

ADVERSE POSSESSION-LEGALLY AUTHORISED THEFT OF PROPERTY

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ABSTRACT

Sir John Salmond's defined Law as : 'Law is the body of principles recognised and applied by the State in the administration of justice'. It is the general belief that laws are for administering justice. However there is one lesser known aspect of real estate laws which helps the thieves against the real owner. The adverse possession of any immovable property is an example of injustice meted to real owner as against the illegal person claiming the property as his own, after a particular prescribed time and further he can oust the real owner and become the owner with help of courts. If the object of the laws is to give justice, how can such laws be continued to be used, knowing very well it will benefit the unauthorised occupiers and prevent the title of the authorised person for his own property. The Relevance of this provision of law in the present context is being discussed in this paper. Is it just enough to say that all the laws should be made to administer justice equally to one and all or is it also necessary to implement it.

KEYWORDS: Adverse Possession, Right to Property in India, Property Rights, Negligence of Property Owner, Encroachment of Property, Theft of Landed Property