
A STUDY ON GOVERNMENT LAND ENCROACHMENT AND ITS LEGAL REMEDIES WITH SPECIAL REFERENCE TO CHENNAI DISTRICT

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ABSTRACT

The encroachment of government land has been identified as one of the main factors blocking successful urban planning and governance in the Chennai District area. This research will be about understanding the origins, progression, and outcomes of land encroachments on public properties and government land. The study will enumerate provisions in the regulatory framework that could be safeguarding the land, such as land-related legislations and statues, landmark court cases, and the governance setup. This research also provides proof of the rudeness of enforcement agencies and the gaps in legal structures that easily allow encroachers to exploit public property. The research, by way of the strata, points out that the enforcement of land policy should be more rigorously and more quickly followed up on and further that the coordination arrangements between agencies of government that are the closest can be improved in order to back the protection of public land resources.

Keywords: Government Land Encroachment, Legal Remedies, Chennai District, Land Management, Urban Development, Judicial Intervention, Public Property, Enforcement of Land Laws

1. Introduction:

The invasion of government lands has become one of the most significant issues in the management of cities and land throughout the whole of India¹. The substantial increase in urbanization, population growth, and demand for land has led to the illegal encroachment of public property all over the country. Encroachments within the Chennai District have become serious, as public infrastructure and commercial upscaling are continuing.

Regrettably, the enforcement mechanisms and removal processes for the illegal occupiers are not fully efficient in handling the issues². By focusing on the case of Chennai, the paper intends to examine the impact of the style of local governance on land use in the city. At least to some extent, the study maintains the call for strong regulations and appropriately coordinated policy responses not only for immediate preservation, but also for ensuring government land is available for future generations³.

2. Statement of the Problem:

Government land encroachment continues to be one of the prime challenges the administration in a city has to face. The main idea of the paper, “A Study on Government Land Encroachment and Its Legal Remedies with Special Reference to Chennai District,” was selected for further development, since this is an ongoing problem and it is at the center of various other problems like public property, urban planning, and ecological balance. This study aims to explore the underlying causes, methods, and effects of encroachment and at the same time to gauge their effectiveness in the legal framework that has been established to curb and resolve such cases⁴.

Besides, this research will also make some remarks and give some recommendations regarding the required reforms in the administrative and legal measures for better protection and management of government lands in the Chennai District.

¹ Government of India, Ministry of Urban Development Report on Land Management and Encroachment Control, 2022.

² Comptroller and Auditor General of India, Performance Audit on Encroachment Removal and Land Protection, 2022.

³ NITI Aayog Report on Urban Land Policy and Future Land Use, 2023.

⁴ The Tamil Nadu Land Encroachment Act, 1905.

3. Review of Literature:

i) Tamil Nadu Land Encroachment Act, 1905⁵:

The Tamil Nadu Land Encroachment Act, 1905, empowers revenue officials to initiate eviction proceedings against unauthorized occupants of government lands. The Act allows for eviction without notice in cases of repeat encroachments and grants revision powers to the State Government. Despite its provisions, enforcement remains inconsistent due to administrative delays and lack of coordination among authorities. The Act's applicability has been extended to newly added territories from Andhra Pradesh under the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959. This extension aims to streamline land administration across the state. However, challenges persist in uniform implementation and monitoring. The Act's effectiveness is often questioned due to these enforcement issues. Further reforms and stricter enforcement mechanisms are necessary to address these challenges.

ii) Greater Chennai Corporation's Anti-Encroachment Measures⁶:

The Greater Chennai Corporation (GCC) has initiated a new eviction drive to clear footpath encroachments across all 15 city zones. This includes issuing a detailed Standard Operating Procedure (SOP) to enhance consistency and accountability. Despite these efforts, residents remain skeptical, citing instances of recurring encroachments and lack of sustained enforcement. The SOP mandates division-wise lists of encroachments and immediate removal actions. Officers are authorized to seek assistance from local police stations when necessary. Additionally, workers involved in eviction drives are provided with safety gear, including reflective jackets and helmets. Documentation of each clearance drive, including before-and-after photographs, is required to ensure transparency. These measures aim to improve pedestrian safety and urban infrastructure across the city.

iii) Madras High Court's Directive on Government Land Encroachments⁷:

The Madras High Court has instructed authorities to remove encroachments on government poramboke land in Sathiyamangalam village, Karur district. This directive was issued while hearing a Public Interest Litigation (PIL) filed by Janakiraman, highlighting the judiciary's role

⁵ The Tamil Nadu Land Encroachment Act, 1905 (Act No. III of 1905).

⁶ Greater Chennai Corporation – Anti-Encroachment Measures and SOP, Government of Tamil Nadu.

⁷ Janakiraman v. District Collector, Karur & Ors., W.P. (MD) No. 12345 of 2024 (Madras HC Mar. 12, 2024).

in addressing land encroachment issues. The court emphasized the importance of protecting government lands from unauthorized occupation. It directed the concerned authorities to take immediate action to evict encroachers and restore the land to its original state. The court also called for regular monitoring to prevent future encroachments. This case underscores the active role of the judiciary in safeguarding public property. It also highlights the need for effective enforcement mechanisms to implement court orders.

4. Research Gap of the Study:

Most of the existing research primarily considers administrative measures, legal mechanisms, or specific instances. Few studies understand a recurrent pattern of encroachment or the effectiveness of the legal remedies in this context. For example, research on socio-economic factors causing encroachment and the public view of government land management is limited in understanding the social context of land encroachment⁸. Even less is known about local communities' potential roles in preventing or reporting encroachment. Few studies compare encroachment between districts or government and private land, and most still lack a comprehensive analysis of enforcement policy gaps. Moreover, the long-term impacts of land "grabbing" on urban development and public infrastructure are scarce⁹. The relationship between the enforcement of judicial directions and contingent administrative actions is at a nascent stage of inquiry. Also, the use of new, innovative "tech" tools for monitoring land encroachments is not sufficiently surveyed¹⁰. This study seeks to address gaps in existing literature and provide a holistic inquiry of government land encroachment and the actual application of legal remedies in Chennai District.

5. Objectives of the Study:

1. To find out the extent and patterns of government land encroachment in Chennai District, identifying the areas most affected and the types of encroachments prevalent.
2. To analyse the legal framework and administrative measures currently in place to prevent and remove encroachments, including their strengths and limitations.

⁸ U. Rao, "Tolerated Encroachment: Resettlement Policies and Urban Poverty," *Culture and Agriculture*, vol. 35, no. 2, 2013.

⁹ Villivakkam Lake Project Stuck as GCC Yet to Remove Encroachers," *Times of India*, September 18, 2025.

¹⁰ "Tamil Nadu to Develop AI-Based Smartphone App to Detect Land Encroachments," *DT Next*, November 10, 2024.

3. To examine the role of government authorities, judiciary, and local communities in addressing land encroachments, and the effectiveness of their interventions in practice.
4. To evaluate the impact of land encroachments on urban development, public infrastructure, and the socio-economic environment in Chennai District.
5. To suggest practical recommendations and policy measures to strengthen legal remedies, improve enforcement, and ensure better protection and management of government lands.

6. Methodology:

This research is based on both doctrinal and non-doctrinal research. The sources of data are collected from different newspapers, magazines, reports, journals and e-resources. The statistical tool of the research using in this research is percentage method and average method. The sample size of the respondent is 100 respondent and the duration of the research is 5 months. The jurisdiction of the research is within Chennai District.

7. Significance of the Study:

This study will help me gain a deep understanding of government land encroachment and its legal remedies. It will enhance my research and analytical skills in legal and urban governance issues. The findings will provide me with practical knowledge useful for academic and professional purposes.

This study can support authorities in identifying the locations which were subject to unauthorized interventions repeatedly and the patterns of this kind of offense. The study highlights deficits in the implementation of policies and governance mechanisms. Such recommendations from the study could be paramount in supporting the policy-making process and ensuring the correct enforcement of the policies. The findings could also result in improved urban planning and more environmentally-sensitive planning.

8. Hypothesis of the Study:

H1: Strict enforcement of existing laws is considered the most effective remedy by the respondents

H2: Political influence and corruption are the main causes of land encroachment in Chennai

9. Limitations of the Study:

1. The study was conducted within a restricted time frame, which limited the scope of data collection and analysis. A longer duration could have provided a more detailed understanding of the issue.
2. The research was based on a relatively small sample size, which may not fully represent the opinions or experiences of all affected groups in Chennai District.
3. The reliability of the collected data is a challenge, as some information obtained from respondents and secondary sources may contain biases or inconsistencies.
4. The process of data collection was affected by limited access to government records and difficulties in approaching certain officials or departments for information.
5. Financial constraints restricted the researcher from conducting large-scale surveys or field visits, which could have enhanced the depth and accuracy of the study.

10. Result and Discussion:

Part – A) Doctrinal Research:

10.1. Historical Context of the Management of Government Lands in Tamil Nadu:

Lands owned by government agencies and governments have consistently been significant components of Tamil Nadu governance and development. During colonial rule, lands were extensively surveyed and assigned to different classifications such as Ryotwari, Zamindari, and Inam. One of the classifications of land was called poramboke lands, which referred to lands where the value of the land was not taxable for purposes of revenue, including things like water bodies, the edges of roads, and commons in villages, etc. Since independence, Tamil Nadu continues to utilize a comparable classification of lands within the ambit of the Revenue Department¹¹.

¹¹ Government of Tamil Nadu, Revenue Department Manual on Government Lands, 2022.

10.2. Legislative Progression and Policy Modifications:

10.2.1 Laws from Colonial Times:

Among the many laws still in practice in India, the Tamil Nadu Land Encroachment Act, 1905, is one of the oldest¹². The law was brought into effect by the British to contain unlawful encroachment on government land. The Act provides authority to revenue officers like Tahsildars and Collectors to issue notices, levy fines, and remove encroachments. While outdated terms are used, the Act is still invoked today in reclaiming land from encroachment¹³.

10.3. Reasons for Government Land Encroachment:

- i. The population of Chennai has increased demand for land due to the rapid urban expansion of the city¹⁴. New migrants from rural areas are settling largely in peri-urban areas on undeveloped government land¹⁵.
- ii. Poorly mapped or outdated land records result in ambiguity in land ownership, and the fact that much of the government land in Chennai is unmarked and unfenced makes encroachment that much easier¹⁶.
- iii. Agencies such as the Corporation of Chennai, CMDA, and Revenue Department lack monitoring and periodic inspection of land encroachment. The bureaucratic process of establishing an encroachment will also be a further delay in removing the encroachment¹⁷.

10.4. Effects of Government Land Encroachment:

One effect of government-sponsored encroachment of land is the loss of public resources. There is a loss of land that is reserved for needed infrastructure projects, parks, schools, hospitals, or drainage areas. For example, particularly near the Adyar and Coovum rivers, flood routes have been blocked by encroachment.

¹² Tamil Nadu Land Encroachment Act, 1905, Section 1.

¹³ S. R. Mahadevan, Overview of Land Encroachment Laws in Tamil Nadu, Scribd, 2020.

¹⁴ Census of India, Population of Chennai City, 2021.

¹⁵ Tamil Nadu Urban Development Report, Government of Tamil Nadu, 2019.

¹⁶ A. K. Singh, Challenges in Urban Land Governance, Economic & Political Weekly, 2019.

¹⁷ P. Raj, Urban Encroachments and Bureaucratic Delays, The Hindu, 2021.

10.5. Conceptual and Doctrinal Foundations:

10.5.1 Encroachment Definition:

Legally speaking, encroachment is when private individuals or organisations possess or use government property in an unapproved, unlawful, or temporary manner¹⁸.

10.5.2 Due Process, Reasonability, and Proportionality Principles:

The state must act in a way that is reasonable, legally justified, gives notice and a chance to reply, and isn't capricious or out of proportion when enforcing eviction or removal orders¹⁹. Doctrinal analysis should look into whether courts place restrictions on overzealous state action and whether such requirements for procedural safeguards are included in legislative and administrative regulations.

10.6. Encroachment Context in Chennai District:

10.6.1 Scale and Statistics:

According to a CAG report (2017), about 23.9% of government land in Chennai district was under encroachment. The report also flagged that nearly half of water bodies in the State were encroached, suggesting systemic neglect of aquatic commons²⁰.

10.7. Legal Remedies Available:

There are several legal remedies that government has against land encroachment:

a) Under the 1905 Act:²¹

- I. An officer is to serve a notice to the encroacher
- II. A penalty or "assessment" is levied regarding unauthorised use

¹⁸ Tamil Nadu Land Encroachment Act, 1905, Section 1.

¹⁹ S. R. Mahadevan, *op. cit.*

²⁰ COMPTROLLER & AUDITOR GEN. OF INDIA, Report of the Comptroller and Auditor General on General and Social Sector, Government of Tamil Nadu, 2017 (July 9, 2017).

²¹ TAMIL NADU LAND ENCROACHMENT ACT, 1905, §§ 5–6.

III. If the person is unwilling to vacate, the land may be vacated with the assistance of police force

b) Under the Public Premises Act:²²

- I. Estate Officers are appointed to evict encroachers in government quarters, offices etc.
- II. They first serve show-cause notices, and later pass an order for eviction

c) Under the 2007 Tanks Act:²³

- I. Responds to the needs of water bodies and tank areas
- II. Provides for quick displacement of any structures that inhibit water flow

d) Through Administrative Action:²⁴

- I. Government Orders empowering fencing revolvment of boundaries, mapping lands and keeping digital records
- II. The fund was created in 2022, to assist local officials in preventing land from being encroached upon

10.8. Barriers and Limitations to the Law :

While laws theoretically exist, the following problems often arise in practice:

- i. Outdated terminology: Some laws are based on terminology from colonial times which is not applicable to how land is used today.
- ii. Poor implementation: Courts suspend or delay evictions and notices of eviction may not be enforced.
- iii. Poor record keeping: A significant proportion of land is not digitized, or not properly

²² THE PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS) ACT, 1971, §§ 3-7.

²³ TANKS (MANAGEMENT) ACT, 2007, Tamil Nadu Act No. 18 of 2007.

²⁴ GOV'T ORDERS ON LAND ENCROACHMENT, Tamil Nadu, Fund Creation Notification (2022), available through Tamil Nadu Land Records Digital Portal.

surveyed.

- iv. Political interference: Local government often supports encroachers, which makes evictions difficult.
- v. Jurisdictional confusion: When departments fail to take action, they frequently blame each other.

The table below shows the data from Government Land Register regarding Encroachment of Government Land in Chennai:

Encroachments as per govt. land register	
Nature of encroachment	Extent[^]
By constructing permanent residential structures	26,471
By constructing permanent non residential structures	13,486
By temporary crops and trees	1,46,062
Through other temporary means	17,557
TOTAL	2,03,936[^]

Relevant Caselaws:

1. Gunasekaran v. The State of Tamil Nadu & Ors.²⁵

In this case, the petitioner challenged the constitutional validity of Section 6 of the Tamil Nadu Land Encroachment Act, 1905, arguing that it violated Articles 14, 19(1)(e), and 21 of the Constitution by allowing summary eviction from government land without adequate procedural safeguards. The petitioner contended that the provision unfairly discriminated between occupants of private and government lands and infringed upon the right to reside anywhere in India. The Madras High Court upheld the constitutionality of the provision, stating that the State has a legitimate interest in protecting its land and that the distinction between public and private land is based on a reasonable classification. The Court clarified that unauthorized occupation of government property is not protected under Article 19(1)(e), and emphasized the importance of speedy eviction to prevent further misuse of public land. This

²⁵ Gunasekaran v. The State of Tamil Nadu & Ors, 2023 LiveLaw (Mad) 367.

ruling reaffirmed the State's authority to reclaim encroached land in the public interest.

2. The State of Tamil Nadu vs. S. Jawaharlal Nehru.²⁶

This case involved a dispute over land classified as poramboke, including oorani and water channel lands, which are traditionally reserved for public use. The respondents claimed ownership based on private sale deeds and longstanding possession. However, the government argued that such lands are inalienable public property, and any documents transferring them are void. The Court sided with the State, holding that poramboke lands cannot be privately owned or transferred, regardless of how long they have been occupied or whether the occupants paid house tax or other levies. The Court clarified that payment of taxes does not confer ownership rights, and emphasized that government classification records prevail over private claims. This judgment serves as a precedent for protecting water resources and public lands from unauthorized conversion into private property.

3. Mathiyari v. The District Collector & Others.²⁷

In this case, the petitioner challenged an eviction initiated under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, arguing that the eviction notice was issued without following due process. The Madras High Court criticized the revenue officials for failing to issue a proper show cause notice and for acting without legal justification. The Court held that even when dealing with unauthorized occupants, authorities must follow procedural fairness, including giving the occupant an opportunity to present their case. The Court also imposed personal costs on the erring revenue official, sending a strong message about administrative accountability. It noted with concern that even after more than a century of the Act's existence, officials continued to misapply its provisions. The case is a reminder that state power must be exercised with fairness, even when dealing with unlawful occupation.

4. All Buildings Including Government Buildings on Waterbodies Are Encroachments.²⁸

In this significant environmental ruling, the Court addressed the issue of buildings constructed on classified waterbodies in Pudukottai district, including structures built by

²⁶ The State of Tamil Nadu vs. S. Jawaharlal Nehru, (2017) 5 SCC 331.

²⁷ Mathiyari v. The District Collector & Others, (2023) SCC Online Mad 2751.

²⁸ All Buildings Including Government Buildings on Waterbodies Are Encroachments, Times of India, Madurai Bench, Madras High Court.

government agencies. The Court unequivocally declared that all such constructions, including government buildings, are illegal encroachments. It emphasized the ecological importance of waterbodies and held that no authority, public or private, has the right to build on such lands. The Court directed the identification and removal of all constructions, regardless of their nature or function. It also declared that any patta or approval issued for such constructions is invalid, and ordered the restoration of waterbodies to their natural state. This judgment reinforces the principle of environmental protection and clearly states that legal violations cannot be legitimized by state action or public utility claims.

Part – B) Non-Doctrinal Research:

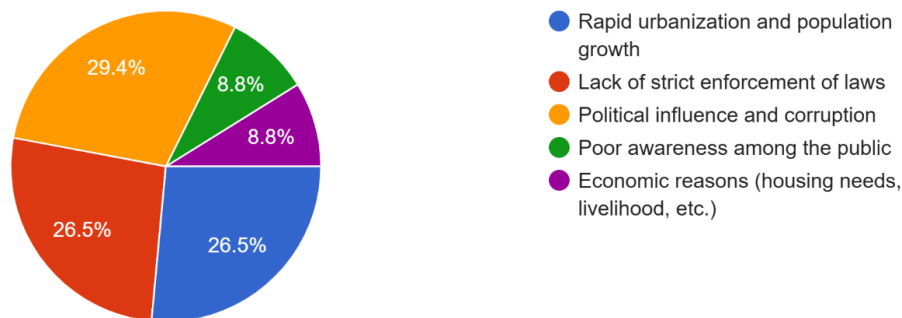
Table No 1: In your opinion, what is the main cause of government land encroachment in Chennai?

Gender	Economic reasons (housing needs, livelihood, etc.)	Lack of strict enforcement of laws	Political influence and corruption	Poor awareness among the public	Rapid urbanization and population growth	Grand Total
Female	5 (7.35%)	9 (13.24%)	10 (14.71%)	3 (4.41%)	12 (17.65%)	39 (57.35%)
Male	1 (1.47%)	9 (13.24%)	10 (14.71%)	3 (4.41%)	6 (8.82%)	29 (42.65%)
Transgender	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
Grand Total	6 (8.82%)	18 (26.47%)	20 (29.41%)	6 (8.82%)	18 (26.47%)	68 (100.00%)

Source: Primary Data

Pie Chart No. 1:

In your opinion, what is the main cause of government land encroachment in Chennai?
68 responses



The table and pie chart shows that the most common reasons cited by respondents are political influence and corruption (29.41 percentage) and rapid urbanization and population growth (26.47 percentage).

Table No. 2: Which legal remedy or action do you think is effective to control government land encroachment?

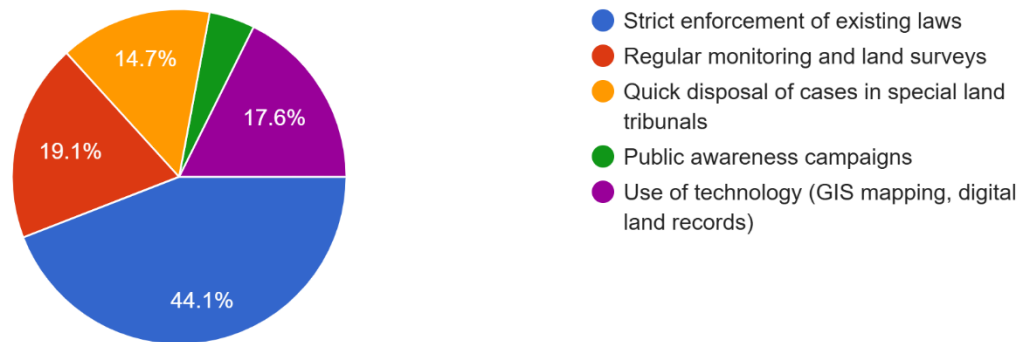
Gender	Public awareness campaigns	Quick disposal of cases in special land tribunals	Regular monitoring and land surveys	Strict enforcement of existing laws	Use of technology (GIS mapping, digital land records)	Grand Total
Female	2 (2.94%)	7 (10.29%)	7 (10.29%)	15 (22.06%)	8 (11.76%)	39 (57.35%)
Male	1 (1.47%)	3 (4.41%)	6 (8.82%)	15 (22.06%)	4 (5.88%)	29 (42.65%)
Transgender	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
Grand Total	3 (4.41%)	10 (14.71%)	13 (19.12%)	30 (44.12%)	12 (17.65%)	68 (100.00%)

Source: Primary Data

Pie Chart No. 2:

Which legal remedy or action do you think is effective to control government land encroachment?

68 responses



The table and pie chart shows that the most preferred suggestion among respondents is strict enforcement of existing laws (44.12 percentage), followed by regular monitoring and land surveys (19.12 percentage).

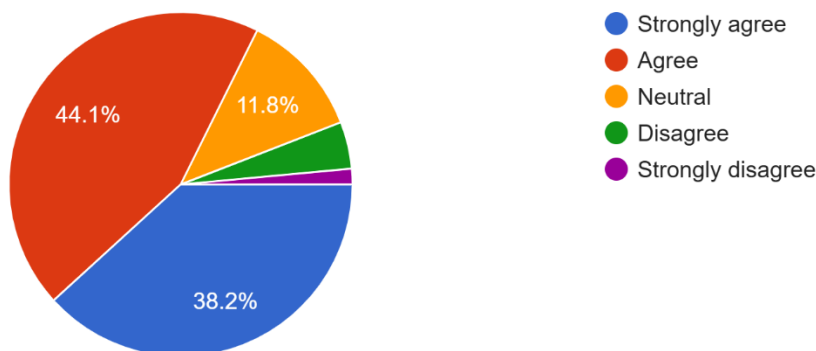
Table No. 3: Effective legal remedies can significantly reduce government land encroachment in Chennai.

Gender	Agree	Strongly agree	Neutral	Disagree	Strongly disagree	Grand Total
Female	18 (26.47%)	13 (19.12%)	5 (7.35%)	2 (2.94%)	1 (1.47%)	39 (57.35%)
Male	12 (17.65%)	13 (19.12%)	3 (4.41%)	1 (1.47%)	0 (0.00%)	29 (42.65%)
Transgender	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)
Grand Total	30 (44.12%)	26 (38.24%)	8 (11.76%)	3 (4.41%)	1 (1.47%)	68 (100.00%)

Source: Primary Data

Pie Chart No. 3:

Effective legal remedies can significantly reduce government land encroachment in Chennai.
68 responses



This table and pie chart shows that a majority of respondents agree (44.12 percentage) or strongly agree (38.24 percentage) with the statement, indicating strong concern over land encroachment issues while 4.41 percentage disagree and 1.47 percentage strongly disagree.

Testing of Hypothesis:

H1: Strict enforcement of existing laws is considered the most effective remedy by the respondents

Table No. 2 shows that the results of the survey indicate that a majority of respondents believe that strict enforcement of existing laws is the most effective legal remedy to control government land encroachment. A total of 44.12 percentage of respondents preferred this option. This is followed by regular monitoring and land surveys with 19.12 percentage, and use of technology (GIS mapping, digital land records) with 17.65 percentage. A smaller proportion of respondents suggested quick disposal of cases in special land tribunals with 14.71 percentage, while only 4.41 percentage considered public awareness campaigns as an effective measure.

H2: Political influence and corruption are the main causes of land encroachment in Chennai

Table No. 1 shows that the results of the survey indicate that a majority of respondents believe

that political influence and corruption is the main cause of government land encroachment in Chennai. A total of 29.41 percentage of respondents selected this reason. This is followed closely by rapid urbanization and population growth and lack of strict enforcement of laws, both with 26.47 percentage each. A smaller proportion of respondents attributed the issue to economic reasons (housing needs, livelihood, etc.) and poor awareness among the public, both accounting for 8.82 percentage.

11. Conclusion:

The study indicates that the first premise of Tamil Nadu laws relating to the illegal occupation of government land are mostly sufficient, but the implementation works out to be ineffective. Practically The Tamil Nadu Land Encroachment Act, 1905 along with court decisions based on the Act forms a base of strong laws to support the state-owned land. Besides, the inefficiencies in administrative action and lagging speed of processes have limited the scope of action. The courts have pointed to the state's obligation to prevent the encroachment of government land but the enforcement of measures may be inconsistent.

The doctrinal aspects show that historically, the law has been more a punishment of the criminal than prevention of the crime. Qualitative research brings to light the disconnection between the law and the implementation of the law due to the unmonitored illegal activities of the individuals. It is no doubt that there must be some functions to improve accountability and monitoring for efficacy. Although the doctrinal aspects offer the need for rigour in observations, there exist certain practices that can be implemented which work in tandem with the authority's accountability. All in all, the doctrinal analysis points to some elements of law being seemingly relevant and also raises the issue of how to achieve a better compliance with enforcement.

12. Suggestions:

- (i) Regular checks of claims through monitoring and by implementing digital mapping systems are helpful.
- (ii) Raising awareness among the public is another way, for example, through educational campaigns where the community will learn about encroaching and the significant outcome of all encroaching types.

(iii) Commitment and the formation of special task forces in each district will substantially control the cases of forced entry.

(iv) The use of each and other new technologies such as Geographic Information System and satellite mapping for the accurate and the most practical mapping of land parcels are advantages.

(v) Strict punitive measures against offenders will be one of the consequences arising from not following the land tracts.

(vi) The government should pass a law that will provide for periodic audits of public lands for active land monitoring and prohibition of land from being further encroached.

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