

Supreme Court on Right to Property

August 15, 2020

Constitutional Provisions

- Right to private property was a fundamental right under Art 31 of the constitution.
- With the 44th Constitutional Amendment in 1978, it ceased to be a fundamental right.
- Art 300A: No person shall be deprived of his property save by the authority of law. The article protects an individual from interference by the state and requires the state to follow due procedure and authority of law to deprive a person of his or her private property.

Why is it in the news?

The Himachal Pradesh government forcibly took over Vidya Devi's four acres at Hamirpur district to build a road in 1967. The state took advantage of Ms. Devi's illiteracy and failed to pay her a compensation for 52 years.

SC Judgment

- In a welfare state, a citizen's right to own private property is a human right. The state cannot take possession of it without following due procedure and authority of law.
- Grabbing private land and then claiming it as its own makes the state an encroacher.
- The State cannot be permitted to perfect its title over the land by invoking the doctrine of adverse possession to grab the property of its own citizens.
- The top court exercised its extraordinary jurisdiction under Articles 136 and 142 of the Constitution, and directed the state to pay the compensation to the woman

