



Nazool Land

For Prelims: [Demolition Drive](#), Nazool Lands (Transfer) Rules, 1956, Nazool Land, Demolition Drive, Encroachment.

For Mains: Nazool Land, Law Against Demolition Drives, Judgements & Cases.

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Why in News?

Recently, violence erupted in Haldwani city of Nainital District, Uttarakhand after the city administration **conducted a [Demolition Drive](#)** to remove **Encroachment** at the site of a mosque and madrasa, allegedly on **Nazool Land**.

- As per the administration, the property where the two structures are situated is registered as the **Municipal Council's Nazool land**.

What is Nazool Land?

- **About:**
 - Nazool land is **owned by the government** but most often not directly administered as state property.
 - The state generally allots such land to any entity **on lease for a fixed period**, generally between **15 and 99 years**.
 - In case the lease term is expiring, one can approach the authority to **renew the lease by submitting a written application** to the Revenue Department of the local development authority.
 - The government is **free to either renew the lease or cancel it** — taking back Nazool land.
 - In almost all major cities of India, **Nazool land has been allotted to different entities** for a variety of different purposes.
- **Emergence of Nazool Land:**
 - During British rule, kings and kingdoms which opposed the British frequently **revolted against them**, leading to **several battles between them** and the British Army. Upon defeating these kings in battle, the British would **often take their land away from them**.
 - After India got Independence, the **British vacated these lands**. But with kings and royals often lacking proper documentation to prove prior ownership, these **lands were marked as Nazool land** — to be owned by the **respective state governments**.
- **Purpose of Nazool Land:**
 - The government generally uses **Nazool land for public purposes** like building schools, hospitals, Gram Panchayat buildings, etc.
 - Several cities in India have also seen **large tracts of land denoted as Nazool land** used for housing societies, generally on lease.

- While several states have brought in government orders for the purpose of framing rules for Nazool land, **The Nazool Lands (Transfer) Rules, 1956** is the law mostly used for Nazool land adjudication.

What is an Encroachment?

▪ About:

- It is the **unauthorised use or occupation of someone else's property**. This can occur on abandoned or unused spaces if the legal owner is not actively involved in its upkeep. It is important for **property owners to be aware of the legal steps** to take and their rights in such cases.
- Urban encroachment refers to the **unauthorised occupation** or use of land or property within urban areas.
- This could include **illegal construction, squatting, or any other form of occupation** without proper permission or legal rights.
 - Land encroachment, as defined by **Section 441 of the Indian Penal Code (IPC), 1860**, is the act of unlawfully entering someone else's property without permission to commit an offence, threaten possession of the property, or stay on the land uninvited.

▪ Procedure for Removing Illegal Encroachments:

- Before taking any action, the **municipal authorities are usually required to issue notices** to the individuals or establishments involved in illegal encroachments.
- Courts, including the Supreme Court, have emphasised the importance of due process and have often ruled that **proper notice and opportunity to be heard are essential before any demolition is carried out**.
 - In the **1985 Olga Tellis case**, emphasising the right to livelihood and rights of slum dwellers, SC had noted that the right to livelihood is a part of right to life.
- If the individuals fail to respond or do not provide a satisfactory explanation, the municipal authorities **may proceed with the demolition process**.
- The authorities are generally expected to act proportionally, considering the nature of the violation and the response taken to adhere to principles of natural justice.