

**ARAHAN PESURUHJAYA TANAH DAN GALIAN TERENGGANU.
BILANGAN 3/1981.**

Pemungut Hasil Tanah, Kuala Terengganu.
 Pemungut Hasil Tanah, Dungun.
 Pemungut Hasil Tanah, Besut.
 Pemungut Hasil Tanah, Kemaman.
 Pemungut Hasil Tanah, Hulu Terengganu.
 Pemungut Hasil Tanah, Marang.

Kegunaan Tanah Bandar Atau Pekan Dipegang Di Bawah
Hakmilik Pendaftar Yang Bebas Daripada Penjenisan Dan Syarat Nyata.

Arahan ini adalah dikeluarkan dengan tujuan untuk menarik perhatian kepada semua Pemungut-pemungut Hasil Tanah berkait dengan keputusan Mahkamah Persekutuan berhubung dengan kes Pemungut Hasil Tanah, Wilayah Persekutuan melawan Garden City Development Berhad Bil. 95/1978 (Rujuk M.L.J. May 1979 muka surat 223). Satu salinan keputusan tersebut dikembalikan bersama-sama ini bagi makluman.

2. Keputusan di atas telahpun dibincangkan dalam Persidangan Pengarah-pengarah Tanah dan Galian Tanah Melayu dan telah mendapat kata sepakat untuk mengikut keputusan yang dibuat oleh Mahkamah Persekutuan tersebut.

3. Saya dapati banyak permohonan-permohonan untuk memecah sempadan bagi tanah-tanah di bawah Hakmilik Pendaftar telah diangkat ke Pentadbiran ini untuk mendapat kelulusan Pecah Sempadan, Pecah Bahagian dan Penyatuan Tanah bertujuan untuk mendirikan "Bangunan" di atas tanah berkenaan di mana kebanyakan daripada tasyarat-tanah berkenaan tidak mempunyai Penjenisan (kategori) dan syarat nyata.

4. Oleh yang demikian bagi memastikan permohonan-permohonan yang dimajukan itu dapat ditimbang dengan segera, semua Pemungut-pemungut Hasil Tanah hendaklah sebelum mengedarkan permohonan-permohonan pecah sempadan itu memastikan dan menasihatkan kepada pemohon-pemohon berkenaan membuat permohonan menukar jenis "Penjenisan" dan syarat nyata terlebih dahulu.

* BERKHIDMAT UNTU NEGARA *

t.t.
 (DATO' LELA JASA)
 Pengarah Tanah dan Galian,
 Terengganu.

Bil. (55) dlm. PTG. TR. 13/66/1 (SEM)

s.k.
 Yang Di Pertua Majlis Perbandaran, Kuala Terengganu.
 Yang Di Pertua Majlis Daerah, Besut.
 Yang Di Pertua Majlis Daerah, Kemaman.
 Yang Di Pertua Majlis Daerah, Dungun.
 Yang Di Pertua Majlis Daerah, Hulu Terengganu.
 Yang Di Pertua Majlis Daerah, Marang.

Kuala Terengganu, 8hb. November, 1981.

- Salinan -

Lampiran 'A'

Petikan daripada M.L.J. May 1979 M.S. 223

COLLECTOR OF LAND REVENUE
FEDERAL TERRITORY V.
GARDEN CITY DEVELOPMENT BERHAD.

(F.C. (Lee Hun How C.J. (Borneo),
Wan Sulaiman & Chang Mln Tan F.JJ)
November, 8 & December 14, 1978)
(Kuala Lumpur - Federal Court Civil Appeal No. 95 of 1978)

- B. Land Law - Classification of land - Land alienated before the coming into force of National Land Code - Nature of land title - category of use - Registry title - Town land - Land to be used neither of agricultural nor industrial purposes - Need to apply for imposition of category of use for land to be used for building - Appeal against decision of city planning committee - Time for appeal - Whether land owner required to accept diminution in title from freehold to lease - National Land Code, as. 2, 4(1), 53, 54, 110, 124, 128 and 418.
- C. In this case the respondents as owners of the land in question wished to develop it and they applied for sub- division and conversion of the land. Without waiting for such approval, they obtained the consent of the Datuk Bandar, Kuala Lumpur, for the construction of the substantial commercial building on the land. Subsequently they were informed by the Director of Lands and Mines, Federal Territory that the Land Executive Committee had decided that their application would only be approved if
- D. (a) the respondents made certain payments of premium and tax on the change of the category of use of the land to building and
(b) they accepted a 99 year-lease in exchange for their title. The respondents failed to surrender the title or pay the premium. The Collector of Land Revenue served a notice on them under section 128 of the National Land Code to remedy their failure to alter condition of land use " from Agriculture to Commercial". The respondents thereupon applied by Originating Motion for an
- E. Order that the Collector of Land Revenue cancel the notice on the ground that the notice was bad and invalid. It was contended for the respondents as there was no expressed endorsement on the document of title pertaining to the category of land use, there was no necessity for them to apply for conversion. The application was allowed in the High Court and the appelland then appealed to the Federal Court.
- F. Held, allowing to appeal: (1) the land in question was town land and on the coming into force of the National Land Code came under the provisions of section 53(3) of the Code which provides that it shall be used neither for agricultural nor for industrial purposes;
(2) In order to use the land for building, the owners have to apply for the imposition of the category of building under section 124 of the National Land Code.
- G. (3) In this case the respondents have failed in erecting the building to apply for the imposition of the category "building" to their title and this failure constituted a breach of condition by reason of which action under section 128 of the National Land Code could and was taken.