

# Land Grabbing as an Organized Crime in India : Examining the Need for A Comprehensive Criminal Law Framework

**A. Keerthana**

1st Year LLM Student, Criminal Law and Criminal Justice Administration, Soel, TNDALU  
The Tamilnadu Dr Ambedkar Law University, Chennai

**Abstract:** *Land grabbing has emerged as a serious socio-legal problem in India, particularly in rapidly developing urban and semi-urban regions where the value of land has increased significantly. In many instances, organized groups illegally occupy or acquire land through fraudulent documentation, manipulation of land records, coercion, and misuse of administrative procedures. Such practices not only violate the property rights of individuals and communities but also undermine public confidence in the legal and administrative systems governing land ownership. Despite the growing number of disputes relating to illegal land occupation and fraudulent property transactions, India does not have a comprehensive national legal framework that specifically addresses land grabbing as an organized criminal activity. This paper seeks to examine the nature and patterns of land grabbing in India and critically analyse the limitations of the current legal framework in addressing such offences. It further explores the broader implications of land grabbing on property rights, governance, and social justice. The study ultimately argues for the development of a comprehensive criminal law framework that recognises land grabbing as a distinct form of organized crime and proposes stronger legal mechanisms to prevent illegal land occupation and ensure better protection of property rights in India.*

**Keywords:** Land Grabbing, Organized Crime, Property Rights, Land Governance, Criminal Law Framework

## I. INTRODUCTION

Land is an important resource in India and is closely connected with property rights, economic development, and the livelihood of people. With rapid urbanisation, industrial growth, and increasing demand for real estate, the value of land has increased significantly in many parts of the country. This has also led to the rise of land grabbing as a serious socio-legal issue. Land grabbing generally involves the illegal acquisition or occupation of land through methods such as fraud, manipulation of land records, coercion, and misuse of legal or administrative procedures, particularly in areas where governance is weak and corruption is prevalent.

In many situations, land grabbing is not an isolated act but takes place in a systematic manner through the involvement of groups such as brokers, developers, and political actors. These groups often take advantage of legal loopholes, administrative weaknesses, and lack of proper regulation to gain control over valuable land. Such practices have serious consequences, as they undermine property rights, disturb the proper functioning of land markets, and lead to the displacement of vulnerable communities who depend on land for their livelihood. Even though land grabbing has become a serious issue, Indian law does not recognise it as a clearly defined and independent criminal offence. While the Bharatiya Nyaya Sanhita, 2023 includes land grabbing within the broader concept of organised crime under Section 111, it is not specifically regulated through a separate legal framework. This makes it difficult to effectively address organised land grabbing, highlighting the need for a more comprehensive criminal law approach.



### **Need of the Study**

Land grabbing has emerged as a serious issue affecting property rights, especially through illegal possession, fraudulent transfers, and manipulation of land records.

Existing property laws mainly deal with lawful ownership and transfer but do not effectively address organised and systematic illegal land acquisition.

With the introduction of organised crime provisions under the Bharatiya Nyaya Sanhita, 2023, there is a need to examine whether such provisions can address land grabbing as a structured criminal activity.

### **Significance of the Study**

This study is important as it examines land grabbing not only as a property issue but also as an organised criminal activity, thereby bringing a new legal perspective to the problem.

It helps in understanding the gaps in the existing legal framework, especially the limitations of property laws and scattered criminal provisions in effectively addressing large-scale and organised land grabbing.

The study is significant in analysing the role of Section 111 of the Bharatiya Nyaya Sanhita, 2023, and contributes to the discussion on the need for a more clear and comprehensive criminal law framework to deal with such activities.

### **Review of literature**

Dr. A. Vijayalakshmi et al., in “The Critical Analysis on Land Grabbing as an Organized Crime and Its Social Impacts,” explain that land grabbing involves activities like fraud, force, and misuse of law. The authors connect it with offences such as cheating, trespass, and forgery, and also discuss its impact on society and environment, especially on vulnerable communities. But the article does not clearly analyse the new law, especially Section 111 of the Bharatiya Nyaya Sanhita, in detail.<sup>1</sup>

Shankar Pratap Singh, in “Transnational Organized Crime: The Indian Perspective,” explains how organised crime groups work in India and how they are involved in different illegal activities, including land grabbing. He also mentions the role of land mafia and how they use power and influence to take control of land. However, the study does not specifically analyse land grabbing as a separate legal issue or in the context of recent laws.<sup>2</sup>

Palla Navanya, in “An Insight on the New Provision Introduced in BNS: Organized Crimes in India,” discusses how organised crime is changing in India and explains the importance of new provisions under the Bharatiya Nyaya Sanhita. The article highlights the need for strong legal measures but does not directly connect these provisions with land grabbing.<sup>3</sup>

Ajay K. Gautam, in his article “Political Economy of Urban Land-Grabbing in India,” explains that land grabbing is not only done by big companies but also by local actors like developers, brokers, and political persons. He shows that illegal land acquisition often happens because of weak governance and loopholes in the system. The article also points out that officials and local elites sometimes work together, which leads to the growth of informal and illegal land markets. However, the study mainly looks at the issue from an economic and governance perspective and does not explain it from a criminal law or organised crime angle.<sup>4</sup>

---

<sup>1</sup> A. Vijayalakshmi, P. M. Krishnadhareeni & E. Sindhu Priya, The Critical Analysis on Land Grabbing as an Organized Crime and Its Social Impacts, 6 Int’l J. for Multidisciplinary Rsch. (2024)

<sup>2</sup> Shankar Pratap Singh, Transnational Organized Crime: The Indian Perspective, Resource Material Series No. 59, United Nations Asia and Far East Institute (UNAFEI)

<sup>3</sup> Palla Navanya, An Insight on the New Provision Introduced in BNS: Organized Crimes in India, White Black Legal (2025)

<sup>4</sup> Ajay K. Gautam, Political Economy of Urban Land-Grabbing in India: Local Developers, Fragmented Development and Perils of Governance, 60 Econ. & Pol. Wkly. (Feb. 22, 2025)



### **Research Gap**

The existing studies do not clearly analyse land grabbing as organised crime under Indian law. There is very little discussion on how Section 111 of the Bharatiya Nyaya Sanhita can be applied to such cases. Also, the need for a proper and comprehensive criminal law framework to deal with organised land grabbing has not been fully addressed.

### **Research Problem**

Land grabbing is not recognised as a specific offence under Indian criminal law, leading to reliance on multiple scattered provisions.

Property law mechanisms are insufficient to deal with organised and large-scale illegal land activities.

The applicability of Section 111 of the Bharatiya Nyaya Sanhita to land grabbing remains unclear.

### **Research Questions**

Whether land grabbing can be treated as organised crime under Indian law?

Whether existing property and criminal laws are sufficient to address illegal land acquisition?

Whether Section 111 of the Bharatiya Nyaya Sanhita can effectively deal with organised land grabbing?

Whether there is a need for a comprehensive criminal law framework to regulate land grabbing in India?

### **Hypothesis**

1. The existing legal framework is inadequate to address land grabbing as an organised criminal activity.

2. The absence of a specific legal recognition weakens protection of property rights and enforcement mechanisms.

### **Objectives of the Study**

1. To examine the concept and nature of land grabbing in relation to property rights.

2. To evaluate the role of organised crime provisions under the Bharatiya Nyaya Sanhita, 2023 in addressing land grabbing.

3. To assess the need for a comprehensive criminal law framework to effectively address organised land grabbing.

### **Research Methodology**

This study adopts a doctrinal and analytical research methodology. The research is primarily based on the examination of primary sources, including statutory provisions such as the Bharatiya Nyaya Sanhita, 2023, the Indian Penal Code, 1860, and other relevant land and property laws, along with judicial decisions of the Supreme Court and High Courts.

In addition, secondary sources such as scholarly articles, books, reports, and policy documents have been analysed to understand the broader socio-legal dimensions of land grabbing. The study follows an analytical approach to evaluate the adequacy of existing laws and to identify gaps in the legal framework.

### **Scope and Limitations of the Study**

The scope of this study is limited to analysing land grabbing in India from both property law and criminal law perspectives. It mainly focuses on understanding how existing laws deal with illegal land acquisition and examines the role of provisions under the Bharatiya Nyaya Sanhita, 2023, especially in relation to organised crime. The study also considers relevant property and land governance laws to understand issues relating to ownership, possession, and transfer of land.

The study is limited to doctrinal research based on secondary sources and does not include any empirical or field-based data. It does not cover all state-specific laws in detail and focuses only on selected important legislations. The analysis is mainly legal in nature and may not fully address practical or ground-level implementation issues.



## II. CONCEPTUAL FOUNDATIONS AND STRUCTURAL CHARACTERISTICS OF LAND GRABBING

### 2.1 Meaning and Concept of Land Grabbing

Land grabbing generally refers to the large-scale acquisition or control of land by powerful actors in a manner that adversely affects the rights and interests of local communities. Such acquisition may take place through legal manipulation, administrative irregularities, or economic pressure, particularly in areas where governance is weak and regulatory mechanisms are ineffective.<sup>5</sup> Although transfer of land is a lawful activity, concerns arise when such transactions occur without proper consent, transparency, or fairness. In this sense, land grabbing extends beyond mere ownership and raises important issues relating to justice, equity, and protection of property rights.

### 2.2 Coercive Practices in Land Grabbing

Land grabbing often involves coercive and deceptive practices aimed at securing control over land. These practices include intimidation, threats, forced evictions, and misuse of legal procedures. In many situations, affected communities may not fully understand the nature of agreements or may be compelled to surrender their land due to pressure from influential actors. Fraudulent methods such as falsification of land records and misleading documentation are also frequently used, thereby undermining transparency and informed consent in property transactions.<sup>6</sup>

### 2.3 Consequences of Land Grabbing

The consequences of land grabbing are significant and multidimensional. Socially, it results in displacement of communities and loss of livelihood, especially for those dependent on land-based activities. Economically, it contributes to concentration of land ownership and widening inequality. Environmentally, large-scale land use changes such as industrial agriculture and mining lead to deforestation, depletion of natural resources, and loss of biodiversity.<sup>7</sup> These impacts indicate that land grabbing is not merely a legal issue but also a broader socio-economic and environmental concern.

## III. LEGAL FRAMEWORK GOVERNING LAND ACQUISITION AND PROPERTY TRANSACTIONS IN INDIA

### 3.1 Criminal Law Framework Addressing Land Grabbing in India

#### Relevant Provisions under the Bharatiya Nyaya Sanhita, 2023<sup>8</sup>

#### 1. Criminal Trespass – Section 329

Section 329 deals with unlawful entry into or remaining on property in the possession of another with intent to commit an offence or cause intimidation, insult, or annoyance. In land grabbing cases, illegal occupation often begins with unauthorized entry and continued possession, making this provision highly relevant in addressing encroachment.

#### 2. Cheating and Dishonestly Inducing Delivery of Property – Section 318

Section 318 applies where land is obtained through deception, such as forged documents or false representation of ownership. It is frequently invoked in fraudulent land transactions where individuals are induced to transfer property based on misrepresentation.

#### 3. Criminal Breach of Trust – Section 316

This provision deals with situations where property entrusted to a person is dishonestly misused or converted for personal benefit. In land-related cases, it becomes relevant when individuals entrusted with managing property unlawfully transfer or occupy land.

#### 4. Forgery of Valuable Security or Property Documents – Section 338

<sup>5</sup> Lorenzo Cotula et al., Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa 1–4 (Int'l Inst. for Env't & Dev., FAO & IFAD 2009)

<sup>6</sup> David Hall et al., Who Owns the World? The Hidden Facts Behind Land Grabs 34–38 (Polity Press 2015)

<sup>7</sup> Klaus Deininger et al., Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits? 3–6 (World Bank 2011)

<sup>8</sup> Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, Acts of Parliament, 2023 (India).



Section 338 is important in cases involving forged land records or fake ownership documents. Since land grabbing often relies on fabricated sale deeds and title documents, this provision plays a crucial role in addressing such fraudulent practices.

#### 5. Criminal Conspiracy – Section 61

Section 61 addresses agreements between two or more persons to commit an illegal act. Large-scale land grabbing is rarely an individual act and usually involves coordinated efforts by multiple actors such as brokers, developers, and intermediaries, making this provision highly relevant.

#### **Provisions under the Indian Penal Code, 1860<sup>9</sup>**

##### 1. Cheating and Dishonestly Inducing Delivery of Property – Section 420

Section 420 of the Indian Penal Code deals with cheating and dishonest inducement to transfer property. It applies where land is obtained through deception, such as false claims of ownership or forged documents. This provision has been commonly used to address fraudulent land transactions in cases of land grabbing.

### **3.2 Land Governance and Property Regulation Laws Relevant to Land Grabbing**

#### 1. Transfer of Property Act, 1882

The Transfer of Property Act, 1882<sup>10</sup> forms the foundation of property law in India and governs the transfer of immovable property through sale, mortgage, lease, exchange, and gift. The Act defines the legal rights and obligations of parties involved in property transactions and establishes principles governing valid transfers of property.

One important provision is Section 53A, which incorporates the doctrine of part performance and protects individuals who have taken possession of property pursuant to a contractual agreement for transfer. The statute therefore plays a crucial role in determining the legality of property transactions and resolving disputes concerning land ownership.

#### 2. Registration Act, 1908

The Registration Act, 1908<sup>11</sup> regulates the registration of documents relating to immovable property. Registration of property documents creates an official public record of ownership and helps ensure transparency in land transactions.

Proper registration reduces the possibility of fraudulent claims and assists in verifying the authenticity of property transfers. The statute therefore plays a crucial role in preventing disputes arising from forged or fabricated land documents.

#### 3. Benami Transactions (Prohibition) Act, 1988

The Benami Transactions (Prohibition) Act, 1988<sup>12</sup>, significantly strengthened through amendments in 2016, prohibits property transactions conducted in the name of another person to conceal the identity of the real owner. Such transactions are often used to hide illegal wealth or evade regulatory scrutiny.

The Act empowers authorities to confiscate benami properties and imposes criminal penalties on individuals involved in such transactions. In the context of land grabbing, the law plays an important role in preventing concealed ownership of illegally acquired land.

#### 4. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013<sup>13</sup> governs the acquisition of land by the state for public purposes such as infrastructure development, industrial projects, and public utilities. The statute replaced the earlier colonial-era land acquisition law and introduced stronger safeguards for affected landowners and communities.

<sup>9</sup> Indian Penal Code, 1860, No. 45 of 1860, Acts of Parliament, 1860 (India).

<sup>10</sup> Transfer of Property Act, 1882, No. 4 of 1882, Acts of Parliament, 1882 (India)

<sup>11</sup> Registration Act, 1908, No. 16 of 1908, Acts of Parliament, 1908 (India)

<sup>12</sup> Benami Transactions (Prohibition) Act, 1988, No. 45 of 1988, Acts of Parliament, 1988 (India)

<sup>13</sup> Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30 of 2013, Acts of Parliament, 2013 (India)



The Act provides for fair compensation, which may extend up to four times the market value of land in rural areas and twice the market value in urban areas. It also mandates Social Impact Assessment (SIA) before large-scale land acquisition and requires the consent of affected landowners in certain projects. Additionally, the legislation contains provisions relating to rehabilitation and resettlement of displaced families.

#### 5. State-Level Land Grabbing and Encroachment Laws

Several Indian states have enacted specific legislation to prevent illegal occupation of land and address land grabbing. Examples include the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, the Karnataka Land Grabbing Prohibition Act, 2011, and the Tamil Nadu Land Encroachment Act, 1905. These laws generally establish special tribunals or administrative mechanisms to adjudicate cases of illegal land occupation and enable authorities to remove encroachments on both private and public land<sup>14</sup>.

### **IV. ORGANISED CRIME AND LAND GRABBING IN INDIA: LEGAL FRAMEWORK AND STRUCTURAL LINKAGES**

#### **4.1 Organised Criminal Activity under the Bharatiya Nyaya Sanhita, 2023**

##### 1. Organised Crime – Section 111

Section 111 of the Bharatiya Nyaya Sanhita, 2023 defines organised crime as a continuing unlawful activity carried out by an individual or a group, either singly or jointly, as members of an organised crime syndicate, by use of violence, threat of violence, intimidation, coercion, or other unlawful means, with the objective of obtaining pecuniary benefit or undue economic or other advantage.

The provision recognises that certain criminal activities are not isolated acts but are carried out in a structured and continuous manner by organised groups. In the context of land grabbing, such activities may involve manipulation of land records, use of forged documents, and intimidation of lawful landowners for economic gain.

The section further provides for stringent punishment. A person committing organised crime shall be punished with imprisonment for a term not less than five years, which may extend to imprisonment for life, along with a fine which shall not be less than five lakh rupees. Where such activity results in the death of any person, the punishment may extend to death or imprisonment for life, along with fine.

##### 2. Petty Organised Crime – Section 112

Section 112 of the Bharatiya Nyaya Sanhita, 2023 deals with petty organised crime and recognises that certain minor offences, when committed repeatedly by a group in an organised manner, may disturb public order. The provision covers continuing unlawful activities carried out by individuals or groups for economic benefit, even if the offences are comparatively less serious.

It generally includes activities such as theft, cheating, and similar offences carried out systematically by organised groups. Although each act may appear minor, their repeated and coordinated nature brings them within the scope of organised criminal behaviour.

The section provides that a person involved in petty organised crime may be punished with imprisonment which may extend to seven years along with fine.

#### **4.2 Organised Criminal Activity under the Indian Penal Code, 1860**

Prior to the enactment of the BNS, organised criminal conduct was addressed through provisions contained in the Indian Penal Code, 1860. Although the IPC did not define organised crime as a distinct offence, several provisions were frequently used to prosecute criminal groups.

For example, Sections 120A and 120B addressed criminal conspiracy. Similarly, Sections 383–389 criminalised extortion, which often served as a source of funding for organised criminal groups. Sections 467–471 addressed forgery

<sup>14</sup> Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (India); Karnataka Land Grabbing Prohibition Act, 2011 (India); Tamil Nadu Land Encroachment Act, 1905 (India)



and use of forged documents, which were frequently employed in fraudulent land transactions. Violent offences such as murder (Section 302) and attempt to murder (Section 307) were sometimes associated with territorial disputes or conflicts between criminal groups.

#### **4.3 Special Legislation Addressing Organised Crime**

In addition to general criminal statutes, specialised legislation has also been enacted to address organised criminal activity. One of the most significant examples is the Maharashtra Control of Organised Crime Act, 1999 (MCOCA).

Section 2(e) of the Act defines organised crime as continuing unlawful activity carried out by individuals acting as members of an organised crime syndicate through violence, intimidation, or other unlawful means for obtaining pecuniary or other advantages. Section 2(f) defines an organised crime syndicate as a group of two or more persons engaged in organised criminal activity.

Certain states have also enacted legislation aimed at addressing criminal gangs and organised criminal networks. Examples include the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. These statutes allow authorities to take preventive and punitive measures against organised criminal groups operating within the state.

#### **4.4 Organised Crime and Land Grabbing**

Land grabbing may be understood as a form of organised crime when the illegal acquisition of land is carried out through planned and coordinated activities for financial gain. It is not always an isolated act but often involves the involvement of organised groups operating systematically.

One important factor is the role of corruption, where officials may be influenced to manipulate land records or approve unlawful transactions. In addition, such activities often involve the use of intimidation or threats to remove lawful occupants from the land. Land transactions may also be used as a means to convert illegal money into legitimate assets, thereby facilitating money laundering. Further, control over land can enable other illegal activities such as mining, logging, or similar forms of resource exploitation.

These aspects indicate that land grabbing, when carried out in an organised manner, forms part of a wider network of criminal activities aimed at economic benefit.

### **V. INTERNATIONAL FRAMEWORKS RELATING TO LAND GRABBING AND ORGANISED CRIME**

International law does not provide a single binding convention specifically addressing land grabbing as an organised crime. However, certain international frameworks and covenants indirectly deal with issues such as illegal land acquisition, corporate exploitation, weak governance, and protection of vulnerable communities. These instruments are important because they highlight that land grabbing often involves systematic and coordinated activities, which are similar to organised criminal behaviour.

Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), 2012<sup>15</sup> These guidelines focus on transparency and protection of land rights. They recognise that weak land governance and poor record systems can be exploited by powerful groups to illegally acquire land. This shows how land grabbing can occur through organised and systematic misuse of administrative systems.

United Nations Guiding Principles on Business and Human Rights (UNGPs), 2011<sup>16</sup> These principles highlight the role of corporations in human rights violations. Large-scale land grabbing is often linked with corporate activities carried out with the support of networks or authorities. This reflects coordinated actions for economic gain, which is a key feature of organised crime.

<sup>15</sup> Food & Agric. Org. of the U.N., Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012)

<sup>16</sup> U.N. Hum. Rts. Council, Guiding Principles on Business and Human Rights (2011)



United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007<sup>17</sup>  
This framework protects the land rights of indigenous communities and requires free, prior, and informed consent before land acquisition. Land grabbing often targets vulnerable groups without consent, showing coercive and organised methods of illegal land control.

United Nations Convention against Transnational Organized Crime (UNTOC), 2000<sup>18</sup>  
This convention defines organised crime as activities carried out by structured groups for financial benefit. Although it does not specifically mention land grabbing, large-scale illegal land acquisition involving fraud, corruption, and coordination can fall within this framework.

## **VI. JUDICIAL INTERPRETATION OF LAND GRABBING AND ITS NEXUS WITH ORGANISED CRIME IN INDIA**

Meghmala v. G. Narasimha Reddy<sup>19</sup>

In this case, the Supreme Court held that land grabbing through fraudulent methods such as forged documents and illegal possession cannot be treated as a simple civil dispute. The Court recognised that such acts involve clear criminal intention. This shows that land grabbing often includes organised and deliberate illegal activities.

2. Dalip Singh v. State of Uttar Pradesh<sup>20</sup>

The Supreme Court criticised the practice of filing false claims and using fabricated documents in property disputes. The Court stated that such dishonest conduct should not be encouraged. This case highlights how land grabbing is often supported by planned misuse of legal processes.

3. Jagpal Singh v. State of Punjab<sup>21</sup>

The Court directed authorities to remove illegal occupants from public land and restore it for community use. It observed that powerful persons often capture land through influence and authority. This reflects the organised nature of land grabbing, especially in relation to public land.

4. Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana<sup>22</sup>

The Supreme Court held that property transactions through improper documents like GPA sales do not create valid ownership. This case shows how legal loopholes and documentation are misused in illegal land acquisition, which is a common method in organised land grabbing.

5. State of Haryana v. Mukesh Kumar<sup>23</sup>

The Court strongly criticised attempts to claim land through dishonest use of adverse possession. It described such actions as unjust and similar to land grabbing. This reflects how law is sometimes misused to legitimise illegal occupation.

6. M.C. Mehta v. Kamal Nath<sup>24</sup>

In this case, the Supreme Court held that public resources cannot be used for private benefit through misuse of power. The judgment highlights how collusion between authorities and private parties can lead to illegal control over land.

T. R. Raghunath v. State of Tamil Nadu<sup>25</sup>

<sup>17</sup> G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007)

<sup>18</sup> United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209

<sup>19</sup> Meghmala v. G. Narasimha Reddy, (2010) 8 S.C.C. 383 (India)

<sup>20</sup> Dalip Singh v. State of Uttar Pradesh, (2010) 2 S.C.C. 114 (India)

<sup>21</sup> Jagpal Singh v. State of Punjab, (2011) 11 S.C.C. 396 (India)

<sup>22</sup> Suraj Lamp & Indus. Pvt. Ltd. v. State of Haryana, (2012) 1 S.C.C. 656 (India)

<sup>23</sup> State of Haryana v. Mukesh Kumar, (2011) 10 S.C.C. 404 (India)

<sup>24</sup> M.C. Mehta v. Kamal Nath, (1997) 1 S.C.C. 388 (India)

<sup>25</sup> T. R. Raghunath v. State of Tamil Nadu, 2020 SCC OnLine Mad 1426 (India)



In this case, the issue related to illegal occupation of land supported by manipulation of records and misuse of administrative processes. The Madras High Court held that such acts cannot be treated as mere civil disputes when there is clear involvement of illegality. The Court directed authorities to take action against encroachment and restore lawful possession. This case shows how land grabbing often involves systematic misuse of official records and authority.

S. Selvaraj v. State of Tamil Nadu<sup>26</sup>

This case involved fraudulent land transactions carried out using forged documents and false claims of ownership. The Madras High Court observed that such activities amount to criminal offences including cheating and forgery. The Court emphasised that disputes involving fabrication of documents and dishonest transfer of property must be dealt with under criminal law. This case highlights how land grabbing is often carried out through organised and fraudulent methods.

### **VII. SUGGESTIONS AND RECOMMENDATIONS**

Land grabbing in India has increasingly taken the form of a structured and organised activity involving fraud, coercion, manipulation of land records, and misuse of legal and administrative processes, which necessitates a stronger and more focused legal response. Although Section 111 of the Bharatiya Nyaya Sanhita, 2023 provides a foundation to address organised crime, there is a clear need for explicit recognition and clarification of land grabbing within its scope to ensure effective and uniform enforcement. Strengthening investigative mechanisms through specialised units with technical knowledge of land and financial records is essential to uncover complex and coordinated illegal activities. Further, complete digitisation and transparency in land records can significantly reduce opportunities for fraud and unauthorised transactions. At the same time, strict action must be taken against corruption and collusion involving public officials, as such involvement often facilitates large-scale illegal land acquisition. The establishment of special or fast-track courts for land-related offences would ensure timely disposal of cases and act as a strong deterrent. It is equally important to provide greater protection to vulnerable communities such as farmers and tribal populations who are disproportionately affected by such practices. Finally, an integrated legal approach combining both civil remedies and criminal prosecution is necessary to effectively address the multifaceted nature of land grabbing. Overall, a comprehensive and well-defined criminal law framework is essential to curb organised land grabbing and to safeguard property rights and the rule of law in India.

### **VIII. CONCLUSION**

Land grabbing in India has increasingly taken the form of a systematic and organised activity involving fraud, coercion, manipulation of land records, and misuse of legal procedures for economic benefit. It is no longer limited to isolated property disputes but often involves coordinated actions by multiple actors. The study shows that while existing laws address individual aspects such as cheating, forgery, and trespass, they fail to capture the collective and continuing nature of such activities.

Although Section 111 of the Bharatiya Nyaya Sanhita, 2023 introduces a framework to deal with organised crime, its application to land grabbing still requires clearer interpretation and structured enforcement. There is a need for a more coherent legal approach that integrates property law and criminal law to effectively deal with such offences. A comprehensive framework will not only help in preventing illegal land acquisition but also ensure better protection of property rights and strengthen the overall rule of law.

### **REFERENCES**

- [1]. Lorenzo Cotula et al., Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa (Int'l Inst. for Env't & Dev., FAO & IFAD 2009).

<sup>26</sup> S. Selvaraj v. State of Tamil Nadu, 2019 SCC OnLine Mad 13012 (India)



- [2]. David Hall et al., Who Owns the World? The Hidden Facts Behind Land Grabs (Polity Press 2015).
- [3]. Klaus Deininger et al., Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits? (World Bank 2011).
  - A. Vijayalakshmi, P. M. Krishnadhareeni & E. Sindhu Priya, The Critical Analysis on Land Grabbing as an Organized Crime and Its Social Impacts, 6 Int'l J. for Multidisciplinary Rsch. (2024).
- [4]. Shankar Pratap Singh, Transnational Organized Crime: The Indian Perspective, Resource Material Series No. 59, UNAFEI.
- [5]. Palla Navanya, An Insight on the New Provision Introduced in BNS: Organized Crimes in India, White Black Legal (2025).
- [6]. Ajay K. Gautam, Political Economy of Urban Land-Grabbing in India: Local Developers, Fragmented Development and Perils of Governance, 60 Econ. & Pol. Wkly. (2025).
- [7]. Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023 (India).
- [8]. Indian Penal Code, 1860, No. 45 of 1860 (India).
- [9]. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30 of 2013 (India)

