

(2025) 05 SC CK 0216

In the Supreme Court Of India

Case No : Civil Appeal No. 6879 Of 2025 (@Special Leave Petition (Civil)
No.12570 Of 2025)

V. S. R. Mohan Rao

APPELLANT

Vs

K. S. R. Murthy & Ors

RESPONDENT

Date of Decision : 15-05-2025

Acts Referred:

Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 — Section 2(c),
2(d), 2(e), 10

Citation : (2025) 05 SC CK 0216

Hon'ble Judges : Sudhanshu Dhulia, J;K. Vinod Chandran, J

Bench : Division Bench

Advocate : Madhvi Diwan, Arun Kumar Nagar, Sudhir Naagar, Rajshree Singh, P.
V. Yogeswaran, Y. Lokesh, Bibek Tripathi, Arun Singh, Guneswaran Pv, Ashish
Kumar Upadhyay

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J

1. Leave granted.

2. The appellant is aggrieved with the fact that he has been accused and termed to be a 'land grabber' without due cause and directed to be evicted from the property which he duly acquired under a sale deed, wherein he had been residing from the date of purchase; that is from 27.03.1997. The applicant before the Special Court under the Land Grabbing Act 'Andhra Pradesh Land Grabbing (Prohibition) Act, 1982' was concerned with 252 square yards of land in occupation of the appellant, which the applicant asserted, was a clear case of land grabbing, of a portion of the land belonging to the applicant admeasuring 555 square yards forming part of survey no. 9 of Saroornagar Village, Ranga Reddy District; which she purchased under a registered sale deed dated 01.01.1965.

3. Smt. Madhvi Diwan, learned Senior Counsel argued that the provisions of the Land Grabbing Act could not have been invoked against the appellant herein. The appellant, if at all, was a simple trespasser, who had bonafide purchased the property by way of a registered sale deed dated 27.03.1997 and had been in residence in a double storied building constructed on it. The appellant's case was that the land had changed hands, over the years, he having purchased the land from his vendors who trace their title to a Housing Society, the 11th respondent. If at all, his title is in doubt, it is perfected by his predecessors-in-interest by reason of the principle of adverse possession since a two storied building occupied by his vendor was existing in the land for very many years. Learned Senior Counsel also took us to the decision in *Konda Lakshmana Bapuji v. Govt. of A.P.*, (2002) 3 SCC 258 to impress upon us the constricted scope of the Land Grabbing Act and argued with specific reference to paragraphs 37 and 38. To term an encroachment or trespass as a 'land grab', under the Act, there should be obvious criminality and clear mens rea which is totally absent in the present case. It is argued without admitting, that, if at all the appellant is guilty, it is a simple trespass, for which the remedy under the Act cannot be invoked and one has to go before the civil court. It is argued that under the Act, a summary trial is conducted and only on a prima facie finding of the title of the applicant, the appellant is sought to be evicted.

4. Learned Counsel Sh. P. V. Yogeswaran, entered appearance for the respondents who are the legal heirs of the original applicant before the Special Court. It is pointed out that the Commissioner appointed by the Court, an officer of the Survey Department, clearly found the appellant having encroached into the property of the applicant. The property owned by the applicant by virtue of a deed of 1965 was in survey no. 9, while the sale deed produced by the appellant showed his property to be in survey no. 10. It is also argued that two suits filed by the appellant, one against the applicant and the other against the Municipality, failed miserably. The Land Grabbing Act brings in any encroachment of land within its ambit and scope, inter-alia, of a private individual and does not specify any limit on extent for it to operate. It provides a special remedy for evicting the person who has grabbed the land, which is rightly availed by the applicant.

5. We refer to the contesting parties as the applicant; who initiated the proceedings before the Special Court and the one alleged as a land grabber: as the appellant. We first looked at the decision in *Konda Lakshmana Bapuji* (2002) 3 SCC 258 to understand whether criminality and mens rea is a requirement under the enactment. The Learned Judges having looked at the definition of 'grab', especially in the context of the statute having not provided a definition for 'grabbing', found it literally to have a broad meaning and a narrow one. The broader meaning being of taking away unauthorisedly, greedily or unfairly and the narrow meaning being of snatching forcibly, violently or by unscrupulous means. It was held, with regard to the object of the Act that it took within its scope and ambit both the narrow as well as the broad meaning. It was held so in

paragraph 37:-

"... Thus understood, the ingredients of the expression "land grabbing" would comprise (i) the factum of an activity of taking possession of any land forcibly, violently, unscrupulously, unfairly or greedily without any lawful entitlement, and (ii) the mens rea/intention - "with the intention of with a view to" (a) illegally taking possession of such lands or (b) enter into or create illegal tenancies, lease and licence agreements or any other illegal agreements in respect of such lands, or (c) to construct unauthorised structures thereon for sale or hire, or (d) to give such lands to any person on (i) rental, or (ii) lease and licence basis for construction, or (iii) use and occupation of unauthorised structures."

6. We are in respectful agreement with the above proposition especially looking at the definition of 'land grabber' and 'land grabbing' as is seen from clauses (d) and (e) of Section 2 of the Act, the ambit of which also has been delineated in paragraph 38 of the cited decision:-

"A combined reading of clauses (d) and (e) would suggest that to bring a person within the meaning of the expression "land grabber" it must be shown that : (i) (a) he has unauthorisedly, unfairly, greedily, snatched forcibly, violently or unscrupulously any land belonging to the Government or a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person; (b) without any lawful entitlement; and (c) with a view to illegally taking possession of such lands, or enter or create illegal tenancies or lease and licence agreements or any other illegal agreements in respect of such lands or to construct unauthorised structures thereon for sale or hire, or give such lands to any person on rental or lease and licence basis for construction, or use and occupation of unauthorised structures; or (ii) he has given financial aid to any person for taking illegal possession of lands or for construction of unauthorised structures thereon; or (iii) he is collecting or attempting to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation; or (iv) he is abetting the doing of any of the abovementioned acts; or (v) that he is the successor-in-interest of any such persons."

7. The definition under clause (cc) of Section 2 of 'land belonging to a private person' includes a land belonging to (i) an evacuee, (ii) a military personnel, or (iii) any private individual. Clause (e) is an inclusive definition which takes in every activity of grabbing of any land whether belonging to the Government , a local authority or even a private person. The definition of 'land grabber' under clause (d) also takes in a person who commits land grabbing and includes any organised activity for the purpose of land grabbing. As has been held in the cited decision, the term 'land grabbing' is employed in the statute, conferring on it both a narrow and broad connotation and it cannot be said that there should necessarily be criminality insofar as the encroachment or trespass carried out. The mens rea or intention required is only of illegally taking possession of land, through unlawful or arbitrary means, by oneself or through others, for creation of

third party rights, carrying out constructions or use and occupation unauthorisedly.

8. Konda Lakshmana Bapuji (2002) 3 SCC 258 has also held that the allegation of any act of land grabbing is the sine qua non for maintaining an application under the Act and not the truth or otherwise of such an allegation. However, to hold that a person is a land grabber, it is necessary to find that the allegations satisfying the requirement of land grabbing are proved to make out a case that the appellant is a land grabber. The applicant should include both the ingredients, the factum as well as the intention, that the person accused of land grabbing falls under the definition clause (d) of section 2 of the Act and that the intention was to illegally take possession of such land, as required under clause (c) of Section 2.

9. A reading of the complaint filed as LGC No. 121 of 1999 would clearly indicate that the applicant had asserted her ownership over 555 sq. yards of land in survey no. 9, having obtained it by virtue of a registered sale deed of 09.01.1965 which was purchased by her vendor Valluru Venkateshwarlu who purchased the land through a registered deed dated 29.01.1962. The Society which is said to have purchased the land from the legal representatives of the very same person, purchased land that existed in survey no. 10. The applicant had asserted before the Special Court that the vendors of the appellant had trespassed into the land and the appellant too was occupying the land illegally with a view to grab lands over which the applicant had a valid title, especially since the continuance of the appellant's possession was based on a sale deed wherein the property scheduled is said to be existing in survey no. 10.

10. The ingredients required under the Land Grabbing Act definitely are pleaded in the application, which remain an allegation till it is proved before the Special Court. The applicant proved her possession by virtue of the title deed and also took out a Commission which identified the property in the possession of the appellant to be clearly in survey no. 9 and not survey no. 10. The Special Court also spoke of the suits filed by the appellant, one of which, seeking injunction against the applicant was rejected and the other, seeking injunction against the Municipality, was withdrawn when the applicant sought to implead herself in the said suit.

11. Admittedly, the appellant's land; more fully described in the application, is existing in survey no. 9 and it is not disputed that the appellant's purchase was of a land in survey no. 10. The learned Senior Counsel had argued that there was lack of clarity in the Commission Report. We have looked at the report produced as annexure P-10 in the SLP records. In fact, the lack of clarity is insofar as identification of properties in survey no. 10. The Commission Report specifically records that survey no. 9 has a total extent of 462 acres and 28 guntas and there are several survey numbers lying scattered and aloof, in which is comprised survey no. 10 admeasuring 6 acres and 7 guntas. As per the inspection, the schedule property clearly falls within survey no. 9 and not in

survey no. 10. The Commission Report, by the Assistant Director, Survey and Land Records according to us, clearly identifies the property of the applicant, in the survey number. 9 as revealed from her document of 1965.

12. Further as found by the Special Court and the High Court, two suits were filed by the appellant, both for injunction; one against the applicant and the other against the Municipality. The first suit against the applicant was dismissed and the second suit was withdrawn, when the applicant sought impleadment.

13. Much was argued about the summary manner in which an enquiry is conducted in a proceeding before the Special Court under the Act which however does not come out from a plain reading of the Land Grabbing Act or the decision cited for the appellant. This Court in *Konda Lakshmana Bapuji* (2002) 3 SCC 258 emphasised the object of the Act which was to curb the increasing trend in grabbing the lands of the government and the other public authorities as also private persons by unscrupulous, but resourceful persons. The intention was to immediately detect such instances of land grabbing and deal with it sternly and swiftly by specially devised adjudicating forums to ensure that the evil subsidies and social injustice will not be perpetrated with impunity. The Special Court is constituted with both civil and criminal jurisdiction; which consists of a serving or retired Judge of a High Court as Chairperson, two serving or retired District Judges and two serving or retired Civil Servants not below the rank of a District Collector, as members; as is seen from the statute produced in the SLP. The Special Court constituted is also an appellate forum as against the orders passed by a Special Tribunal, constituted under the Act which is the Court of the District Judge having jurisdiction of the area, including the Chief Judge, City Civil Court, Hyderabad.

14. Under Section 10 of the Act the initial burden, *prima facie*, to prove the ownership of the land is on the person who asserts it by way of an application alleging an act of land grabbing. On *prima facie* proof being offered the onus will shift to the land grabber, since there is a presumption arising if the ownership of the subject land is proved *prima facie*. The allegation of land grabbing by itself does not give rise to the presumption, which arises only when *prima facie* the ownership is established, at which point the alleged land grabber can lead evidence to rebut the presumption. Merely because of the shifting of the onus, on the initial *prima facie* burden being discharged, it cannot be said that there is a prejudice caused to the respondent before the Special Court.

15. As has been held in *Konda Lakshmana Bapuji* (2002) 3 SCC 258, an allegation is a requirement to maintain a petition but however, proof should be offered insofar as the claim of title asserted by the applicant in which context only the onus of proof shifts to the alleged land grabber. Even then, there is ample opportunity for the land grabber to rebut the presumption, which the appellant herein has not been able to do before the Special Court.

16. The survey numbers evidenced in the sale deed produced by the applicant

and the appellant, as also the failed attempts of the appellant to obtain an injunction against the applicant and the Municipality; in suits wherein the claim raised was against the very same property, together establish the allegation of land grabbing. We cannot but observe that though a claim is raised on adverse possession, by reason only of a building constructed on the subject land, no proof was offered as to the date on which such construction was commenced and concluded. We say this, despite having noticed that the applicant has a case that on being aware of the commencement of construction, the applicant had moved the Registrar of Co-operative Societies seeking action against the Housing Society, the 13th respondent, which purchased the property in survey no.10 from Valluru Venkateshwarlu, the vendor of the applicant as also the Society; the predecessor in interest of the appellant too. This puts to peril the plea of adverse possession since it puts paid the foundation of a hostile animus.

17. We find absolutely no reason to interfere with the judgment impugned specifically noticing that the decision cited, in paragraph 17 held that:-

"The purpose of the Act is to identify cases involving allegation of land grabbing for speedy enquiry and trial. The courts under the Act are nonetheless civil courts which follow the Code of Civil Procedure and are competent to grant the same reliefs which can be obtained from ordinary civil courts."

18. The appeal stands dismissed.

19. Pending application(s), if any, shall stand disposed of.