.44 of 1979 with that of the possessory remedy under Section 4 of the Prescription Ordinance of No. 22 of 1871.

(05 Marks)

08. Write short notes on **any two (02)** of the following;

- (a) *Exceptio rei vinditae et traditae*
- (b) *Traditio*
- (c) *Rei Vindicatio* Action
- (d) Classification of property

(10X02=20 Marks)

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