

"SERIOUS IMPLICATIONS'

GOVT TO PREVENT REPEAT OF DUTA ENCLAVE ISSUE

Relevant laws will be reviewed if necessary, says Anwar

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THE government is looking into ways to prevent a repeat of the Jalan Duta land issue after Putrajaya was ordered to return 106.54ha of land to a private company.

The High Court on Tuesday approved a liquidator's request to transfer the land, known as "Duta Enclave" to Semantan Estate Sdn Bhd.

The issue surrounding the land, which houses several government buildings, centres on the execution of the acquisition, which the court said was not done lawfully.

The government has filed an appeal against the court order to return the land.

Prime Minister Datuk Seri Anwar Ibrahim yesterday said the court's decision had serious implications.

"The land was acquired for public use, for government agencies," he said at the launch of guidelines on the management and governance of federal statutory bodies.

Anwar said while the government respected the court's decision, there was a need to explore measures to prevent such issues from happening again.

"If the principle (in the Jalan Duta case) is applied, what about public land acquired since or before independence?"

"What about land taken for government purposes or taken over by the private sector or private sector purchases of agricultural land?"

He said this was why there was a need to take a closer look at the issue and, if necessary, review relevant laws.

"The cabinet needs to discuss it next week," he said.

On Tuesday, the High Court ordered the government to return the land to a private company.

The land is currently home to several government buildings, including the former National Hockey Stadium, the National Tennis Complex, the Institute of Islamic Understanding Malaysia, Masjid Wilayah Persekutuan, the National Archives and the Inland Revenue Board Complex.

Judge Datuk Ahmad Shahrir Salleh had allowed the company's application, enforcing a 2009 court order that mandated the transfer of the land to its liquidator.

The court had also ordered the defendants to carry out the terms sought within three months of that day.

The court dismissed the government's application to adjourn

the hearing for three months pending a proposed settlement with the company.

Shahrir said negotiations between the government and the company had been ongoing since 2013.

Senior federal counsel Mohammad Al-Saifi Hashim and Shamsul Bolhassan appeared for the government, while lawyers Ira Biswas, Janet Chai Pei Ying and Alexie Ng represented the company.

In 2010, the High Court ruled that the acquisition of the land owned by Semantan Estates was not lawfully executed and the government had been a trespasser of the land.

The decision was subsequently upheld by the Court of Appeal on May 18, 2012, and on Nov 21 the same year, the Federal Court refused the government's leave to appeal against the decision, effectively making the High Court ruling final and binding.

In 1956, the Selangor government declared that the land belonging to Semantan Estates was required for public purpose.

In 1989, Semantan Estates filed an action against the federal government for trespassing, claiming that its taking possession of the land was unlawful and wrongful.

Page 1 pic: An aerial view of buildings near Jalan Duta in Kuala Lumpur that are on land at the centre of a dispute between the government and a liquidator.