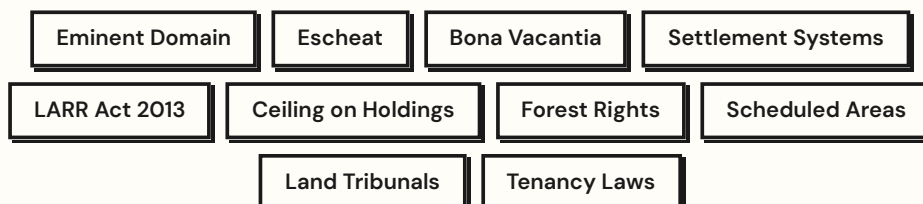


Law**Stories**

Land Laws

Q&A Exam Guide

◦ Osmania University ◦ Year 2 · IV Semester ◦ Part A



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First Edition · 2026

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Land Laws | Part A

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Land Laws | Unit 1 | Part A

Classification, Doctrines, and Land Records — Short Notes

Q1. Write a short note on the Doctrine of Eminent Domain.

PRIORITY: ★★★ | PART: A | FREQ: 5

The State's Sovereign Power to Acquire Private Land

Eminent domain is the inherent sovereign power of the State to acquire private property for public purpose upon payment of just compensation. It is not derived from any statute but is an attribute of sovereignty itself: the State's ultimate dominion over all land within its territory. In India, this power is constitutionally regulated by Article 300A of the Constitution, which provides that no person shall be deprived of property save by authority of law.

Legal Foundation

Article 300A, Constitution of India, 1950 : no deprivation of property except by authority of law; the constitutional limitation on eminent domain

Section 3(z), Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 : defines "public purpose" for which eminent domain may be exercised

Mnemonic: "SCPLR"

Sovereignty | Compensation | Public purpose | Law | Restriction

Sovereignty | Compensation | Public purpose | Law | Restriction

Sovereignty

Eminent domain is an inherent sovereign power. The State does not need a statute to possess this power; statutes merely regulate its exercise. Every sovereign State has the power to take private property for the common good, a principle recognised since Roman law (dominium eminens).

Compensation

The exercise of eminent domain requires payment of compensation to the dispossessed owner. Under the LARR Act, 2013, compensation includes market value plus 100% solatium plus additional amounts under 12 heads (Section 29). The SCI in *Chiranjit Lal Chowdhuri v Union of India* (1951) held that the adequacy of compensation is a legislative, not judicial, question.

Public purpose

Eminent domain can only be exercised for a public purpose. Section 2(1) of the LARR Act defines public purpose to include infrastructure, defence, education, housing for the poor, and industrial corridors. Private acquisition for a company requires 80% consent; for PPP projects, 70% consent.

Law

Article 300A mandates that deprivation must be "by authority of law." Arbitrary acquisition without statutory backing is unconstitutional. The acquisition must follow the procedure prescribed by the LARR Act, 2013 or the relevant state legislation.

Restriction

Eminent domain is not absolute. It is limited by: the requirement of public purpose, the obligation to pay compensation, the procedural safeguards of Social Impact Assessment, and the prohibition on acquiring multi-crop irrigated land except as a last resort (Section 10(2) LARR Act). The 44th Amendment (1978) removed property from fundamental rights but retained Article 300A as a constitutional right.

Chiranjit Lal Chowdhuri v Union of India (SCI, 1951)

Facts

The government acquired a private company's undertaking. The owner challenged the compensation as inadequate and the acquisition as violating fundamental rights.

Held

The SCI held that the State has inherent power to acquire property for public purpose. Adequacy of compensation is for the legislature to determine, not the courts.

Principle

Eminent domain is an inherent sovereign power; adequacy of compensation is a legislative question.

State of Bihar v Kameshwar Singh (SCI, 1952)

Facts

The Bihar Land Reforms Act abolished zamindari. The zamindar challenged the acquisition arguing inadequate compensation.

Held

The SCI upheld the State's power of eminent domain for agrarian reform. Compensation need not be market value; it must be fixed by law and cannot be illusory.

Principle

Eminent domain sustains agrarian reform; compensation must be real though not necessarily full market value.

Q2. Write a short note on the Doctrine of Escheat.

PRIORITY: ★★★ | PART: A | FREQ: 5

The State as Ultimate Owner When Succession Fails

The Doctrine of Escheat is the principle that when a person dies intestate without any legal heirs, his property reverts to the State as the ultimate owner of all land within its territory. The State takes the property not as an heir but in its sovereign capacity as the owner of last resort. In India, Section 29 of the Hindu Succession Act (HSA), 1956 and Article 296 of the Constitution govern escheat.

Legal Foundation

Article 296, Constitution of India, 1950 : property which would have accrued to the Crown before the Constitution shall vest in the State (Union or State depending on territorial location)

Section 29, Hindu Succession Act (HSA), 1956 : if an intestate has left no heir qualified to succeed, the property devolves on the government

Mnemonic: "DHSLG"

Death | Heirless | Sovereign | Law | Government vesting

Death | Heirless | Sovereign | Law | Government vesting

Death

Escheat is triggered by the death of the property owner. The owner must die intestate (without a valid will disposing of the property). If the owner leaves a valid will, escheat cannot arise because the testamentary disposition prevails.

Heirless

The deceased must have no legal heir entitled to succeed under the applicable personal law. Under the HSA, the schedule of heirs extends to very remote relatives. Only when no heir in any class can be found does the property become heirless and available for escheat.

Sovereign

The State takes the property not as an heir but in its sovereign capacity as the ultimate owner of all land. This is the feudal principle of dominium eminens: the sovereign's ultimate ownership underlies all private titles. The SCI in *Pierce Leslie & Co v Violet Ouchterlony Wapshare* (1969) recognised the sovereign's right of escheat as an incident of sovereignty.

Law

Escheat operates by law, not by executive action. The government must establish through legal proceedings that the deceased left no heir. The burden is on the government to prove absence of heirs. Mere presumption is insufficient; the government must conduct a thorough inquiry.

Government vesting

Under Article 296, property that would have escheated to the Crown before the Constitution vests in the State. The State Government takes escheat property within its territory. The Union Government takes property in Union Territories. The government takes the property free of encumbrances created without authority after the death of the last owner.

Case Laws >

Pierce Leslie & Co v Violet Ouchterlony Wapshare (SCI, 1969)

Facts

A dispute arose about whether certain property had escheated to the State following the death of the last owner without heirs.

Held

The SCI recognised the State's right of escheat as an incident of sovereignty. Where a person dies without heirs, the property reverts to the State.

Principle

Escheat is an incident of sovereignty: the State is the ultimate owner when succession fails.

Collector of Masulipatam v Cavalry Venkata (Privy Council, 1861)

Facts

Property of a deceased person with no heirs was claimed by the government. The question was the legal basis for the government's claim.

Held

The Privy Council held that on failure of all heirs, property escheats to the sovereign as the ultimate owner, not as heir but in sovereign capacity.

Principle

Classic statement of escheat: the State takes as sovereign, not as successor.

Q3. Write a short note on the Doctrine of Bona Vacantia.

PRIORITY: ★★★ | PART: A | FREQ: 5

Ownerless Property Vests in the State

Bona vacantia (literally "vacant goods") is the doctrine under which property that has no owner vests in the State. While escheat applies to immovable property of a person who dies without heirs, bona vacantia applies more broadly to movable and immovable property that has no identifiable owner for any reason, including dissolution of a company, abandonment, or the property of a foreigner dying without heirs in India.

Legal Foundation

Article 296, Constitution of India, 1950 : property accruing to the government by escheat, lapse, or as bona vacantia vests in the State

Section 354, Companies Act (CA), 2013 : property of a dissolved company with no member entitled vests in the government as bona vacantia

Mnemonic: "VODAS"

Vacant | Ownerless | Dissolved company | Abandonment | Sovereign claim

Vacant | Ownerless | Dissolved company | Abandonment | Sovereign claim

Vacant

Bona vacantia means "vacant goods" — property without an owner. Unlike escheat which requires death without heirs, bona vacantia encompasses all situations where property has no identifiable owner: dissolution of a body corporate, abandonment of property, forfeiture, or the property of a deceased alien with no domestic heirs.

Ownerless

The essential condition is that the property must be ownerless at law: no person has a legal claim to it. If any claimant exists (however remote), the property is not bona vacantia. The government's claim is residual: it arises only after all other possible claims have been eliminated.

Dissolved company

Section 354 of the Companies Act, 2013 provides that the property of a dissolved company vests in the government as bona vacantia if no member or creditor is entitled to it. This is the most common modern application of bona vacantia.

Abandonment

Property deliberately abandoned by its owner with no intention to reclaim becomes ownerless and may vest in the State as bona vacantia. However, mere non-use does not constitute abandonment: the owner must have manifested an intention to relinquish all rights.

Sovereign claim

The State's claim to bona vacantia property, like escheat, rests on sovereignty: the State is the ultimate owner of all property within its territory. Article 296 constitutionalises this by providing that such property vests in the State (Union or State depending on location).

Bombay Dyeing & Manufacturing Co v State of Bombay (SCI, 1958)

📄 Facts

Property of a dissolved entity was claimed by the State as bona vacantia. The question was the legal basis and scope of the State's claim.

🔪 Held

The SCI recognised the State's claim to bona vacantia property under Article 296. Where property has no identifiable owner, it vests in the State as a sovereign incident.

💡 Principle

Bona vacantia vests ownerless property in the State under Article 296.

Govt of AP v Syed Mohmad Khan (AP High Court, 1971)

📄 Facts

Property of a person who died without heirs was claimed by the State. The distinction between escheat and bona vacantia was in issue.

🔪 Held

The Court held that escheat applies to immovable property of a deceased without heirs; bona vacantia applies more broadly to all ownerless property. Both vest the property in the State under Article 296.

💡 Principle

Escheat is specific to heirless deceased's immovable property; bona vacantia is the broader doctrine covering all ownerless property.

Q4. Write a short note on Patta.

PRIORITY: ★★★ | PART: A | FREQ: 4

The Revenue Document Evidencing Land Title

A patta is a document issued by the revenue authorities evidencing the title or occupancy rights of a person in respect of a parcel of land. In Telangana and Andhra Pradesh, the patta is the primary revenue record establishing the relationship between the landholder and the State. It records the name of the pattadar (holder), the survey number, extent, classification (wet/dry/garden), and any conditions attached to the holding. The Telangana Pattadar Pass Books Act, 2020 modernised the patta system by issuing Pattadar Pass Books with digital records.

Legal Foundation

Telangana Pattadar Pass Books Act, 2020 : provides for issuance of Pattadar Pass Books as conclusive evidence of title

Telangana Rights in Land and Pattadar Pass Books Act, 2020 : integrates land records with digital Dharani platform

Mnemonic: "TRECL"

Title | Revenue authority | Evidence | Conditions | Land classification

Title | Revenue authority | Evidence | Conditions | Land classification

Title

The patta is evidence of title. It records who the government recognises as the holder of a specific parcel of land. Under the Dharani system in Telangana, the patta (now Pattadar Pass Book) is conclusive proof of title for registered lands.

Revenue authority

The patta is issued by the Tahsildar or Revenue Divisional Officer on behalf of the State. It is a revenue document, not a judicial decree. Disputes about patta entries are resolved by the Revenue Courts (Mandal Revenue Officer, Joint Collector, Board of Revenue).

Evidence

The patta is the primary documentary evidence in all land disputes. Courts and tribunals rely on patta entries to determine title. Under the 2020 Act, the Pattadar Pass Book is conclusive evidence unless challenged and set aside through prescribed proceedings.

Conditions

Pattas may be conditional. Assigned land pattas (D-Form) carry a condition prohibiting transfer. Inam pattas carry conditions of service or tenure. The conditions are endorsed on the patta and bind the holder.

Land classification

The patta records the land classification: wet (irrigated), dry (rain-fed), garden, government, poramboke (common), or assigned. The classification determines: ceiling limits, transfer restrictions, tax rates, and applicable legislation.

Case Laws >

Smt. K. Annapurna v State of AP (AP High Court, 2005)

Facts

A dispute arose about conflicting patta entries. Two persons claimed title based on different revenue records for the same survey number.

Held

The Court held that the patta is prima facie evidence of title. Where entries conflict, the revenue authority must conduct an inquiry and determine the rightful pattadar.

Principle

Patta is prima facie evidence of title; conflicting entries require revenue authority inquiry and resolution.

Q5. Write a short note on the IX Schedule of the Constitution.

PRIORITY: ★★★ | PART: A | FREQ: 6

Constitutional Shield for Agrarian Reform Legislation

The IX Schedule is a list of statutes appended to the Constitution, inserted by the First Amendment Act, 1951, which provides immunity from judicial review on the ground of violation of fundamental rights. Laws placed in the IX Schedule cannot be challenged as void for inconsistency with Part III. It was created specifically to protect agrarian reform legislation (zamindari abolition, ceiling on holdings) from being struck down as violating the right to property. The SCI in *I R Coelho v State of Tamil Nadu* (2007) held that post-24 April 1973 IX Schedule entries are subject to basic structure review.

Legal Foundation

Article 31B, Constitution of India, 1950 : provides that IX Schedule Acts shall not be deemed void for inconsistency with fundamental rights

First Amendment Act, 1951 : inserted the IX Schedule and Article 31B to protect agrarian reform laws

Protection | Immunity | Basic structure | Land reform | Coelho limit

Protection

The IX Schedule protects listed legislation from being struck down on fundamental rights grounds. Currently over 280 Acts are in the IX Schedule. The protection was necessary because early zamindari abolition Acts were being struck down as violating Article 19(1)(f) (right to property, now repealed) and Article 14 (equality).

Immunity

Article 31B provides: "None of the Acts and Regulations specified in the IX Schedule shall be deemed to be void on the ground that such Act is inconsistent with or takes away or abridges any of the rights conferred by Part III." This is a blanket immunity from fundamental rights challenge.

Basic structure

The SCI in *I R Coelho v State of Tamil Nadu* (2007) limited this immunity. A nine-judge bench held that laws placed in the IX Schedule after 24 April 1973 are subject to judicial review if they violate the basic structure of the Constitution. The protection under Article 31B is not absolute for post-Kesavananda entries.

Land reform

The IX Schedule was designed primarily for agrarian reform: ceiling legislation, zamindari abolition, tenancy reform, and land redistribution statutes. These statutes remain protected because they advance DPSP objectives under Articles 38, 39(b), and 39(c).

Coelho limit

Post-*I R Coelho*, the IX Schedule provides absolute protection only for pre-24 April 1973 entries. Post-1973 entries enjoy protection from Part III challenges but are reviewable under the basic structure doctrine. In practice, ceiling legislation is unlikely to be struck down because it directly advances constitutional DPSP objectives.

I R Coelho v State of Tamil Nadu (SCI, 2007)

Facts

Laws placed in the IX Schedule after 1973 were challenged as violating basic structure. The question was whether Article 31B protection was absolute.

Held

Nine-judge bench: post-24 April 1973 IX Schedule entries are open to judicial review on basic structure grounds. Article 31B protection is not absolute.

Principle

IX Schedule protection is limited: post-1973 entries can be reviewed for basic structure violations.

Kesavananda Bharati v State of Kerala (SCI, 1973)

Facts

The constitutional validity of amendments curtailing judicial review of agrarian reform legislation was challenged.

Held

The 13-judge bench established the basic structure doctrine: Parliament cannot amend the Constitution to destroy its essential features.

Principle

The basic structure doctrine limits all constitutional amendments, including IX Schedule insertions.

Land Laws | Unit 2 | Part A

Settlement Systems and Land Reforms – Short Notes

Q1. Write a short note on the Mahalwari System.

PRIORITY: ★★★ | PART: A | FREQ: 5

Village-Based Revenue Settlement Under British Rule

The Mahalwari System was a revenue settlement system introduced by the British in 1833 in the North-Western Provinces (present-day UP, parts of MP, and Punjab) under which the revenue demand was fixed upon the entire village community (mahal) collectively, with the village headman or lambardar responsible for collecting and remitting the revenue to the government. It was a middle path between the Zamindari and Ryotwari systems, introduced by Holt Mackenzie and later refined by William Bentinck.

Legal Foundation

Regulation VII of 1822 (Bengal) : initial framework for village-level settlement

Revenue Settlement Act, 1833 : formalised the Mahalwari system in the North-Western Provinces

Mnemonic: "VCPRL"

Village collective | Co-sharing | Periodic revision | Revenue demand | Lambardar

Village collective | Co-sharing | Periodic revision | Revenue demand | Lambardar

Village collective

The unit of settlement was the mahal (village or estate). Revenue was assessed on the village as a whole, not on individual cultivators. The village community was collectively responsible for the total revenue demand assessed on the mahal.

Co-sharing

Within the village, individual cultivators shared the revenue burden proportionally based on the land they held. The internal distribution was managed by the village community itself, typically based on customary shares.

Periodic revision

Unlike the Permanent Settlement (Zamindari), the Mahalwari revenue demand was revised periodically (typically every 20 to 30 years). This allowed the government to capture increases in agricultural productivity and prevented the revenue from becoming merely nominal over time.

Revenue demand

The total demand was fixed at a proportion of the estimated produce or rental value of the village lands (typically two-thirds of the net produce in the early period, reduced to 50% later). The amount was fixed for the settlement period and could not be increased within that period.

Lambardar

The lambardar (village headman) was responsible for collecting the individual shares from each cultivator and remitting the total to the government treasury. He received a percentage commission for this service. If individual cultivators defaulted, the lambardar and the village community remained collectively liable.

Case Laws >

Raja Ram v Collector of Allahabad (Privy Council, 1871)

Facts

A dispute arose about the rights of co-sharers in a mahal when one co-sharer defaulted on revenue payment.

Held

The Privy Council held that under the Mahalwari system, the village community is collectively responsible for the revenue demand. Default by one co-sharer does not absolve the community of collective liability.

Principle

Mahalwari imposes collective village liability for revenue; individual default does not release the community.

Q2. Write a short note on the Zamindari Settlement.

PRIORITY: ★★★ | PART: A | FREQ: 4

Permanent Revenue Settlement Through Landlord Intermediaries

The Zamindari Settlement (Permanent Settlement) was introduced by Lord Cornwallis in 1793 under the Permanent Settlement Regulation (Regulation I of 1793) in Bengal, Bihar, and Orissa. Under this system, the zamindar (landlord) was recognised as the proprietor of the land and was required to pay a fixed revenue to the British government in perpetuity. The revenue amount was permanently fixed and could never be increased. The zamindar collected rent from cultivators and retained the surplus above the fixed revenue as his profit.

Legal Foundation

Permanent Settlement Regulation (Regulation I of 1793) : established the Permanent Settlement in Bengal

Article 31A, Constitution of India, 1950 : provides constitutional protection for zamindari abolition legislation

Mnemonic: "PFICS"

Permanent | Fixed revenue | Intermediary | Cultivator exploitation | Surplus to zamindar

Permanent | Fixed revenue | Intermediary | Cultivator exploitation | Surplus to zamindar

Permanent

The settlement was permanent: the revenue demand was fixed in perpetuity and could never be increased regardless of how much the agricultural produce or land value increased over time. This gave zamindars enormous economic advantage as land values rose while their payment to the government remained static.

Fixed revenue

The zamindar was required to pay the fixed revenue to the government by a specified date each year. Failure to pay by the due date resulted in the sale of the zamindari estate by the government (the sunset law: the revenue must be paid before the sun sets on the due date).

Intermediary

The zamindar was an intermediary between the government and the actual cultivator. The cultivator had no direct relationship with the government: he paid rent to the zamindar, who paid revenue to the government. Multiple layers of sub-intermediaries (tenure-holders, under-tenure-holders) developed between the zamindar and the tiller.

Cultivator exploitation

The cultivator had no security of tenure. The zamindar could enhance rent at will, evict cultivators, and impose arbitrary cesses. This created a feudal system of agrarian exploitation that persisted until abolition after independence through statutes like the Bihar Land Reforms Act, 1950 and the UP Zamindari Abolition Act, 1950.

Surplus to zamindar

The zamindar retained everything collected above the fixed revenue. As agricultural production increased and land values rose over 150 years, the surplus became enormous while the government's revenue remained static at 1793 levels. This created a landed aristocracy that had no incentive to invest in agricultural improvement.

State of Bihar v Kameshwar Singh (SCI, 1952)

Facts

The Bihar Land Reforms Act abolished zamindari and vested the zamindar's estate in the State. The zamindar challenged the constitutionality of the abolition.

Held

The SCI upheld the abolition. The State's power under Article 31A to legislate for the acquisition of estates is constitutionally protected and does not violate fundamental rights.

Principle

Zamindari abolition is constitutionally valid under Article 31A; the State can acquire estates for agrarian reform.

Surya Pal Singh v State of UP (SCI, 1951)

Facts

The UP Zamindari Abolition Act was challenged as violating Article 14 (equality) and Article 19 (right to property).

Held

The SCI upheld the Act. Zamindari abolition serves a valid public purpose (agrarian reform) and is protected by Article 31A inserted by the First Amendment.

Principle

Zamindari abolition is a valid exercise of state power for agrarian reform and is constitutionally immunised.

Q3. Write a short note on Land Reforms in India.

PRIORITY: ★★★ | PART: A | FREQ: 5

Post-Independence Transformation of Agrarian Structure

Land reforms in India refer to the systematic legislative and administrative measures undertaken after independence to restructure the colonial agrarian system by abolishing intermediaries, conferring ownership on tillers, imposing ceiling on holdings, redistributing surplus land, and consolidating fragmented holdings. These reforms were guided by the Directive Principles of State Policy (DPSP) under Articles 38, 39(b), and 39(c) of the Constitution, which mandate equitable distribution of material resources and prevention of concentration of wealth.

Legal Foundation

Articles 38, 39(b), 39(c), Constitution of India, 1950 : DPSP directing equitable distribution of resources and prevention of wealth concentration

Article 31A, Constitution of India, 1950 : immunises agrarian reform legislation from fundamental rights challenge

Mnemonic: "ACTCR"

Abolition | Ceiling | Tenancy | Consolidation | Redistribution

Abolition | Ceiling | Tenancy | Consolidation | Redistribution

Abolition

The first phase (1950-1960) abolished intermediaries: zamindars, jagirdars, inamdars, and other feudal tenure-holders. The State assumed direct relationship with the cultivator. Bihar Land Reforms Act 1950, UP Zamindari Abolition Act 1950, and similar legislation in every state eliminated the intermediary layer.

Ceiling

The second phase imposed maximum limits on landholding. No person or family could hold agricultural land beyond the statutory ceiling. Surplus land above the ceiling was surrendered to the State for redistribution. The Telangana Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 fixed the ceiling at 10 standard acres (wet) and 54 ordinary acres (dry).

Tenancy

Tenancy reform protected actual cultivators by: (a) conferring ownership rights on long-standing tenants, (b) fixing maximum rent at a fraction of produce, (c) providing security of tenure against arbitrary eviction, and (d) declaring that the tiller is the owner. The Telangana Tenancy and Agricultural Lands Act achieved this in the state.

Consolidation

Consolidation of holdings addressed fragmentation: where a farmer held many small plots scattered across a village, consolidation exchanged and rearranged plots to give each farmer a single compact holding. This improved agricultural efficiency by enabling mechanisation and irrigation.

Redistribution

Surplus ceiling land, government waste land, and escheat land was redistributed to landless agricultural labourers, SC/ST beneficiaries, and economically weaker sections through the assignment programme (assigned lands). The Telangana Assigned Lands Act, 1977 prohibited re-transfer of such land to prevent it flowing back to wealthy purchasers.

Kesavananda Bharati v State of Kerala (SCI, 1973)

Facts

Kerala land reform legislation was challenged as unconstitutional. The broader question of Parliament's amending power arose.

Held

The 13-judge bench upheld the validity of land reform legislation while establishing the basic structure doctrine as a limit on constitutional amendments.

Principle

Land reform legislation is constitutionally valid and advances DPSP objectives; the basic structure doctrine limits but does not prevent agrarian reform.

Kochuni v States of Madras and Kerala (SCI, 1960)

Facts

Land ceiling legislation in Madras and Kerala was challenged. The question was whether ceiling on holdings violates the right to property.

Held

The SCI upheld ceiling legislation as constitutionally valid. Article 31A protects legislation for the acquisition of estates and ceiling on agricultural holdings from fundamental rights challenge.

Principle

Ceiling legislation is constitutionally protected under Article 31A and advances the DPSP mandate of equitable resource distribution.

Q4. Write a short note on Assigned Lands.

PRIORITY: ★★★ | PART: A | FREQ: 4

Government Land Granted to the Landless with Transfer Prohibition

Assigned lands are government lands granted (assigned) to landless persons — primarily agricultural labourers, SC, ST, and economically weaker sections — for agricultural purposes under government redistribution schemes. The assignment is conditional: the land is for personal cultivation and livelihood, not for commercial exploitation or transfer. The Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 absolutely prohibits all transfers of assigned land, making any such transfer void ab initio.

Legal Foundation

Section 3, TS Assigned Lands (Prohibition of Transfers) Act, 1977 : all transfers of assigned land are void

Section 4, TS Assigned Lands (Prohibition of Transfers) Act, 1977 : government may resume assigned land on violation of conditions

Mnemonic: "GVPCR"

Government source | Void transfer | Personal cultivation | Conditional | Resumption

Government source

Assigned land originates from government land: waste land, surplus ceiling land, escheat land, or forfeited land. It is granted by the Collector or through a government order to identified beneficiaries. The assignment patta is marked with conditions (D-Form patta) distinguishing it from ordinary freehold land.

Void transfer

Section 3 provides that no assigned land shall be transferred, and any transfer is null and void. The prohibition covers sale, gift, exchange, mortgage, lease, and all dispositions. The transfer is void ab initio: the transferee acquires no title, no possession rights, and no legal interest. State of AP v Mohd. Ashrafuddin (2001) confirmed that registration does not cure a void transfer.

Personal cultivation

The assignee must cultivate the land personally through own or family labour. The assignment is for agricultural self-sufficiency, not commercial use. Sub-letting or hiring the land to others violates the conditions of assignment.

Conditional

Conditions include: personal cultivation, agricultural use only, no conversion to non-agricultural purposes without permission, and residence on or near the land. Violation of any condition is a ground for resumption.

Resumption

Under Section 4, the government can resume (take back) assigned land if the assignee transfers it, fails to cultivate, converts land use, or violates any condition. The Revenue Authority passes the resumption order after inquiry. The assignee has the right to be heard. Resumption restores the land to government ownership.

Case Laws >

State of AP v Mohd. Ashrafuddin (AP High Court, 2001)

Facts

Assigned land was sold by the assignee to a purchaser who constructed a house and remained in possession for years.

Held

The sale is void under Section 3. Long possession and construction do not validate a void transfer. The government can resume and eject the purchaser at any time.

Principle

Void transfers of assigned land cannot be cured by possession, construction, or registration.

Manchala Ranga Rao v Government of AP (AP High Court, 2004)

Facts

Assigned land was transferred through a registered sale deed. The purchaser argued registration validated the transaction.

Held

Registration of a void transaction does not validate it. A void sale deed has no legal effect regardless of registration.

Principle

Registration does not cure statutory voidness; void transfers remain void irrespective of formal registration.

Q5. Write a short note on Social Impact Assessment.

PRIORITY: ★★ | PART: A | FREQ: 3

Mandatory Pre-Acquisition Study Under LARR Act 2013

Social Impact Assessment (SIA) is a mandatory study required under Sections 4 to 9 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013, to be conducted before any land acquisition. It assesses whether the acquisition serves a genuine public purpose, estimates the number of affected families, evaluates social impact (displacement, livelihood loss), determines whether the minimum necessary land is being acquired, and examines alternatives to acquisition. The SIA is the first procedural safeguard: its absence vitiates the entire acquisition.

Legal Foundation

Section 4, LARR Act, 2013 : mandates Social Impact Assessment before acquisition proceedings

Section 7, LARR Act, 2013 : independent Expert Group reviews the SIA and advises the government

Mnemonic: "PFACE"

Public purpose | Families affected | Alternatives | Community consultation | Expert review

Public purpose | Families affected | Alternatives | Community consultation | Expert review

Public purpose

The SIA must assess whether the proposed acquisition genuinely serves a public purpose. It is not sufficient for the government to merely assert public purpose: the SIA must independently evaluate and confirm that the acquisition meets the statutory definition under Section 2(1).

Families affected

The SIA estimates the number of families to be displaced or otherwise affected. This information drives the Rehabilitation and Resettlement (R&R) plan. Affected families include those losing land, those losing livelihood (landless labourers working on the acquired land), and those whose access to common resources is disrupted.

Alternatives

The SIA must examine whether alternatives to acquisition exist: can the land be purchased by negotiation? Is government wasteland available? Can the project use a different site with less social impact? Acquisition is to be the last resort, not the first option.

Community consultation

The SIA must be conducted in consultation with the Gram Sabha (village assembly) in rural areas and the municipality in urban areas. The affected community must be heard. The SIA report must be published in the local language and objections must be invited.

Expert review

An independent Expert Group (minimum 5 members: 2 social scientists, 2 rehabilitation experts, 1 technical expert) reviews the SIA report and advises the government on whether to proceed. The Expert Group's recommendation is advisory but must be considered. The SIA must be completed within 6 months.

Kedar Nath Yadav v State of West Bengal (Calcutta High Court, 2016)

Facts

Land acquisition proceedings were challenged on the ground that no SIA was conducted before the preliminary notification was issued under Section 11.

Held

The Court held that SIA under Section 4 is mandatory. Its absence vitiates the entire acquisition proceeding. The notification was quashed.

Principle

SIA is a mandatory prerequisite to acquisition; proceedings without SIA are void.

Land Laws | Unit 3 | Part A

Land Acquisition – Short Notes

Q1. Write a short note on Public Purpose in Land Acquisition.

PRIORITY: ★★★ | PART: A | FREQ: 4

The Constitutional Precondition for Acquiring Private Land

Public purpose is the foundational requirement that the State must satisfy before exercising its power of eminent domain to acquire private land. No acquisition is constitutionally valid unless the land is taken for a purpose that serves the public at large, not merely private or commercial interests. Section 2(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 exhaustively defines "public purpose" for the first time in Indian acquisition law.

Legal Foundation

Section 2(1), Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 : defines public purpose to include infrastructure, defence, housing, education, and projects useful to the general public

Article 300A, Constitution of India, 1950 : no deprivation of property save by authority of law; public purpose is the substantive constraint on that authority

Mnemonic: "DISPC"

Defence | Infrastructure | Social welfare | Public benefit | Consent link

Defence | Infrastructure | Social welfare | Public benefit | Consent link

Defence

Strategic purposes including national defence and security constitute public purpose without requiring consent of landowners. The urgency clause under Section 40 of the LARR Act applies exclusively to defence and national security, reflecting the highest priority the legislature accords to this category.

Infrastructure

Section 2(1) expressly includes infrastructure projects: roads, railways, highways, ports, airports, water supply, sanitation, electricity generation and transmission, and irrigation. These are the most frequently invoked categories of public purpose in acquisition proceedings.

Social welfare

Projects for affected families including housing for the poor, health facilities, and educational institutions qualify as public purpose. The LARR Act expanded this category beyond the 1894 Act by including projects that directly benefit economically weaker sections.

Public benefit

Projects useful to the general public qualify, but with a critical limitation: if the acquisition benefits a private company, 80% consent of affected families is required; for Public-Private Partnerships (PPPs), 70% consent is mandatory (Section 31). This links public purpose to community validation for non-government projects.

Consent link

The 2013 Act innovatively connects public purpose to consent requirements. Under the 1894 Act, the government's declaration of public purpose was virtually unchallengeable (*Somawanti v State of Punjab*, 1963). The LARR Act subjects private and PPP projects to democratic validation, ensuring that "public purpose" is not merely an executive assertion but is backed by affected community acceptance.

Case Laws >

Somawanti v State of Punjab (Supreme Court of India, 1963)

Facts

Land was acquired for a company under the 1894 Act. The landowner challenged the declaration of public purpose as colourable exercise of power.

Held

The SCI held that the government's satisfaction on public purpose is ordinarily conclusive and courts will not interfere unless there is fraud or colourable exercise of power.

Principle

Under the 1894 Act, public purpose declaration was near-absolute; the LARR Act 2013 now adds consent requirements as a democratic check.

Indore Development Authority v Manoharlal (Supreme Court of India, 2020)

Facts

Multiple acquisitions under the 1894 Act were at various stages when the LARR Act came into force. The interpretation of public purpose and procedural compliance under the new regime was in question.

Held

The five-judge bench clarified that the 2013 Act applies where old proceedings have lapsed, requiring fresh compliance with public purpose, SIA, and consent provisions.

Principle

The LARR Act's public purpose framework applies to all fresh proceedings; the expanded definition and consent requirement represent a substantive shift from the colonial regime.

Q2. Write a short note on Determination of Compensation under the LARR Act, 2013.

The Multi-Component Formula Ensuring Fair Value

Compensation under the LARR Act, 2013 is determined through a statutory multi-component formula designed to ensure that landowners receive fair value far exceeding the base market price. Sections 26 to 30 of the Act create a cumulative calculation that includes market value, solatium, rural multiplier, twelve additional heads, and interest, representing the most comprehensive compensation framework in Indian acquisition law.

Legal Foundation

Section 26, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 : determination of market value as the highest of circle rate, average sale price, or negotiated amount

Section 28, LARR Act, 2013 : solatium at 100% of market value, effectively doubling the base compensation

Mnemonic: "MSMHI"

Market value | Solatium | Multiplier | Heads (twelve) | Interest

Market value | Solatium | Multiplier | Heads (twelve) | Interest

Market value

Section 26 determines market value as the highest of three bases: the minimum land value specified under the Indian Stamp Act (circle rate or guideline value), the average of the highest sale prices for similar land in the vicinity during the preceding three years, or the amount agreed upon through private negotiation. The "highest of three" formula prevents government undervaluation.

Solatium

Section 28 mandates a solatium of 100% of the market value, effectively doubling the compensation. This component acknowledges the compulsory nature of acquisition: the landowner is not a willing seller and deserves premium above market value for the involuntary dispossession.

Multiplier

Section 30 provides a multiplier of 1 to 2 for rural areas, applied to the market value before solatium. The multiplier recognises that registered sale values in rural areas are systematically deflated below actual transaction values due to stamp duty avoidance. The multiplier varies inversely with proximity to urban areas.

Heads (twelve)

Section 29 provides twelve additional heads of compensation: damage to standing crops, trees, fencing, wells, structures, diminution in value of remaining land, displacement cost, business loss, cost of alternative land, cattle sheds, resettlement cost, and other quantifiable losses. These heads ensure that all consequential losses are compensated, not merely the land value.

Interest

Interest accrues at 12% per annum from the date of notification under Section 11 to the date of the Collector's Award or payment. If payment is delayed beyond one year from the Award, additional interest at 15% per annum accrues. This temporal component protects landowners from loss due to procedural delay.

Tarsem Singh v State of Punjab (Supreme Court of India, 2019)

Facts

Landowners acquired under the National Highways Act challenged the compensation as inadequate, claiming the LARR Act formula should apply to ensure parity across acquisition regimes.

Held

The SCI held that National Highways Act provisions must be read consistently with LARR Act compensation principles after the 2015 amendment, ensuring substantive parity in compensation across regimes.

Principle

The LARR Act compensation formula sets the benchmark for all acquisition regimes; parity in compensation is a constitutional expectation.

Chiranjit Lal Chowdhuri v Union of India (Supreme Court of India, 1951)

Facts

A private company's undertaking was acquired. The owner challenged the compensation quantum as inadequate and the acquisition as violating fundamental rights.

Held

The SCI held that adequacy of compensation is a legislative question. The legislature determines the method and quantum of compensation; courts examine only whether compensation exists, not whether it is adequate.

Principle

Adequacy of compensation is for the legislature to determine; the LARR Act's detailed formula satisfies this requirement by statutory design.

Q3. Write a short note on the Salient Features of the LARR Act, 2013.

PRIORITY: ★★★ | PART: A | FREQ: 3

The Six Pillars of Modern Land Acquisition Law

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 replaced the colonial Land Acquisition Act, 1894 after 119 years. The Act restructured the acquisition framework around six foundational pillars: defined public purpose, mandatory Social Impact Assessment (SIA), consent requirements, enhanced compensation, rehabilitation as a legal right, and special protections for agricultural land.

Legal Foundation

Section 4, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 : mandates Social Impact Assessment before any acquisition
Section 31, LARR Act, 2013 : consent of 80% affected families for private projects and 70% for PPP projects

Mnemonic: "PSCRL + S"

Public purpose | SIA | Consent | R&R | Land protections | Special return

Public purpose | SIA | Consent | R&R | Land protections | Special return

Public purpose

Section 2(1) expansively defines public purpose to include defence, infrastructure, housing, education, and projects for general public benefit. The definition is exhaustive for the first time, removing the executive discretion that existed under the 1894 Act where "public purpose" was undefined and unchallengeable.

SIA

Section 4 mandates a Social Impact Assessment before any acquisition. The SIA must assess whether the acquisition serves public purpose, the number of affected families, the social impact, whether the land extent is the minimum necessary, and whether alternatives such as purchase or lease were explored. An Expert Group reviews the SIA. Failure to conduct SIA vitiates the entire proceeding.

Consent

Section 31 introduces consent requirements absent in the 1894 Act: 80% of affected families must consent for private company acquisitions; 70% for PPP projects. Government projects for public purpose do not require consent. This is the single biggest departure from the colonial regime, making affected communities stakeholders in the acquisition decision.

R&R

Sections 38 to 44 make Rehabilitation and Resettlement a legal right. Every affected family (including landless labourers, tenants, and sharecroppers) is entitled to employment or annuity for 20 years, housing, subsistence allowance, transportation, resettlement allowance, and livelihood training. The R&R package was entirely absent under the 1894 Act.

Land protections

Section 10(2) provides that multi-crop irrigated land shall not ordinarily be acquired, and only as a last resort with equivalent wasteland development. Food security must be ensured. The urgency clause is restricted to national defence only (Section 40), unlike the 1894 Act where urgency was routinely invoked for ordinary projects.

Special return

Section 101 provides that acquired land remaining unutilised for five years from possession must be returned to the original owner or the Land Bank. This prevents the government from holding land indefinitely without implementing the stated public purpose, a chronic problem under the 1894 Act.

Indore Development Authority v Manoharlal (Supreme Court of India, 2020)

Facts

Acquisition proceedings under the 1894 Act were at various stages when the LARR Act came into force. The question was when old proceedings lapse and the new Act's protections apply.

Held

The five-judge bench held that proceedings lapse where the Award was made but compensation was neither paid nor deposited. Fresh proceedings must comply with the 2013 Act's full framework including SIA, consent, and enhanced compensation.

Principle

The LARR Act's protections apply to all fresh proceedings; Section 24 lapse ensures that incomplete colonial-era acquisitions are brought under the new framework.

Somawanti v State of Punjab (Supreme Court of India, 1963)

Facts

Under the 1894 Act, acquisition was challenged as lacking public purpose. The Court examined the scope of judicial review over the government's public purpose determination.

Held

The SCI held that public purpose determination was conclusive unless fraud or colourable exercise was proved, reflecting the minimal protection under the colonial regime.

Principle

The 1894 Act gave near-absolute executive discretion on public purpose; the LARR Act 2013 replaced this with defined categories, SIA, and consent requirements.

Land Laws | Unit 4 | Part A

Ceiling on Holdings — Short Notes

Q1. Write a short note on Ceiling on Agricultural Holdings.

PRIORITY: ★★★ | PART: A | FREQ: 8

The Statutory Maximum on Land Ownership

Ceiling on agricultural holdings is a statutory limit on the maximum area of agricultural land that any person or family may own or hold. Under the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act (TS Ceiling Act), 1973, the ceiling for wet irrigated land is 10 standard acres per family and for dry land is 54 ordinary acres. The constitutional basis lies in Articles 38 and 39(b)(c) of the Directive Principles of State Policy (DPSP), which mandate equitable distribution of material resources and prevention of concentration of wealth.

Legal Foundation

Section 4, Telangana Land Reforms (Ceiling on Agricultural Holdings) Act (TS Ceiling Act), 1973 : fixes the ceiling area as the maximum land a person may hold

Article 31A, Constitution of India, 1950 : specifically immunises ceiling legislation from challenge under Articles 14, 19, and 31

Mnemonic: "LFSED"

Limit | Family unit | Surplus | Exemptions | Distribution

Limit | Family unit | Surplus | Exemptions | Distribution

Limit

The ceiling varies by land quality: 10 standard acres for wet irrigated land (capable of two crops annually) and 54 ordinary acres for dry rain-fed land. The Act uses "standard acres" as the equalising unit: one standard acre of wet land equals approximately 3 to 5 ordinary acres of dry land. The ceiling penalises by productivity, not merely by area.

Family unit

Section 5 defines the unit for ceiling calculation as the "family": the person (holder) plus spouse plus minor children. Each major (adult) child constitutes a separate family unit entitled to the full ceiling. A father with two adult sons constitutes three separate units, each holding up to the ceiling limit independently.

Surplus

Land exceeding the ceiling is "surplus" and must be surrendered to the State. The holder files a declaration, the Revenue Authority verifies against revenue records, the total is calculated in standard acres, and the excess is determined. The holder may choose which parcels to retain within the ceiling limit. Compensation is paid at the statutory rate, typically below market value.

Exemptions

Section 6 exempts: government and local authority land, religious and charitable institution land (subject to conditions), cooperative farming society land, plantation land (tea, coffee, rubber), and land granted for industrial or educational purposes. Exemptions are narrowly construed; the burden is on the holder to prove the land falls within an exempt category.

Distribution

Section 10 provides that surplus land is distributed to landless agricultural labourers, Scheduled Castes, Scheduled Tribes, and economically weaker sections. The allotment is conditional: personal cultivation, no transfer for the specified period, and non-compliance leads to resumption. Section 12 voids transfers made to evade the ceiling after the appointed date.

State of AP v Mohd. Ibrahim (Supreme Court of India, 1983)

Facts

A landholder executed multiple sale deeds and gift deeds to relatives shortly after the ceiling Act came into force, reducing his holding below the ceiling.

Held

The SCI held that transfers made with intent to defeat ceiling provisions are void under the anti-evasion section. The Revenue Authority was entitled to look behind the transactions and determine true intent.

Principle

Anti-evasion provisions are applied strictly; colourable transactions to defeat ceiling are void ab initio.

State of Bihar v Kameshwar Singh (Supreme Court of India, 1952)

Facts

The Bihar Land Reforms Act abolished zamindari and imposed ceiling. The zamindar challenged the legislation as violating fundamental rights and providing inadequate compensation.

Held

The SCI upheld the legislation as constitutionally valid land reform. Ceiling legislation serves the DPSP mandate of equitable distribution and is protected by Article 31A.

Principle

Ceiling legislation is constitutionally sanctioned agrarian reform; Article 31A provides complete immunity from fundamental rights challenge.

Q2. Write a short note on Family Holding under the Ceiling Act.

PRIORITY: ★★★ | PART: A | FREQ: 2

The Unit for Calculating Ceiling Limits

A family holding is the unit for calculating ceiling under the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act (TS Ceiling Act), 1973. Section 5 defines "family" as the person holding land together with the spouse and minor children. This unit is entitled to hold agricultural land up to the ceiling limit. The concept ensures that the ceiling operates fairly across different household compositions while preventing artificial multiplication of holdings through fragmentation.

Legal Foundation

Section 5, Telangana Land Reforms (Ceiling on Agricultural Holdings) Act (TS Ceiling Act), 1973 : defines family as person plus spouse plus minor children for ceiling calculation

Section 12, TS Ceiling Act, 1973 : voids transfers made after the appointed date to defeat ceiling, including transfers to create artificial family units

Mnemonic: "UAMCS"

Unit composition | Adult separation | Minor inclusion | Conversion ratio | Standard acres

Unit composition | Adult separation | Minor inclusion | Conversion ratio | Standard acres

Unit composition

The family unit comprises three elements: the person (landholder), the spouse, and all minor children. These individuals are treated as a single entity for ceiling calculation. The total agricultural land held by the person, spouse, and minor children combined is measured against the ceiling limit.

Adult separation

Each major (adult) child is treated as a separate family unit entitled to the full ceiling independently. A father with two adult sons constitutes three separate units. This provision recognises that adult children are economically independent and may have their own dependents, preventing the ceiling from being artificially harsh on large families with grown children.

Minor inclusion

Minor children are subsumed within the parent's family unit and do not receive a separate ceiling. This prevents the artificial multiplication of units by transferring land to minors. Once a minor attains majority, they become a separate unit. Transfers from the parent to a minor child do not change the family unit's total holding because both belong to the same unit.

Conversion ratio

The ceiling is calculated in standard acres to equalise across land quality. One standard acre of wet irrigated land equals approximately 3 to 5 ordinary acres of dry land depending on class. A family holding 10 standard acres of wet land is at ceiling; a family holding 50 ordinary acres of dry land may still be within ceiling after conversion.

Standard acres

The practical calculation requires converting all holdings to standard acres. Wet land at the conversion rate yields higher standard acres per ordinary acre than dry land. A family holding a mix of wet and dry land must convert each parcel to standard acres and aggregate the total. If the aggregate exceeds the ceiling (10 standard acres for wet or the applicable equivalent), the excess is surplus.

Case Laws >

State of AP v Mohd. Ibrahim (Supreme Court of India, 1983)

Facts

A landholder transferred land to relatives after the ceiling notification to reduce the family unit's holding below the ceiling limit.

Held

The SCI held that transfers to defeat the ceiling are void. The Revenue Authority correctly calculated ceiling on the original family holding, ignoring the void transfers. The wife being part of the same family unit made transfers to her particularly ineffective.

Principle

The family unit concept cannot be circumvented by transfers to persons within the same unit or by colourable fragmentation after the appointed date.

Karimbil Kunhikoman v State of Kerala (Supreme Court of India, 1962)

Facts

Ceiling legislation in Kerala was challenged as violating fundamental rights by treating family units differently based on composition and land quality.

Held

The SCI confirmed that Article 31A covers complete extinguishment of intermediary rights and ceiling enforcement. The family-based calculation is a reasonable legislative classification that serves the redistributive purpose.

Principle

Family-based ceiling calculation is constitutionally protected under Article 31A; differential treatment based on land quality and family composition is reasonable classification.

Alienation Restrictions — Short Notes

Q1. Write a short note on Scheduled Areas.

PRIORITY: ★★★ | PART: A | FREQ: 3

Constitutional Designation for Tribal Land Protection

Scheduled Areas are areas designated under the Fifth Schedule of the Constitution (Article 244(1)), primarily inhabited by Scheduled Tribes, and subject to special governance provisions to protect tribal interests from exploitation by non-tribal settlers, moneylenders, and traders. The Governor of each state with Scheduled Areas has the power to make regulations prohibiting or restricting transfer of tribal land, regulating allotment, and controlling money-lending to tribals. In Telangana, the principal protective regulation is the Andhra Pradesh Scheduled Areas Land Transfer Regulation (LTR), 1959.

Legal Foundation

Article 244(1), Constitution of India, 1950 : applies the Fifth Schedule to administration of Scheduled Areas in states other than the northeastern states

Paragraph 5(2), Fifth Schedule, Constitution of India, 1950 : empowers the Governor to make regulations prohibiting or restricting transfer of land by or among members of Scheduled Tribes

Mnemonic: "GTRAP"

Governor's power | **T**ribes Advisory Council | **R**egulation of transfer | **A**nnual report | **P**ESA protection

Governor's power | Tribes Advisory Council | Regulation of transfer | Annual report | PESA protection

Governor's power

The Governor of each state with Scheduled Areas can make regulations for the peace and good government of those areas. This includes regulations prohibiting or restricting transfer of land by or among members of Scheduled Tribes, regulating the allotment of land to tribal members, and regulating money-lending to tribals. The Governor can also direct that any Act of Parliament or State Legislature does not apply or applies with modifications.

Tribes Advisory Council

Each state with Scheduled Areas must constitute a Tribes Advisory Council (TAC) to advise on matters affecting Scheduled Tribes. The TAC is a constitutional body that provides institutional consultation before the Governor exercises regulatory powers. It ensures that tribal welfare measures reflect community concerns.

Regulation of transfer

The AP Scheduled Areas Land Transfer Regulation, 1959 (adapted for Telangana) provides the operative prohibition: no transfer of immovable property in a Scheduled Area by a member of a Scheduled Tribe shall be valid unless made in favour of another Scheduled Tribe member (Section 3). The transfer to a non-tribal is void ab initio, not voidable. In *Samatha v State of AP (1997)*, the Supreme Court of India (SCI) held that even government leases to non-tribals in Scheduled Areas are void.

Annual report

The Governor must submit an annual report to the President on the administration of Scheduled Areas. This constitutional accountability mechanism ensures executive oversight and parliamentary awareness of tribal administration. The President may give directions to the State regarding the administration of these areas.

PESA protection

The Panchayats (Extension to Scheduled Areas) Act (PESA), 1996 empowers the Gram Sabha in Scheduled Areas to safeguard community resources, prevent alienation of land, restore unlawfully alienated land, and manage minor minerals and forest produce. The Gram Sabha is the first line of defence against illegal transfers.

Case Laws >

Samatha v State of Andhra Pradesh (Supreme Court of India, 1997)

Facts

The State Government granted mining leases to non-tribal private companies in Scheduled Areas. Tribals challenged the leases as violating the Land Transfer Regulation's protective framework.

Held

The five-judge bench held that the transfer prohibition in Scheduled Areas binds the government as well. Government cannot grant leases to non-tribals that effectively transfer tribal land. Mining leases to non-tribals in Scheduled Areas are void.

Principle

The prohibition on transfer in Scheduled Areas binds the government; government cannot do indirectly what tribals cannot do directly.

P. Rami Reddy v State of AP (Supreme Court of India, 1988)

Facts

A non-tribal purchased land from a tribal in a Scheduled Area and had been in possession for many years, making improvements. He claimed the transfer should not be disturbed.

Held

The SCI held that a transfer in violation of the Regulation is void ab initio. No amount of possession, howsoever long, can validate a void transfer. Restoration must be ordered.

Principle

Void transfers in Scheduled Areas cannot be cured by passage of time or possession; the non-tribal's investment is legally irrelevant.

Q2. Write a short note on Land Grabbing and the definition of Land Grabber.

PRIORITY: ★★★ | PART: A | FREQ: 4

Criminal Liability for Unauthorised Occupation of Land

Land grabbing is the unauthorised occupation of government, local authority, religious institution, or private land without lawful entitlement. The Andhra Pradesh Land Grabbing (Prohibition) Act (AP Land Grabbing Act), 1982 (adapted for Telangana) defines "land grabbing" as every activity of grabbing land by a person or group without having lawful entitlement and includes entry upon the land and occupation thereof. A "land grabber" under Section 2(d) is any person who occupies land of another without lawful title and includes any person claiming through such occupation.

Legal Foundation

Section 2(c), Andhra Pradesh Land Grabbing (Prohibition) Act (AP Land Grabbing Act), 1982 : defines "land grabbing" as unauthorised occupation without lawful entitlement

Section 2(d), AP Land Grabbing Act, 1982 : defines "land grabber" as any person who grabs land or claims through the grabber, including beneficiaries of the unauthorised occupation

Mnemonic: "DULCP"

Definition | Unauthorised | Land types | Criminal penalty | Public interest no defence

Definition | Unauthorised | Land types | Criminal penalty | Public interest no defence

Definition

Section 2(c) defines land grabbing as "every activity of grabbing of any land (whether belonging to the Government, a local authority, a religious or charitable institution or endowment including a wakf, or any other private person) by a person or group of persons, without any lawful entitlement and with a view to illegally take possession of such lands." The definition is comprehensive: it covers all categories of land and all modes of unauthorised occupation.

Unauthorised

The essential element is absence of lawful entitlement. If the occupant has any valid legal right: patta, lease, assignment, license, or possession under contract, the occupation is not land grabbing. The Act targets those who enter land knowing they have no legal claim, using physical force, political influence, or stealth to establish occupation.

Land types

The Act protects all categories: government land, local authority land, religious and charitable institution land (including wakf), and private land. This comprehensive scope distinguishes it from other land protection statutes that cover only government land. A political party occupying government land for housing is as liable as a commercial encroacher on private property.

Criminal penalty

Section 3 makes land grabbing a criminal offence punishable with imprisonment up to five years and fine. The Act creates a Special Court (Land Grabbing Tribunal) with powers to try cases summarily. The penalty provision ensures that land grabbing is not merely a civil wrong (trespass) but a criminal offence attracting penal consequences.

Public interest no defence

A land grabber cannot defend the occupation by claiming public interest or social purpose. In several Part C problems, a political party occupies government land claiming it houses weaker sections. The courts have consistently held that no private party can justify land grabbing by claiming public benefit: the ends do not justify the means. The land must be restored regardless of the occupant's stated purpose.

State of AP v Mohd. Ishaq (Andhra Pradesh High Court, 2006)

Facts

Government land was occupied by private persons who claimed long possession and constructed structures. The government initiated proceedings under the Land Grabbing Act before the Special Tribunal.

Held

The AP High Court held that the Land Grabbing Act applies to all unauthorised occupation of government land regardless of the duration of possession. The occupants are land grabbers within Section 2(d) and the Special Tribunal has jurisdiction to order restoration.

Principle

Duration of unauthorised possession does not transform a land grabber into a lawful occupant; the Special Tribunal can order restoration at any time.

Chief Secretary, Govt of AP v Thammadi Narayanappa (Supreme Court of India, 2004)

Facts

Private persons claimed adverse possession over government land. The government invoked the Land Grabbing Act. The question was whether adverse possession is a defence under the Act.

Held

The SCI held that adverse possession cannot be claimed against the government in the context of the Land Grabbing Act. Government land is protected by sovereign immunity from limitation, and the Act creates an independent statutory remedy that overrides civil law defences.

Principle

Adverse possession is not a defence to land grabbing proceedings against government land; the statutory remedy under the Act is independent of civil law limitation.

Q3. Write a short note on Assigned Lands.

PRIORITY: ★★★ | PART: A | FREQ: 4

Government Land Granted to Landless with Transfer Prohibition

Assigned lands are government lands granted to landless agricultural labourers, Scheduled Castes, Scheduled Tribes, and economically weaker sections for cultivation and livelihood. Under the Telangana Assigned Lands (Prohibition of Transfers) Act (TS Assigned Lands Act), 1977, all transfers of assigned land are void (Section 3): sale, gift, mortgage, lease, and any other disposition. The assignee holds conditional occupancy for personal cultivation, not absolute ownership with disposable interest.

Legal Foundation

Section 3, Telangana Assigned Lands (Prohibition of Transfers) Act (TS Assigned Lands Act), 1977 : all transfers of assigned land are null and void

Section 4, TS Assigned Lands Act, 1977 : empowers the government to resume assigned land on violation of conditions

Mnemonic: "GPCRE"

Grant purpose | Prohibition | Conditions | Resumption | Ejectment

Grant purpose | Prohibition | Conditions | Resumption | Ejectment

Grant purpose

Assigned land is government land granted under poverty alleviation schemes. The source is typically waste land, surplus ceiling land, or escheat land. The beneficiaries are landless agricultural labourers, SC/ST persons, and economically weaker sections. The patta is marked "assigned land" (D-Form patta) with conditions. The purpose is livelihood through agriculture, not commercial exploitation.

Prohibition

Section 3 provides an absolute prohibition: no assigned land shall be transferred by the assignee, and any transfer is null and void. Section 3A clarifies that "transfer" includes sale, gift, exchange, mortgage (with or without possession), lease, and any other disposition. The prohibition applies regardless of the identity of the transferee: even transfer to another SC/ST person or another poor person is void.

Conditions

Section 6 subjects assignment to conditions: personal cultivation through own or family labour, agricultural use only, no conversion to non-agricultural purpose (house sites or commercial plots) without permission, and no sub-letting or handing possession to another person. The assignment is heritable (passes to legal heirs under same conditions) but not transferable.

Resumption

Section 4 empowers the government to resume (take back) assigned land where: the assignee transfers in violation of Section 3, fails to cultivate personally, converts to non-permitted use, or violates any condition of assignment. The resumption order is passed by the Revenue Authority after inquiry.

Ejectment

Section 5 provides for ejectment of any non-assignee in possession as a result of a void transfer. In *State of AP v Mohd. Ashrafuddin* (2001), the Andhra Pradesh High Court held that long possession and construction by a non-assignee purchaser do not validate a void transfer; the government can resume at any time without compensation to the transferee.

State of AP v Mohd. Ashrafuddin (Andhra Pradesh High Court, 2001)

Facts

Assigned land was sold by the assignee to a non-assignee who had been in possession for several years and constructed a house. The government issued an eviction notice.

Held

The Court held that the sale is void under Section 3 of the Assigned Lands Act. The purchaser acquires no title. Long possession and construction do not validate a void transfer. Government can resume and eject the purchaser.

Principle

Void transfers of assigned land cannot be cured by possession, construction, or investment; government can resume at any time.

P. Rami Reddy v State of AP (Supreme Court of India, 1988)

Facts

Land subject to transfer restriction was purchased by a non-entitled person who claimed the transfer should stand because of years of possession and improvements made.

Held

The SCI held that a void transfer cannot be validated by passage of time. The statutory prohibition renders the transfer legally non-existent from inception.

Principle

Statutory voidness cannot be cured by lapse of time or improvements; the legal principle applies equally to assigned lands and Scheduled Area transfers.

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