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IN LAW'S BLIND SPOT: HOW TIME TURNS TRESPASSERS INTO HEIRS

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ABSTRACT

Adverse possession is a doctrine that lies at the intersection of property law and social equity, yet it is often seen to raise more ethical questions than it answers. This paper sheds light on the nuances of the concept of adverse possession under the Limitation Act. It puts forward a fundamental question: Should passage of time validate dispossession? The concept, originally designed for the better administration of unused land, entails the tendency of promoting land grabs, litigation abuse, and displacement of rightful owners, many of whom are economically or socially vulnerable. The paper traces its origin and evaluates major judicial pronouncements and statutory provisions. It further provides a comparative analysis of the legal system in the UK, USA, and civil law countries, with suggestions aimed at enhancing fairness and accountability. The paper calls for an immediate legislative reform in light of the Law Commission's and the judiciary's changing positions. It recommends introducing good faith criteria and extending limitation periods. Such reforms are essential for equitable access to land and justice.

Keywords- *adverse possession, Limitation Act 1963, property rights, encroachment, vulnerable owners, fairness*

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INTRODUCTION

"Vigilantibus non dormientibus jura subveniunt"

"***The law aids the vigilant, not those who sleep on their rights***"

This principle lies at the heart of the doctrine of adverse possession, which rewards long-term possessors who actively assert their control over land and penalises the original owner's inaction or ignorance. But does this doctrine truly balance justice, or does it tip the scales in favour of trespassers? Should a lapse in vigilance cost someone their rightful property?

Adverse possession allows a person to claim ownership over a piece of land if they have possessed the land "**openly, continuously, and in hostile fashion**" for 12 years, even without the owner's consent. While claiming to promote the idea of efficient land use and penalising inaction, this doctrine is bound to raise moral and legal concerns regarding the absolute abandonment of the rights of lawful owners. Is it fair to strip an owner of their property simply because they weren't paying attention? Is it even fair to reward a possessor who may have started their claim through unlawful means?

The courts have started to take notice of the unjust implications and consequences that this concept has on the rights of the citizens. At the very latest, SC was seen criticizing and labelling adverse possession as "**irrational and disproportionate**," arguing that it unjustly legitimizes trespassers' claims. Critics argue that the doctrine rewards trespassers, encourages false claims, and burdens the judicial system with unnecessary and time-consuming litigation. For instance, claimants often exploit ambiguities in the law, using forged documents or fabricated evidence to establish possession. The doctrine's inherent contradictions—such as the need for possession to be both "peaceful and hostile"—create challenges in its interpretation and application. Additionally, the impact of adverse possession on vulnerable groups, such as tribal populations and economically weaker sections, raises questions about its fairness and relevance in contemporary society.

Interestingly, in its **280th Report, the Law Commission** has recommended against changing the law on adverse possession based on the idea that "society benefits from people using land that owners leave vacant". This leaves us questioning whether the doctrine truly serves justice or if it's time to rethink laws that might be doing more harm than good.

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WHAT IS ADVERSE POSSESSION: ORIGIN AND PROVISIONS

The doctrine of adverse possession demonstrates the fascinating blend between the law of limitation and the law of property. It works around to permit a person who has long-standing, unauthorised possession of some immovable property to gain legal title over it, thereby ousting the original owner's right. It is "*Vigilantibus non dormientibus jura subveniunt"* in action, reflecting a tradition where the law aids those who are vigilant, not those who slumber over their rights The rationale lies in the owner's failure to reclaim his rights within a stipulated timeframe; surrendering the ability to reclaim the property to ensure legal certainty and efficient land use.

The origin of this doctrine can be traced back to ancient Roman Law, where, through the concept of *usucapion,* citizens could acquire ownership of a property by continuous, uncontested possession over a specific duration. Later, this concept was incorporated into English common law, where adverse possession was seen as a pragmatic response to disputes arising from uncertain titles, limited documentation, and absentee landlords. It was a means of promoting **productive land use, discouraging absentee ownership, and ensuring that property did not remain idle or fall into disuse.**[1]

In England, the concept has been acknowledged through various statutes of limitation. These laws prevent the rightful owner from taking any action or filing a suit for reclaiming their property after a certain period of unauthorised possession has passed. Some legislation governing the issue is- *Statute of Westminster from 1275*, which was followed by several important laws, including *the Statute of Limitations in 1623*. This all led up to the *Limitation Act of 1980*, which still plays a crucial role in handling and overseeing adverse possession claims in modern English law.[2]

The doctrine entered India during the colonial era, at a time when the British legal system was being integrated into Indian law. The first significant codification was the *Limitation Act of 1859*, which set limitation periods to sue for possession of immovable property. After that, several other legislation like the *Limitation Acts of 1871, 1877, and 1908*, further refined the rules. Today, the modern framework exists in the ***Limitation Act of 1963***. The 1963 Act sets

[1] "American Property Rights: Roman and English Concepts- Prescription" <https://famguardian.org/Publications/PropertyRights/Prescrip.html?utm_source=chatgpt.com>

[2] "Adverse Possession: What Is It, What Has the Law Commission Said about It" *The Indian Express* (June 6, 2023)<https://indianexpress.com/article/explained/explained-law/adverse-possession-law-commission-8645815/>

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out limitation periods for regaining possession. It also provides in **Section 27** that once the limitation period is reached, the title of the true owner is extinguished, and the adverse possessor acquires legal title through the doctrine of prescription.

Consider a situation where 'A' illegally takes possession of 'B's land and constructs a dwelling, residing there openly and continuously for over 12 years, without any interruption. If during this entire period, 'A' treats the land as their own and 'B' neither reclaims possession nor initiates legal proceedings, 'A' may, after the expiration of the limitation period, claim ownership through adverse possession. According to the Supreme Court's explanation in the 2003 case of "*Amrendra Pratap Singh v. Tej Bahadur Prajapati"*[3] Adverse possession results from the rightful owner's failure to take legal action within the allotted time frame rather than from the possessor's right.

Essentials of adverse possession: To successfully prove a claim for adverse possession, the following elements need to be proved:

- **Hostile possession**: The possession must be against the interests of the true owner. It must be without the consent of the rightful owner
- **Actual and exclusive possession:** Casual or permissive use is not sufficient. The claimant must demonstrate exclusive possession of the property. •
- **Open and notorious possession**: The possession must be open and obvious, to the effect that the true owner is put on notice. •
- **Continuous and uninterrupted possession**: The adverse possessor must have uninterrupted possession for the entire statutory period. •
- **Animus possidendi (intention to possess):** There must be an actual intent to possess the property as one's own and exclude the true owner (as well as all other persons).

LEGAL PROVISIONS GOVERNING ADVERSE POSSESSION IN INDIA

This doctrine has not been expressly codified in any statute. Nonetheless, it derives its validity from the *Limitation Act, 1963*, which prescribes the period within which a lawful owner must assert their claim over immovable property. Upon the lapse of this prescribed period, the rightful owner's title stands extinguished, and the person in adverse possession acquires a legally recognised title by operation of law.

[3] AIR 2004 SUPREME COURT 3782

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The relevant provisions under the Limitation Act, 1963 are as follows:

- **Section 27: Extinguishment of Right to Property**[4]

"At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished"

This provision lays the groundwork for adverse possession in India. It specifies that once the set limitation period for bringing a suit for possession of any property expires, the original owner's rights to that property are completely nullified. In other words, the limitation period does more than just prevent the owner from seeking a remedy; it also extinguishes their substantive rights. This effectively turns adverse possession from a procedural barrier into a legitimate means of obtaining property title.

- **Article 64: Possession Based on Previous Possession, Not Title**[5]

Article 64 allows a person who has lost their immovable property to take legal action to recover it based solely on their previous possession, without requiring to prove ownership. They have 12 years from the date they were dispossessed to file this suit. This provision is primarily aimed at addressing wrongful dispossession cases rather than adverse possession claims, but indirectly interacts with the doctrine when possession is interrupted.

- **Article 65: Possession Based on Title**[6]

Article 65 focuses on adverse possession and outlines a 12-year limitation period for anyone with a title to immovable property to file a suit to reclaim it. This period kicks off when the defendant's possession becomes adverse to the plaintiff's claim. What's key here is that this provision emphasises that it's the adverse character of the possession, combined with its continuous nature over those 12 years, that allows for the title to be acquired by prescription.

- **Extended Period for Government Property**

It has been stated under the Limitation Act that the limitation period in situations where a private individual seeks recovery of possession against the Government will be

[4] Limitation Act 1963, s 27
[5] Limitation Act 1963, art 64
[6] Limitation Act 1963, art 65

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extended to 30 years. The rationale is that claims against the state due to the working of the bureaucratic structure require a longer limitation period.

Furthermore, there have been several judicial pronouncements that have moulded the understanding of adverse possession. In *Karnataka Board of Wakf v. Government of India, AIR 2004 SC 10 SCC 779*, the Supreme Court had stressed that possession does not ripen into title for the mere reason of its duration. The possession must be associated with an *animus possidendi* (intention to possess as owner) and other fundamental characteristics of adverse possession.

Hence, through the Limitation Act, 1963 — especially "Section 27", "Articles 64" and "65" in particular — and countless judicial pronouncements and interpretations form the framework through which adverse possession functions in India. While, at first glance, these provisions seem mostly procedural, the provisions all have substantive effects, particularly concerning the status of property rights, Article 300A protections in the Constitution, and the development of the law on ownership and possession in India.

Adverse possession cannot be claimed against certain classes of owners or under specific circumstances, such as:

- When the owner is a minor, of unsound mind, or serving in the armed forces, wherein the limitation period is suspended.
- Against the State, the limitation period is extended to **30 years**.
- In fiduciary relationships, such as between a trustee and beneficiary or landlord and a tenant, possession is deemed already permissive rather than adverse.

A JUSTIFICABLE DOCTRINE?

The doctrine of adverse possession has been embroiled in a series of contentions. One of the growing concerns related to adverse possession has been whether it is to be used ***as a sword or a shield.***

The Supreme Court has consistently held that ownership claims based on adverse possession can only be used as **a defence** in legal proceedings where the individual is a defendant. Even if a plaintiff proves they are in adverse possession of a property, they cannot seek a legal declaration that their possession has matured into ownership. In other words, a plaintiff cannot file a suit solely to assert ownership based on adverse possession. Even in cases such as

"*Gurdwara Sahib v. Gram Panchayat Village Sirthala*"[7], *"State of Uttarakhand v. Mandir Sri Laxman Sidh Maharaj"*[8] and "*Dharampal v. Punjab Wakf Board*"[9], the court's stand is clear.

In the case of "***Bhim Singh and others Vs Zile Singh"*[10]**, High Court of Punjab had held:

"11. Under Article 64 of the Limitation Act, a suit for possession of immovable property by a plaintiff, who while in possession of the property had been dispossessed from such possession, when such a suit is based on previous possession and not based on title, can be filed within 12 years from the date of dispossession. Under Article 65 of the Limitation Act, a suit for possession of immovable property or any interest therein, based on title, can be filed by a person claiming title within 12 years. The limitation under this Article commences from the date when the possession of the defendant becomes adverse to the plaintiff. In these circumstances, it is apparent that to contest a suit for possession, filed by a person based on his title, a plea of adverse possession can be taken by a defendant who is in hostile, continuous and open possession, to the knowledge of the true owner, if such a person has remained in possession for 12 years. **It, thus, naturally has to be inferred that a plea of adverse possession is a defence available only to a defendant.** This conclusion of mine is further strengthened by the language used in Article 65, wherein, in column 3, it has been specifically mentioned: "when the possession of the defendant becomes adverse to the plaintiff." Thus, a perusal of the aforesaid Article 65 shows that the plea is available only to a defendant against a plaintiff. In these circumstances, the natural inference must follow that when such a plea of adverse possession is only available to a defendant, then no declaration can be sought by a plaintiff about his ownership based on an adverse possession."

However, in the landmark case of **Ravinder Kaur Grewal v. Manjit Kaur**[11], a three-judge bench of the Supreme Court ruled that once the statutory "12-year period" for adverse possession is completed, the individual who gains rights, title, and interest in the property can assert these rights not only as a defence (a shield) but also proactively in a lawsuit (a sword). This judgment expressly overturned earlier rulings, including those in *Gurdwara Sahib,* and firmly established that a person in adverse possession can file a suit to claim a legal declaration of ownership over the land.

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[7] (2014) 1 SC 669
[8] (207) 9 SCC 579
[9] (2018) 11 SCC 449
[10] AIR 2006 PH 195
[11] 2019 (8) SCC 729

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The doctrine of adverse possession has been a subject of significant criticism, particularly concerning its' inherent unjust, archaic nature, and potential conflicts with public policy. It is argued the said doctrine infringes upon the constitutional right to property, as enshrined in **Article 300A of the Indian Constitution**, which mandates that no person shall be deprived of their property except by authority of law. The Supreme Court of India in a recent judgment[12], highlighted the deep flaws which are constantly at play when it comes to allowing the State to claim private property through adverse possession. Such actions are a clear violation of the constitutional rights of citizens and create a negative effect on public trust in the government

This doctrine can be very easily used as a **tool for encroachment and land grabbing by unscrupulous individuals**. There have been numerous instances where tenants, licensees, co-owners, trustees, and even government officials have claimed adverse possession over property. Such misuse not only deprives the rightful owners of their legitimate rights over their property but also leads to an exhaustive litigation process. Moreover, it encourages false claims, resulting in unnecessary legal disputes that burden our judicial system. It allows individuals to acquire property without the consent or knowledge of the rightful owner, which is rightfully considered "**unfair and unethical**". This practice undermines the rights of the true owner, taking away their ability to make decisions about their property. It would also cause unjustified consequences, with unsuspecting proprietors losing their properties in the hands of people who have no claim over them and causing them emotional and financial upheavals.

The Supreme Court, in ***"Hemaji Waghaji Jat v. Bhikhabhai Khengarbhai Harijan & Ors. (2009)"[13],*** criticized the doctrine as "**irrational, illogical, and wholly disproportionate**". It had condemned how this practice is eventually rewarding dishonesty by favouring trespassers at the expense of true proprietors. It further disapproved of the theory of a trespasser being able to perfect title by adverse possession. And recognised that there was a dire need to take a fresh look at the law of adverse possession.

In "*State of Haryana v. Mukesh Kumar & Ors.* (2011)"[14], the Court described adverse possession as a "**black mark upon the justice system's legitimacy**" and called for legislative action to either abolish the doctrine or amend it significantly. The Court even proposed reforms, including extending the limitation period from "**12 years to 30 or 50 years**" and compensating

[12] Mittal Y and Law L, "Live Law" *Live Law* (May 31, 2025) <https://www.livelaw.in/supreme-court/no-temporary-injunction-can-be-granted-in-appeal-against-rejection-of-plaint-supreme-court-293967>
[13] AIR 2009 SUPREME COURT 103
[14] AIR 2012 SUPREME COURT 559

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the dispossessed owners at market rates. The relevant paragraph from the judgment shows the growing sentiment over this doctrine:

"People are often astonished to learn that a trespasser may take the title of a building or land from the true owner in certain conditions and such theft is even authorized by law. The theory of adverse possession is also perceived by the general public as a dishonest way to obtain title to property. Property rights advocates argue that mistakes by landowners or negligence on their part should never transfer their property rights to a wrongdoer, who never paid valuable consideration for such an interest. The Government itself may acquire land by adverse possession. Fairness dictates and commands that if the Government can acquire title to private land through adverse possession, it should be able to lose title under the same circumstances.

39. We inherited this law of adverse possession from the British. **Parliament may consider abolishing the law of adverse possession or at least amending and making substantial changes in the law in the larger public interest.** The government instrumentalities, including the police in the instant case have attempted to possess land adversely. This, in our opinion, is a testament to the absurdity of the law and a black mark upon the justice system's legitimacy. The Government should protect the property of a citizen-not steal it. And yet, as the law currently stands, they may do just that. If this law is to be retained, according to the wisdom of Parliament, then at least the law must require those who adversely possess land to compensate the title owners according to the prevalent market rate of the land or property in question. This alternative would provide some semblance of justice to those who have done nothing other than sit on their rights for the statutory period while allowing the adverse possessor to remain on the property. While it may be indefensible to require all adverse possessors - some of whom may be poor- to pay market rates for the land they possess, perhaps some lesser amount would be realistic in most cases. Parliament may either fix a set range of rates or leave it to the judiciary with the option of choosing from within a set range of rates to tailor the compensation to the equities of a given case.

40. Parliament must seriously consider at **least abolishing "bad faith" adverse possession** i.e. adverse possession achieved through intentional trespassing, actually believing it to be their own, could receive title through adverse possession, sends a wrong signal to society at large. Such a change would ensure that only those who had established attachments to the land through honest means would be entitled to legal relief.

41. In case, Parliament decides to retain the law of adverse possession, Parliament might simply **require the adverse possession claimants to possess the property in question for a period of 30 to 50 years, rather than a mere 12**. Such an extension would help to ensure that the successful claimants have lived on the land for generations and are therefore less likely to be individually culpable for the trespass (although their forebears might). A longer statutory period would also decrease the frequency of adverse possession suits and ensure that only those claimants most intimately connected with the land acquire it, while only the most passive and unprotective owners lose the title"

The doctrine has been exploited for fraudulent purposes, with claimants often forging documents, fabricating evidence, and colluding with officials to establish possession. However, the **22nd Law Commission's 280th** report nonetheless decided to retain the doctrine and concluded that no changes were needed in the existing provisions under the Limitation Act of 1963.[15] But it is pertinent to point out that this issue was 1st considered in the 19th Law Commission report, where the opinion promulgated was "The commission is of the view, that the existence of a limitation period of 12 years for taking action for recovery of land is a sufficient protection accorded to the real owner. The doctrine of adverse possession should be retained to enable a person who has acquired possession of title by bona fide means to keep his possession.

The latest Law Commission report seemed to be vocalising the same opinion in a new fashion. The highlights of the latest report include:

1. The report stated that adverse possession is a legal "acknowledgement of factual, continuous possession and its consequences". And not a means for acquiring property through illegitimate means.
2. Adverse possession aligns with principles of justice, equity, and good conscience.
3. As per the report, adverse possession does not infringe on Article 300A since it operates as a legal transfer of title, not state expropriation.
4. The report affirmed that the doctrine does not conflict with India's human rights obligations under international treaties.

[15] Chamber G, "ADVERSE POSSESSION – AN OVERVIEW IN LIGHT OF THE 280TH REPORT OF THE LAW COMMISSION OF INDIA" (*GSL Chambers*, June 14, 2023) <https://gslc.in/adverse-possession-an-overview-in-light-of-the-280th-report-of-the-law-commission-of-india/>

5. Any changes to the law, the report cautioned, would create confusion in land records, increase disputes, and burden the judicial system.
6. Instead of altering the law, the report recommended enhancing land record management to safeguard all parties' rights effectively.

However, it was reported that some members of the Law Commission had dissented[16] and were instead in favour of abolishing adverse possession. They highlighted the contradiction that is observed in requiring possession to be both "peaceful" and "hostile". This creates room for legal ambiguities. They further highlighted that the doctrine causes hardship to true owners with costly and unnecessary litigation, often exploited by wrongful claimants. They also pointed out that, given the scarcity of land, concerns over its neglect are unwarranted. With existing state laws to support the landless, adverse possession is seen as redundant. Furthermore, the Supreme Court's call to reconsider the law and global trends of modifying or abolishing it can be regarded as reasons compelling enough for reform.

GLOBAL PERSPECTIVE- DIFFERENT COUNTRIES' ADVERSE POSSESSION DOCTRINE AND HOW THEY DIFFER FROM INDIA'S?

The doctrine, with its origin in the Roman concept *of usucapion*, has been accepted in many forms under both civil and common law codes. The most basic form of obtaining ownership through continuous use and possession remains constant in all forms, but its definition is given differently in different parts of the world.

In **civil law countries**, this concept is referred to as "*acquisitive prescription"*. For instance, **France** allows for the possession of property if there has been 30 years of continuous, peaceful, and public possession. The term gets reduced to 10 years if the possession has been under **good faith. Spain**, likewise, differentiates between ordinary and extraordinary prescription, whilst requiring good faith and a just title for the former. In **Germany**, the *Bürgerliches Gesetzbuch* mandates a 30-year period, emphasising the possessor's intent to own.

In **common law countries**, the approach varies:

- **United Kingdom**: The Land Registration Act 2002 in the United Kingdom made some significant changes to how adverse possession claims work on registered land. Now, if someone wants to claim possession, they need to have occupied the land for 10 years

[16] ——, "Adverse Possession: What Is It, What Has the Law Commission Said about It" *The Indian Express* (June 6, 2023) <https://indianexpress.com/article/explained/explained-law/adverse-possession-law-commission-8645815/>

and must notify the registered owner, who has 65 business days to object. This update was designed to strike a balance between the rights of landowners and those who have been living on the land for a long time.[17]

- **United States of America:** Things are a bit different in the States since each state has its own laws, with limitation periods ranging from 5 to 30 years. States like Louisiana, and New Jersey have a duration of 30 years, while states like Nevada, Montana, and California have a duration of just 5 years. Some states even require the person claiming possession to have paid property taxes on such land.[18]
- **Australia:** The rules around adverse possession also vary from state to state. For instance, in New South Wales, a 12-year period is necessary, but making claims against Crown land is usually not allowed. Many have pointed out that the way this doctrine is applied can be quite complex and inconsistent across different areas.[19]

Should India adopt their ways?

The problem in the Indian scenario stems from the fact that the Indian state follows a much lenient framework. To establish ownership, all that's needed is 12 years of continuous possession, and there's no requirement to prove good faith or inform the original owner. This situation makes it vulnerable to misuse. Insights from the UK and the USA suggest that implementing conditions like **good faith possession, property tax payments, and mandatory notifications** to owners could help balance the rights of possessors with those of lawful owners. By adopting such measures, India could modernise its approach and tackle issues of injustice and fraudulent appropriation.

RECOMMENDATIONS

- **Introduce a "Good Faith" Requirement for Adverse Possession Claims**: Courts should only entertain claims of bona fide or "good faith" possessors who reasonably believe they have a legitimate right to the property. This change would help keep dishonest encroachers from using legal loopholes to their advantage. It would also bring India's legal system more in line with places like France and the USA, where good faith

[17] "Practice Guide 4: Adverse Possession of Registered Land" (*GOV.UK*, May 19, 2025) <https://www.gov.uk/government/publications/adverse-possession-of-registered-land/practice-guide-4-adverse-possession-of-registered-land>

[18] Paula R. Latovick, "Adverse Possession Against the States: The Hornbooks Have It Wrong", 29 U. MICH. J. L. REFORM 939 (1996) : https://repository.law.umich.edu/mjlr/vol29/iss4/3

[19] Burns, Fiona, "Adverse Possession and Title by registration systems in Australia and England", MElbULawRw 28 (2011) https://classic.austlii.edu.au/au/journals/MelbULawRw/2011/28.html

is a must for obtaining property titles. This approach would help prevent opportunistic land grabbing and maintain ethical practices in land acquisitions.

- **Extend the Limitation Period for Adverse Possession to at least 30 Years:** The period prescribed by Indian laws is relatively short when compared to other countries. For example, in France, the requirement is 30 years, and Germany has a similar rule. The existing 12-year period falls short, especially since absentee ownership often happens due to migration, urbanisation, or socio-economic issues. Extending the limitation period would reduce the risk of opportunistic dispossession. The Supreme Court has pointed this out in various judgments, including the notable case of "***State of Haryana v. Mukesh Kumar"***.
- **Compensation to Dispossessed Owners:** When a rightful owner loses his title by way of adverse possession**,** equitable relief in the form of market-value compensation should be provided. It is pertinent as these owners suffer from financial and emotional loss, especially in cases where their inaction has resulted from unavoidable circumstances such as prolonged 'illness, displacement, or legal incapacity'. In **Sweden**, if an owner is forcefully deprived of his property and brings an action within a specific period, he may be entitled to compensation. Introducing such a compensation mechanism will provide a safety net for original owners who lose their land through such means.
- **Establishing a Centralised Land Registration System:** A comprehensible and easily accessible land registration system would reduce disputes over property ownership and clarify rightful ownership. Countries having a robust land registration system, *such as that seen in the UK*, have seen a considerable decrease in adverse possession claims. Implementing such a system will bring more transparency and reduce the reliance on adverse possession as a means of resolving disputes.

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CONCLUSION

It is no longer feasible to view adverse possession as a pragmatic tool for better land management. In a constitutional democracy like India, property is viewed and protected as a substantial legal right. On the other hand, existence of a doctrine that sanctions dispossession based on prolonged silence or inaction demands urgent scrutiny and reform seems paradoxical The Indian legal system can't continue to ignore the inequalities and moral dilemmas that this doctrine creates, especially since other countries have already started redefining its limits with protections like good faith, notice, and accountability. The risk of land grabs, spurious claims, and expensive lawsuits disproportionately falls on those with minimal legal knowledge. It is time to decide whether we want the law to protect legitimate ownership or reward negligence. Reform isn't just a good idea; it's necessary if we want to stop supporting legal systems that confuse legitimate claims with legalised trespassing. We need legal reforms that tackle these issues head-on and rebuild public trust in the justice system's ability to defend the rightful against those looking to take advantage.

As **Justice Krishna Iyer** aptly reminded us**:** ***"Law without justice is a wound without a cure."*** Perhaps it is time we begin to heal.