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## Govt has an override in land ownership: Forum

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WHILE Mr Tan Han Sing's lecturer was right in giving the old Latin maxim 'cuius est solum, eius est usque ad caelum et ad inferos' (for whoever owns the soil, it is theirs up to Heaven and down to Hell), such a view is not accepted as being absolute under both the common law and the Land Titles Act of Singapore ('So, who owns the land beneath your property?'; Tuesday).

Under the common law, such a view was restricted in the case of *Bernstein of Leigh (Baron) versus Skyviews & General* where it was held that the land owner's right to enjoy the airspace above his land was not absolute and was restricted to only a reasonable level.

Under the Land Titles Act, land is actually defined as 'the surface of any defined parcel of earth, all substances thereunder and so much of the column of airspace above the surface whether or not held apart from the surface as is reasonably necessary for the proprietor's use and enjoyment...'. This also reflects the common law position.

Given such a definition, it is arguable that there is normally no intrusion or trespass when the Government or any other authorised bodies carry out such projects beneath property as such works are done at a level which is beyond what is 'reasonably necessary' for the enjoyment of the land.

If such is the conclusion, compensation is unwarranted.

**Linus Koh**

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