# HOW TO SECURE THE POSSESSION OF OUR OWN PROPERTY WHICH IS IN ILLEGAL POSSESION BY SOME OTHER ILLEGAL OCCUPANT PERSON?

By MR.KALYAN RAO PEDDI REDDI B.COM (HONS) IN COMPANY LAW & SECRETARIAL PRAC. & BUSINESS ADMINISTRATION & ECONOMICS, ECONOMIC DEVELOPMENT; LL.M (CONSITUTIONAL LAW of India), COMPARATIVE STUDY IN (**U. S. American Constitution, Swiss Constitution, FRENCH CONSTITUTION & British Constitution)**,

C.E.O OF KALYAN LEGAL EXCEL CARE SERVICES ONLINE FOR CITIZENS & N.R.Is.

www.legalexcelcare.com

(LAUNCH: 1.1.2018),

Former District & Sessions Judge, now lives at HYDERABAD, INDIA

# Illegal Possession of Property: A lot of advice is sought from [property eviction lawyers](https://www.nrilegalservices.com/property-eviction-lawyers-advice-property-possessions/) on the issue of illegal possession. For a layperson seeking expert advice, it is important to understand that this could happen in two ways – one when some strangers forge documents and occupy the property by force. These could be people who are into the business of using unlawful tactics to force their entry into properties.

Unfortunately, sometimes local authorities also aid in these unlawful activities. That calls for the need to seek advice from law experts. This kind of an illegal possession can also happen when a tenant refuses to vacate. We strongly suggest adopting strong measures to avoid entrapment in these issues.

Cases of properties illegally occupied when looked at minutely are often by caretakers long forgotten, tenants with undefined status, or in those that have been lying abandoned for years, which makes them an easy target for people with nefarious intentions.

No words can be enough to drive home the importance of physical and actual control regarding establishing ownership. Ownership without possession is meaningless. In fact, it is not incorrect to say that physical control takes precedence over title deeds too.

This problem is fairly commonly seen in the case of NRIs. The reasons for this are –

* They are not present to occupy properties
* They are not close enough to make frequent visits, so they end up entrusting the control to friends or relatives
* In time the occupants or relatives/friends could turn greedy
* Moreover, properties are left with supposed caretakers for years without any effective management or interference from actual owners. This results in occupants forgetting they are not actual owners
* Lose and unbinding agreements with tenants are very common, and these tempt them to turn hostile
* Properties without caretakers or tenants and not frequently visited are a great opportunity for land mafia to trespass and grab them
* Most of the NRI owners often find themselves victims to the strong nexus between politicians and land mafia and police, which is impenetrable for a visiting overseas person and often, results in their losing their assets forever

NRIs, in some cases- haven’t looked at these properties for years and they continue enjoying rights. Moreover, as mentioned earlier too, trespassers can forge documents making it difficult for them to be evicted. Property eviction lawyers understand that the eviction process becomes more or less a nightmare for anybody sitting miles away. Notices sent to vacate property are not very effective always. Forged documents and false information become the impediment to any positive growth. For such issues and disputes, people look towards real estate lawyers to have their matters sorted out.

### ****Solutions:**** What most people are not aware of is that all such cases can be successfully challenged in the courts and legal rights of the rightful owner can be restored. Civil court remedies are available, and personal appearances can be managed through competent legal representatives. If people were to seek proper legal advice, they would be able to find valid, practical solutions to the issue of illegal possession. Remedies are provided under the law to get back the properties or protect any third party trespassing or interfering with the peaceful possession.

1. Preventive
2. Actual

### ****What protections can you take?****

It is imperative that all NRIs have their documents in the correct order and manner. This would involve the title deeds and even the mutation or Will documents. Also, the purchase documents of the property are required too -along with all bills paid. Even if there is a need for a Power Of Attorney one has to be sure of making one with all due precautions and safety nets. It always helps to take the help of a legal service expert.

One of the most frequent complaints that we receive from NRIs is their property disputes and claims against Builders. Although I respectfully ask you to end this case, I will always be indebted to you and keep you as my number one choice if any other legal help is needed with any of my other properties in India. May god bless you and make you even more successful. As I have said always, it’s people like you who make India proud. Please let me know if I can help in any way.

SATYAMEVA JAYETHE= MERA BHARAT MAHAAN HAI== JAIHIND.