

An Analysis of Professional Participation of Registered Licensed Surveyors in Land Partition

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Statistics of land ownership in Sri Lanka shows that approximately 82% of land in the country is under state control while only 17.7% is privately owned, and as a tool of administration and management of private lands, Partition Act (Amended) No:17 of 1997) has been enacted especially for clearing co-ownership disputes through litigation. Out of longer-term pending cases in the court, the main cases are partition cases followed by other land disputes. This situation urges the requirement of emphasizing 'private land administration and management as they are having "doing business" potential, due to clear title and less intervention by public sector decision-makers relative to public lands. This study aims to examine the professional involvement of Registered Land Surveyors (RLS) in partition cases as Court Commissioners and its relationship with laws delays in land litigation. Two provinces; 'Sabaragamuwa' and 'Southern', were selected purposively for the study, and statistics of RLS were analyzed. A simple Random sample of RLS s was drawn from Kegalle District in the Sabaragamuwa Province. Answers were obtained for a structured questionnaire. The study reveals that a large number of private lands which have development potentials remains stuck in the adjudication process of partition due to the lack of Court Commissioners which in turn leads to prolonged litigations. It was also revealed that 50% of the RLSs are reluctant to join this volunteer position due to drawbacks in the Partition Act. More than 70% of the RLS who are engaged with partition surveys are over 70 years of age and joining of new RLS with the courts for the last ten years is below 1 %. It is anticipated that if the situation continues and if appropriate remedial measures are not taken by the authorities and professional institutes, partition litigations would adversely affect the private sector land administration and management.

Key Words: *partition, appraisal for owelty, court commissioner, Registered Licensed Surveyor (RLS)*