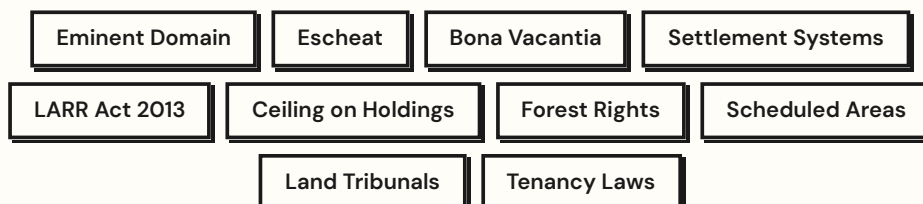


Law**Stories**

# Land Laws

Q&A Exam Guide

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



**PYQ Anchored · Case Verified · Problem Solved**

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# Land Laws | Part C

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## All Units: Problem Bank

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Seven recycled Part C problems covering the guaranteed scenarios.  
These 7 problems cycle with minor rewording every paper.

# Land Laws | Part C

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## Problem Questions — IREAC Framework

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**Q1. A person belonging to a Scheduled Tribe intends to transfer his land situated in a Scheduled Area to a non-tribal person by sale. Discuss the validity.**

PRIORITY: ★★★ | PART: C | FREQ: 9

### Issue

Whether a member of a Scheduled Tribe can validly sell immovable property in a Scheduled Area to a non-tribal person.

### Rule

Section 3 of the Andhra Pradesh Scheduled Areas Land Transfer Regulation (LTR), 1959 provides that no transfer of immovable property situated in a Scheduled Area by a member of a Scheduled Tribe shall be valid unless made in favour of another member of a Scheduled Tribe. The prohibition is absolute and covers all forms of transfer including sale, gift, exchange, mortgage, and lease. The transfer to a non-tribal is void ab initio: not voidable (capable of cancellation) but void (legally non-existent from inception). This protection flows from the Fifth Schedule of the Constitution read with Article 244(1), which empowers the Governor to make regulations prohibiting transfer of tribal land to non-tribals.

### Application

The intended sale is from a Scheduled Tribe member to a non-tribal person. This is directly prohibited by Section 3 of the LTR. Even if both parties are willing and the consideration is fair market value, the sale will be void. The consent of the tribal seller is irrelevant: the law presumes that tribal consent may be vitiated by economic distress, ignorance, or exploitation. If the sale deed is registered, it has no legal effect. The non-tribal purchaser acquires no title, no possession rights, and no legal interest in the land.

## Exception

No exception applies on these facts. The prohibition admits of no exceptions based on consent, consideration, or the identity of the purchaser (whether General, OBC, or SC — all are "non-tribal"). The Supreme Court of India (SCI) in *P. Rami Reddy v State of AP* (1988) held that even long possession by a non-tribal cannot cure a void transfer. The only valid transfer is tribal-to-tribal.

## Conclusion

The intended transfer is void under Section 3 of the LTR. The tribal member is advised not to proceed. If the sale is executed despite the prohibition, it is void ab initio: the land remains legally vested in the tribal seller. The Revenue Authority can order restoration at any time. The non-tribal "purchaser" has no remedy and is liable to ejection without compensation.

### Case Laws >

#### **Samatha v State of Andhra Pradesh (SCI, 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.

##### Held

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

##### Principle

The prohibition on transfer in Scheduled Areas is absolute and binds both private persons and the government.

#### **P. Rami Reddy v State of AP (SCI, 1988)**

##### Facts

A non-tribal purchased land from a tribal in a Scheduled Area and remained in possession for many years, making improvements to the land.

##### Held

The transfer is void ab initio. No amount of possession, howsoever long, can validate a void transfer. Restoration must be ordered regardless of the non-tribal's investment.

##### Principle

Void transfers cannot be cured by passage of time, long possession, or investment in improvements.

## Tribal Land Protection: The Absolute Prohibition

**Q2. The Government issues a notification under Section 11 of the LARR Act, 2013 for acquiring land but does not specify the public purpose. The landowner challenges the notification. Decide.**

PRIORITY: ★★★ | PART: C | FREQ: 6

### Issue

Whether a preliminary notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR Act), 2013 is valid if it does not specify the public purpose for which the land is required.

## **Rule**

Section 11(1) of the LARR Act, 2013 mandates that the preliminary notification must specify: (a) the district and area where the land is situated, (b) the approximate area of the land, (c) the public purpose for which the land is required, and (d) the requiring body. Specification of public purpose is a mandatory requirement, not directory. Under Section 2(1), "public purpose" is defined to include infrastructure projects, defence, education, housing for the poor, and similar specified categories. A notification that does not specify the public purpose is defective and liable to be quashed.

## **Application**

The government's notification fails to specify the public purpose. This is a mandatory requirement under Section 11(1)(c). Without specification, affected persons cannot know why their land is being acquired and cannot file meaningful objections under Section 15. The notification is defective on its face. The landowner's challenge is well-founded because the failure to specify public purpose deprives the notification of the essential element that justifies compulsory acquisition. The SCI in *Somawanti v State of Punjab* (1963) held that while the government's determination of public purpose is not ordinarily justiciable, the purpose must at minimum be specified in the notification.

## **Exception**

The government may argue that the purpose was communicated separately or is evident from surrounding circumstances. However, the 2013 Act requires specification in the notification itself. Separate communication does not satisfy the statutory requirement. The exception under Section 40 (urgency for national defence or security) allows a simplified procedure but still requires the purpose to be stated. No exception permits a notification entirely devoid of public purpose specification.

## **Conclusion**

The notification is invalid and liable to be quashed. The landowner should file a writ petition under Article 226 before the High Court seeking quashing of the Section 11 notification on the ground that it fails to specify the public purpose as mandated by the statute. The acquisition proceedings cannot validly proceed until a compliant notification specifying public purpose is issued afresh.

### Somawanti v State of Punjab (SCI, 1963)

#### Facts

Land was notified for acquisition. The landowners challenged the notification arguing that the stated public purpose was not genuine or was not properly specified.

#### Held

The SCI held that the government's satisfaction as to public purpose is conclusive and not open to judicial review except for fraud, mala fides, or colourable exercise of power. However, the purpose must at minimum be specified in the notification.

#### Principle

Public purpose specification in the notification is mandatory; its absence vitiates the notification. The sufficiency of the stated purpose is not justiciable but its presence is.

### Devinder Singh v State of Punjab (SCI, 2008)

#### Facts

Land acquisition notifications were challenged on the ground that the procedure prescribed under the Act was not followed and the purpose was vague.

#### Held

The SCI held that compliance with statutory procedure is mandatory. A notification that fails to meet mandatory requirements is void and must be set aside. The acquisition authority must strictly comply with statutory conditions.

#### Principle

Mandatory procedural requirements in land acquisition statutes must be strictly complied with; non-compliance renders the notification void.

## Specification of Public Purpose: A Mandatory Procedural Safeguard

### Q3. A political party occupies government land and constructs shelters for weaker sections. The government invokes the Land Grabbing (Prohibition) Act. Can the political party defend itself?

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PRIORITY: ★★★ | PART: C | FREQ: 6

#### Issue

Whether occupation of government land by a political party for the purpose of constructing shelters for weaker sections constitutes "land grabbing" under the AP/TS Land Grabbing (Prohibition) Act, 1982, and whether the purpose of housing the poor provides a defence.

#### Rule

Section 2(d) of the AP Land Grabbing (Prohibition) Act, 1982 defines "land grabbing" as every activity of grabbing any land (whether belonging to the government, a local authority, a religious or charitable institution, or any other person) by a person or group of persons without any lawful entitlement and with a view to illegally take possession of such lands. Section 3 makes land grabbing a cognizable and non-bailable offence punishable with imprisonment up to 5 years and fine. The Act does not recognise public purpose, social welfare, or political motive as a defence to criminal liability under its provisions.

## Application

The political party has occupied government land without lawful entitlement. The occupation satisfies both elements of Section 2(d): (i) the land belongs to the government, and (ii) the occupiers have no lawful entitlement (no patta, no lease, no assignment order, no permission). The purpose of constructing shelters for weaker sections, however laudable, does not create a lawful entitlement under the Act. Only the government can lawfully allot government land for housing schemes through the proper administrative and statutory process. A private party — political or otherwise — cannot unilaterally appropriate government land regardless of the social objective.

## Exception

The political party might argue that the land was allotted by a previous government or that an oral promise was made. However, allotment of government land requires a formal government order or patta. Oral promises do not create legal entitlement to government land. Alternatively, if the party can produce documentary evidence of lawful allotment (a GO, patta, or lease deed), the possession would not constitute grabbing. On the given facts, no such entitlement exists. The benevolent purpose of housing the poor does not constitute an exception or defence under the Act.

## Conclusion

The political party cannot defend itself on the ground of social welfare purpose. The occupation constitutes land grabbing under Section 2(d). The members are liable to prosecution under Section 3 (imprisonment up to 5 years). The Special Court established under the Act has jurisdiction. The government is entitled to eviction and restoration of the land. If the party wishes to house weaker sections, it must apply through lawful channels for government land allotment, not occupy land unilaterally.

### Case Laws >

#### State of AP v Mohd. Iqbal (AP Special Court, 1992)

##### Facts

Government land was occupied by private persons who claimed they were housing the poor and had political backing for the occupation.

##### Held

The Special Court held that the purpose of occupation is irrelevant under the Land Grabbing Act. Any occupation of government land without lawful entitlement constitutes land grabbing regardless of the social purpose claimed.

##### Principle

Social welfare purpose is not a defence to land grabbing. Lawful entitlement must be documentary and formal.

#### Government of AP v Thummala Krishna Rao (SCI, 1982)

##### Facts

Government land was encroached upon. The encroachers argued long possession and improvements made to the land as defence against eviction.

##### Held

The SCI held that government land does not pass by adverse possession. Long occupation without lawful title does not create rights in government land. The government retains ownership and the right to evict at any time.

##### Principle

Government land cannot be acquired by adverse possession; occupation without title is illegal regardless of duration.

### **Q4. X owns 5 acres of agricultural land in an urban area. The land has not been cultivated for years and lies vacant. The government declares it "vacant land" under the Urban Land (Ceiling and Regulation) Act, 1976. X challenges. Decide.**

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PRIORITY: ★★★ | PART: C | FREQ: 5

#### **Issue**

Whether 5 acres of agricultural land lying uncultivated in an urban area can be declared "vacant land" under the Urban Land (Ceiling and Regulation) Act (ULCRA), 1976.

#### **Rule**

Section 2(q) of the ULCRA, 1976 defines "vacant land" as land not built upon and which is not being used for any purpose. However, Section 2(q) read with Section 4 exempts agricultural land from the definition of vacant land. The Act applies to urban agglomerations and targets vacant urban land held for speculative purposes. Agricultural land, even if not currently cultivated, retains its character as agricultural land unless its classification has been formally changed in the revenue records to non-agricultural. The Supreme Court has held that the nature of land is determined by its classification in revenue records, not by its current use or non-use.

#### **Application**

X's land is classified as agricultural in revenue records. The fact that it has not been cultivated for years does not change its classification. "Vacant land" under ULCRA means urban land not used for any purpose — it does not include land classified as agricultural in revenue records regardless of its current state of cultivation. The government's declaration treating X's agricultural land as "vacant land" under ULCRA is legally incorrect because agricultural land falls outside the definition of vacant land under Section 2(q). Non-cultivation does not convert agricultural land into urban vacant land.

#### **Exception**

If the land's classification has been formally changed from agricultural to non-agricultural (NA) in the revenue records (through conversion proceedings), it would fall within ULCRA's scope. Similarly, if the land is within a municipal area where the government has issued a notification bringing it within the urban agglomeration for ULCRA purposes AND the classification has been changed, the Act may apply. On the given facts, the land remains classified as agricultural, and non-cultivation alone does not trigger ULCRA application.

#### **Conclusion**

X's challenge will succeed. Agricultural land cannot be declared "vacant land" under ULCRA merely because it lies uncultivated. The government must first establish that the land's classification has been formally changed from agricultural to non-agricultural. Until such conversion, the land retains agricultural character and falls outside ULCRA's scope. X should file a writ petition under Article 226 seeking quashing of the declaration.

### State of Karnataka v Ranganatha Reddy (SCI, 1977)

#### Facts

The constitutional validity of ceiling and urban land legislation was challenged. Questions arose about the scope of "vacant land" and its application to agricultural holdings.

#### Held

The SCI upheld ceiling legislation as constitutionally valid under Article 31A and the IX Schedule. However, the Court clarified that land classification in revenue records determines the nature of the land for statutory purposes.

#### Principle

Land classification in revenue records is determinative; current use or non-use does not change the legal character of land.

### Bhim Singhji v Union of India (SCI, 1981)

#### Facts

The constitutionality of ULCRA was challenged. Questions arose about its application to different categories of land within urban areas.

#### Held

The SCI upheld ULCRA as constitutional. The Court clarified that the Act targets speculative holding of vacant urban land and its scope is limited to land as defined under the Act.

#### Principle

ULCRA targets urban vacant land held for speculation; its scope is determined by statutory definitions, not by physical appearance of the land.

## Agricultural Land: Classification in Records Governs, Not Current Use

### Q5. Government acquires land belonging to X. X is unhappy with the compensation amount and claims the market value of the land has increased substantially. Advise X on the remedy.

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PRIORITY: ★★★ | PART: C | FREQ: 4

#### Issue

Whether a landowner dissatisfied with the compensation determined in the Collector's Award can seek enhanced compensation, and what remedy is available under the LARR Act, 2013.

#### Rule

Under Section 64 of the LARR Act, 2013, any person dissatisfied with the Collector's Award may seek a reference to the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) within six months of receiving the Award. The Authority, presided over by a District Judge or equivalent, has the power to re-examine and enhance compensation. Section 26 mandates that market value shall be the highest of: (a) the minimum land value specified in the Indian Stamp Act for registration (circle rate), (b) the average of the highest sale prices of similar land in the vicinity for the preceding three years, or (c) the consented or negotiated amount. Additionally, Section 28 provides 100% solatium on the market value, and Section 30 provides a multiplier of 1 to 2 for rural land.

## Application

X should file an application for reference to the LARRA under Section 64 within six months of receiving the Award. X must produce evidence of enhanced market value: recent registered sale deeds of comparable land in the vicinity, valuation reports from approved valuers, circle rate certificates showing increases since the notification date, and any other relevant evidence demonstrating that the Collector's determination of market value was below actual market conditions. If the Authority finds that the market value was underassessed, it will enhance the compensation, which automatically increases the solatium (100%) and all dependent calculations. The Authority's decision is further appealable to the High Court under Section 74.

## Exception

If X fails to file the reference within six months of the Award, the right to challenge is lost by limitation. Additionally, if the Collector's Award already reflects the highest of the three statutory bases (circle rate, average sale price, or negotiated amount), enhancement may be difficult unless X can demonstrate that comparable sales at higher values were ignored. The Authority cannot award compensation below the Collector's Award (Section 69: it can only enhance or confirm, not reduce).

## Conclusion

X is advised to file a reference under Section 64 within six months of the Award. X should gather evidence of market value enhancement (sale deeds, circle rates, valuation reports). If the Authority enhances the amount, X receives the enhanced compensation plus 100% solatium plus the rural multiplier plus 12% interest from the notification date. If still dissatisfied, X can appeal to the High Court under Section 74.

### Case Laws >

#### Tarsem Singh v State of Punjab (SCI, 2019)

##### Facts

Landowners challenged the compensation awarded under the National Highways Act, arguing it was far below market value. They sought parity with LARR Act compensation principles.

##### Held

The SCI held that compensation must reflect actual market value. The National Highways Act provisions must be read consistently with LARR Act principles after the 2015 amendment. Landowners are entitled to fair compensation reflecting real market conditions.

##### Principle

Compensation must reflect actual market value; courts ensure parity across acquisition regimes and will enhance inadequate awards.

#### Indore Development Authority v Manoharlal (SCI, 2020)

##### Facts

Landowners claimed that acquisition proceedings had lapsed due to non-payment of compensation. The question of compensation adequacy and procedural timelines was also raised.

##### Held

The SCI clarified that lapse occurs only upon complete non-payment and non-deposit. Where compensation is deposited (even if uncollected), proceedings do not lapse. Delay in payment attracts 15% additional interest.

##### Principle

Compensation must be paid or deposited; delay attracts penal interest; lapse occurs only on complete non-payment.

## Q6. A, an assignee, sells his assigned land to B. The government issues an eviction notice to B. Advise B.

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PRIORITY: ★★★ | PART: C | FREQ: 5

### Issue

Whether B, who purchased assigned land from the assignee A, acquires any legal title, and whether the government's eviction notice is valid.

### Rule

Section 3 of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 provides that no assigned land shall be transferred by the assignee, and any transfer of assigned land shall be deemed null and void. The prohibition covers sale, gift, exchange, mortgage, lease, and any other disposition. A transfer in violation is void ab initio. Section 4 empowers the government to resume the land, and Section 5 authorises ejection of any non-assignee in possession. The AP High Court in *State of AP v Mohd. Ashrafuddin* (2001) held that void transfers of assigned land cannot be cured by possession, construction, or investment.

### Application

A's sale to B is void under Section 3. B acquires no title, no legal interest, and no rights in the land despite having paid consideration and received a sale deed. The void nature means the transaction is legally non-existent from inception. B's possession is without lawful authority. The government's eviction notice under Section 5 is legally valid: B is in unlawful possession of government assigned land following a void transaction.

### Exception

B might argue bona fide purchase for value without notice of the assignment condition. However, the Act does not recognise bona fide purchase as a defence. Assigned land is marked in revenue records (D-Form patta or assigned land endorsement). B had constructive notice by virtue of the revenue records being public documents. Even without actual knowledge, B cannot claim protection against a void transfer. The only circumstance where B might resist eviction is if B can prove that the land was never validly assigned land in the first place (challenging the original classification), which is a different legal argument.

### Conclusion

B has no legal defence against eviction. The sale is void under Section 3. The government's eviction notice is valid. B should vacate the land. B's remedy, if any, lies in a civil suit against A for refund of the consideration paid under a void contract (Section 65, Indian Contract Act: restitution), not in resisting the government's eviction. B cannot claim compensation from the government for improvements or construction on void-transfer land.

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

#### Facts

Assigned land was sold by the assignee to a non-assignee. The purchaser had been in possession for several years and had constructed a house on the land.

#### Held

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. The government is entitled to resume the land and eject the purchaser.

#### Principle

Void transfers of assigned land are irremediable: possession, construction, and investment do not cure the defect.

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

#### Facts

Assigned land was transferred through a registered sale deed. The purchaser argued that registration gave him valid title and the government could not disturb possession.

#### Held

Registration of a void transaction does not validate it. A sale deed that is void under statute has no legal effect regardless of registration. The government retains the right to resume and eject.

#### Principle

Registration does not cure a void transfer; a void sale deed has no legal effect regardless of whether it is registered or not.

## Assigned Land: Void Transfer, No Title, No Defence Against Eviction

### Q7. Legislation imposing ceiling on agricultural holdings is placed in the IX Schedule. A landowner challenges the legislation as violating his fundamental right to property. Can he succeed?

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PRIORITY: ★★★ | PART: C | FREQ: 3

#### Issue

Whether legislation placed in the IX Schedule of the Constitution can be challenged on the ground that it violates fundamental rights, specifically the right to property.

#### Rule

Article 31B of the Constitution provides that no Act or Regulation specified in the IX Schedule shall be deemed void on the ground that it is inconsistent with or takes away any of the rights conferred by Part III (Fundamental Rights). The IX Schedule was inserted by the First Amendment (1951) to protect agrarian reform legislation from constitutional challenge. However, the SCI in *I R Coelho v State of Tamil Nadu* (2007) held that laws placed in the IX Schedule after 24 April 1973 (the date of the *Kesavananda Bharati* judgment) are open to judicial review if they violate the basic structure of the Constitution. Additionally, the right to property is no longer a fundamental right: it was downgraded to a constitutional right under Article 300A by the 44th Amendment (1978).

## Application

The ceiling legislation is in the IX Schedule, which provides protection under Article 31B against fundamental rights challenges. However, two developments limit the landowner's challenge. First, post-Coelho (2007), if the legislation was placed in the IX Schedule after 24 April 1973, it can be challenged on the ground that it violates the basic structure. Second, since the 44th Amendment (1978), property is not a fundamental right under Article 19(1)(f) — it is only a constitutional right under Article 300A (no person shall be deprived of property save by authority of law). The landowner cannot invoke Part III fundamental rights to challenge ceiling legislation protected by the IX Schedule.

## Exception

If the ceiling legislation was placed in the IX Schedule after 24 April 1973, the landowner can argue under I R Coelho that it violates the basic structure (equality, rule of law). However, ceiling legislation itself is unlikely to be struck down as violating basic structure because redistributive land reform is a recognised constitutional objective under Articles 38 and 39. The challenge is theoretically available but practically difficult to sustain for ceiling statutes which are directly supported by DPSP objectives and have been repeatedly upheld by the SCI.

## Conclusion

The landowner is unlikely to succeed. The IX Schedule protects the ceiling legislation from Part III challenges. The right to property is no longer a fundamental right (44th Amendment). Even under the Coelho window (basic structure challenge for post-1973 IX Schedule entries), ceiling legislation is supported by Articles 38 and 39 DPSP and is unlikely to be found violative of basic structure. The landowner's best argument is procedural: that the ceiling was incorrectly calculated or that the surplus determination process was vitiated. Substantive challenge to the ceiling principle itself will not succeed.

### Case Laws >

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

##### Facts

Laws placed in the IX Schedule after 24 April 1973 were challenged on the ground that Article 31B protection should not extend to legislation that violates the basic structure of the Constitution.

##### Held

A nine-judge bench held that laws placed in the IX Schedule after 24 April 1973 are open to judicial review. If such laws violate the basic structure, they are not immune from challenge merely because they are in the IX Schedule.

##### Principle

IX Schedule protection is not absolute for post-1973 entries: basic structure review is available.

#### Kesavananda Bharati v State of Kerala (SCI, 1973)

##### Facts

The Kerala government acquired property under land reform legislation. Kesavananda challenged the amendments that had curtailed judicial review of such legislation.

##### Held

The 13-judge bench held that Parliament's amending power under Article 368 is subject to the basic structure limitation. Parliament cannot amend the Constitution to destroy its basic structure.

##### Principle

Basic structure doctrine: constitutional amendments (including IX Schedule insertions) cannot destroy the fundamental framework of the Constitution.



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