

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME – LEVEL 5

1<sup>st</sup> ASSIGNMENT TEST – 2008 / 2009

**LAND LAW – LWU 3312**

DURATION - 40 minutes



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Date: 13<sup>th</sup> October 2008

Time: 11.30 a.m. – 12.10 p.m.

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Candidates will be penalised for illegible handwriting.

Answer one question only.

1. "I entertain no doubt that it is competent for the Crown by its regularly appointed agents, to grant licenses to fishermen to spread their nets on the seashore or on land belonging to the Crown adjacent to the shore. It seems to me to be reasonable to make use of such land, for without the express or tacit license to occupy the land adjoining the sea, the fishing trade would be impossible.

Lawrie ACJ in *Rowel Mudaliyar v. Peris* (1895) 1 NLR 81.

Critically evaluate this statement giving special emphasis to the different classifications of property and the availability of such property for public use.

2. Perera, the owner of a large house with 7 bedrooms and 5 acres of land with fruit bearing coconut trees, wanted to sell his house and property. He advertised the sale in a weekend newspaper and requested offers from prospective buyers. Silva contacted Perera after seeing the advertisement and told him of his intention to buy the property. Silva later signed the relevant documents regarding the transaction after inspecting the house and property. When signing the relevant documents, Perera told Silva that he would remove all "temporary fittings" in the house. Silva did not pay much attention to this remark.

When Silva moved into the house after two weeks, he found that Perera had removed all the bathroom fittings, ceiling fans, pantry cupboards, a portable electric stove, curtains on the doors and windows and expensive tapestries.

Silva wishes to know whether Perera has any legal rights to remove the above mentioned articles from the house under the law of property in Sri Lanka.

Advise Silva. Support your answer with reference to decided cases.

**NOTE: You are not required to discuss the law relating to execution of deeds, land transactions or other matters relating to transfer of title.**

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