
(2010) 09 AP CK 0059

In the Andhra Pradesh High Court

Case No : Review WAMP No. 2601 of 2009 and Writ Appeal No. 82 of 1998

The Divisional Forest Officer

APPELLANT

Vs

The District Judge and Others

RESPONDENT

Date of Decision : 08-09-2010

Acts Referred:

Andhra Pradesh (Andhra Area) Forest Act, 1882 — Section 26, 56
Andhra Pradesh Forest Act, 1967 — Section 10, 11, 13(2), 15, 4
Forest (Conservation) Act, 1980 — Section 2

Citation : (2011) 2 ALD 147 : (2011) 2 ALT 130

Hon'ble Judges : V.V.S. Rao, J; Ramesh Ranganathan, J

Bench : Division Bench

Advocate : G.P. for Forests, for the Appellant; Ramesh Katikineni and Durga Pravan Kumar, for the Respondent

Final Decision : Allowed

Judgement

Ramesh Ranganathan, J.—This Petition is filed by the Divisional Forest Officer, Eluru seeking review of the order in W.A. No. 82 of 1998 dated 25.01.2002.

2. An extent of 4900 Acres in Bhogole Forest Block, in Chintalapudi Taluq, Eluru Division of West Godavari District, was handed over to the Forest Department on 01.12.1952, and a notification was proposed to be issued u/s 26 of the Forest Act V of 1882 (Andhra Area). After excluding certain portions thereof for communal purposes, the remaining extent of 4100 acres was demarcated and a notification, u/s 4 of the A.P. Forest Act, 1967 (hereinafter referred to as the "Act"), was issued vide G.O.Ms. No. 3 Food and Agriculture Development (Forest - III) dated 03.01.1970. The said notification was published in the West Godavari District Gazette on 07.08.1976. A proclamation, u/s 6 of the Act, was published in the West Godavari Gazette on 06.05.1977. All persons claiming right in the said land, or to any of the forest produce therefrom, were called upon to state, within six months from the date of proclamation, the nature of their rights, and to produce all documents in support thereof.

3. After a joint claim statement was filed, Sri Inuganti Ramakrishna Ranga Rao, in his sworn statement dated 21.06.1982, deposed that the patta lands in Sy. No. 537/1 to 5 was once shortriyam land belonging to Bhogole village; his grandfather Sri Inuganti Madhava Rao was the then Zamindar of Bhogole Zamin; on 02.02.1931 zamindari pattas were granted over an extent of Ac. 112.68 cts in Sy. No. 537/2 in favour of Smt. Inuganti Rajyalakshamma; an extent of Ac. 94.00 cts, in Sy. No. 537/3 in his favour on 16.12.1931; and an extent of Ac. 135.82 cts in Sy. No. 537/4 in favour of Sri Inuganti Papa Rao on 22.01.1931. He further deposed that these lands were not under cultivation during their regime, and were left out as grazing poramboke; and the said lands were sold to several individuals, by way of registered documents, for the extents noted against each. A list of 28 such individuals was furnished. The Forest Settlement Officer addressed a letter to the Tehsildar, Chintalapudi requesting him to furnish the names and addresses of the present owners of the land. The Tehsildar is said to have furnished a list of the names of land owners in R.S. No. 537/2, 3 and 4 of Bhogolu village of Chintalapudi Taluq. The said persons, 28 in number, are said to have submitted petitions requesting the Forest Settlement Officer to settle the claim already preferred by the original pattedars Sri Inuganti Rama Krishna Ranga Rao and others from whom they claimed to have purchased the land.

4. In his letter dated 18.12.1984, addressed to the Secretary to the Government, the Forest Settlement Officer states that he had requested the Divisional Forest Officer, Eluru, vide letter dated 10.08.1981 duly enclosing the claim petitions in Bhogolu Forest Block, to file his counter, if any, on the claim of the parties over the land; no counter was filed by the Divisional Forest Officer, Eluru; subsequently notices were issued to the 28 individuals to attend the enquiry with all documentary evidence to prove their right over the land; 24 claimants had attended the enquiry on 18.10.1984, 20.10.1984 and 21.10.1984 at Eluru; they filed documents in support of their claim on 20.10.1984; on further notice, the remaining four claimants had attended the enquiry on 07.11.1984; during the enquiry all the claimants had given similar individual statements; they deposed that they had purchased the land from Smt. Inuganti Rajyalakshamma, Sri Inuganti Rama Krishna Ranga Rao and Sri Inuganti Papa Rao all of whom held zamindari pattas; they were paying cist for the lands purchased by them; subdivision was effected by the revenue department; different extents of land were handed over to the concerned individuals; patta pass book was given to them by the revenue department; the Forest Department Officials had prevented them from cultivating the lands; and the land be restored to them eliminating the claimed land from the Forest Block. The Forest Settlement Officer further stated that he had verified the 10(1) fair adangal in the Taluq Office, and a copy thereof was obtained by the Tehsildar, Chintalapudi; the Adangal revealed that the lands in Sy. No. 537/2 to 4 were classified as patta lands; he had inspected the disputed area on 20.10.1984 accompanied by the Range Officer, Euru; the lands claimed in R.S. No. 537/2, 3 and 4 lay in the Forest Block; the soil was sandy loam; the area was a scrub jungle; while there were no signs of cultivation since

a long time, the land was plain with stunted growth; the A.P. Forest Development Corporation, Eluru had raised eucalyptus plantations in the patta lands and, as such, the pattedars had claimed alternate lands of an equal extent adjacent to the present patta lands. The Forest Settlement Officer held that the claimants had established their claim over the land beyond doubt; their claim was genuine and it had to be allowed. He further informed the Secretary that, as the area in question attracted the provision of the Forest Conservation Act, 1980, prior approval of the Central Government had to be obtained for eliminating any land from the proposed block; since the land in question was sub- divided as per the entries in the land register maintained in the year 1969, that too prior to the notification of the block u/s 4 of the Act and, as the claim of the Petitioners was established during the enquiry conducted by him, necessary orders of the Central Government may be obtained and communicated for eliminating the patta lands, of an extent of Ac. 342.50 or 138.60 Hec, from the forest block by way of an award as shown in the sketch enclosed.

5. The Divisional Forest Officer, Eluru preferred an appeal u/s 13(2) of the A.P. Forest Act, 1967, before the District Judge, West Godavari. The Learned District Judge, in his order in A.S. No. 107 of 1985 dated 17.10.1988, held that the Forest Settlement Officer was justified in passing the order excluding the disputed land from the forest block of Bhogole. The appeal filed by the Divisional Forest Officer was dismissed, and the order of the Forest Settlement Officer confirmed. Aggrieved thereby, the Divisional Forest Officer, Eluru filed W.P. No. 12394 of 1989 and the Learned Single Judge, by order dated 04.12.1995, held that there was no error apparent on the face of the record warranting interference with the order of the learned District Judge confirming the order of the Forest Settlement Officer. The Writ Petition was, accordingly, dismissed. Aggrieved thereby, the Divisional Forest Officer preferred W.A. No. 82 of 1998. The Division bench, in its order dated 25.01.2002, held that the mere fact that the Forest Settlement Officer had stated that he had not passed any final order did not mean that he had not decided the claims under Sections 10 and 11 of the Act; after conducting the enquiry envisaged under the Act and, on appreciation of the evidence on record, he had recorded a finding that the claims were well founded, they deserved to be admitted and allowed, and the patta lands of the claimants had to be excluded from the proposed forest block. The appeal preferred by the Divisional Forest Officer was dismissed.

6. The Principal Secretary to the Government of Andhra Pradesh, Environment and Forests, Science & Technology department, vide letter dated 01.04.2003, requested the Principal Chief Conservator of Forests to obtain and furnish proposals, as required u/s 2 of the Forest Conservation Act, 1980, so as to obtain prior permission of the Central Government to exclude the lands, of an extent of Ac. 342.50 in Bhogole village of West Godavari District, from the proposed Forest Block. The State Government, by its memo dated 11.10.2004, stayed the said proceedings dated 01.04.2003 and simultaneously directed the then Chief Conservator of Forests (Vigilance) to cause an enquiry into the matter. The Chief

Conservator of Forests caused an enquiry, and found that the record of the Mandal Revenue Officer had been tampered with; and the claim of Sri Inuganti Ramakrishna Ranga Rao before the Forest Settlement Officer was fictitious and untenable. He suggested a denovo enquiry by the Forest Settlement Officer in view of the dimensions emerging in the enquiry, and as final orders were yet to be received from the Government.

7. Sri Inuganti Ramakrishna Ranga Rao and others filed W.P. No. 11419 of 2006 and, while initially they sought a direction to the State Government to make an application to the Central Government and for the Central Government to consider the said application, they sought amendment of the prayer to declare the State Government's memo dated 11.10.2004 as illegal and void; to direct the Respondents to act in accordance with the earlier memo dated 01.04.2003; and to direct the Government of India to consider and pass appropriate orders u/s 2 of the Forest Conservation Act as proposed by the Forest Settlement Officer, Nellore.

8. The learned Single Judge, in his order in W.P. No. 11419 of 2006 dated 19.1.1999, held that, as the Petitioners claims were found genuine and, as they were already given pattas for an extent of Ac. 342.5 in Sy Nos. 537/2, 3 and 4 situated at Bhogole village, their rights had to be protected and their patta lands had to be excluded from the proposed Forest Block. The Writ Petition was allowed and the State Government was directed to take necessary action in this regard. Aggrieved thereby, both the State Government and the Principal Chief Conservator of Forests preferred W.A. No. 1123 of 2009. The Division bench, in its order dated 08.09.2009, noted the submissions of the Government Pleader that the fraud committed earlier had come to light; and they would file a review application seeking review of the judgment in W.A. No. 82 of 1998 dated 25.01.2002. Permission was accorded for withdrawal of the appeal, and W.A. No. 1123 of 2009 was dismissed as withdrawn. Consequent thereto, the present review petition.

9. The Divisional Forest Officer, Eluru seeks review of the order, in W.A. No. 82 of 1998 dated 25.1.2002, mainly on the ground that the letter dated 18.12.1984 was an outcome of fraud played by the Forest Settlement Officer in collusion with the Respondents.

10. "Fraud" vitiates every solemn act. Fraud and justice never dwell together. Ram Chandra Singh Vs. Savitri Devi and Others, ; The State of Andhra Pradesh and Another Vs. T. Suryachandra Rao, ; and Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others, "Fraud avoids all judicial acts, ecclesiastical or temporal". A judgment or a decree obtained by playing fraud on the court is a nullity and non est in the eye of law. Such a judgment/decreed - by the first court or by the highest court -has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings. S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. and others, In judicial proceedings, fraud renders a judgment of a Court

void. In proceedings other than judicial, an order obtained by fraud and misrepresentation, and/or a determination as a result of fraud, cannot be allowed to stand. Fraud unravels everything, and no person can keep an advantage or benefit or privilege obtained by fraud. In public law, fraud on public authorities is a special species of fraud which, without anything further, must deny the person the benefits obtained by fraud. Whether intentional or not, whether malafide or bonafide, public law does not permit a person to retain the advantage obtained by fraud. *Andhra Pradesh Scheduled Tribes Employees Association Vs. Aditya Pratap Bhanj Dev and Others*, The colour of fraud in public law or administrative law arises from a deception committed by disclosure of incorrect facts knowingly and deliberately to procure an order from an authority or tribunal. In public law the duty is not to deceive. *Smt. Shrisht Dhawan Vs. M/s. Shaw Brothers*, ; *Roshan Deen Vs. Preeti Lal*, , *Ram Preeti Yadav Vs. U.P. Board of High School and Intermediate Education and Others*, ; *Ram Chandra Singh Vs. Savitri Devi and Others*, ; *Ashok Leyland Ltd. Vs. State of Tamil Nadu and Another*, ; *The State of Andhra Pradesh and Another Vs. T. Suryachandra Rao*, and *Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others*,

11. A party complaining of fraud having been practised on him, as well as on the Court, by another resulting in an order/decreed, can avail himself of the remedy of review or the writ jurisdiction of the High Court. The remedy to move for recalling the order, on the basis of newly discovered facts amounting to fraud, cannot be foreclosed. No court or tribunal can be regarded as powerless to recall its own order if it is convinced that the order was wangled through fraud or misrepresentation of such a dimension as would affect the very basis of the claim. *Bhaurao Dagdu Paralkar Vs. State of Maharashtra and Others*, : *United India Insurance Co. Ltd. Vs. Rajendra Singh and Others*,

12. If it is established that the proceedings of the Forest Settlement Officer dated 18.12.1984 was an outcome of fraud, the order under review (W.A. No. 82/98 dated 25.1.2002) must be recalled/set aside and all proceedings, pursuant to the proceedings of the Forest Settlement Officer dated 18.12.1984, would be illegal and void.

13. Before examining whether or not the proceedings of the Forest Settlement Officer dated 18.12.1984 is vitiated by fraud, it is necessary to understand what the expression "fraud" means. A "fraud" is an act of deliberate deception with the design of securing something by taking unfair advantage of another, to gain by another's loss. *S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. and others*, ; *The State of Andhra Pradesh and Another Vs. T. Suryachandra Rao*, ; *Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others*, "Fraud" has been defined as an act of trickery or deceit. In Webster's Third New International Dictionary, "fraud" in equity has been defined as an act or omission to act, or concealment by which one person obtains an advantage against conscience over another or which equity or public policy forbids as being prejudicial to another. In Black's Law Dictionary, "fraud" is defined as an

intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, is one which deceives and is intended to deceive another so that he shall act upon it to his legal injury. In Concise Oxford Dictionary, it has been defined as criminal deception, use of false representation to gain unjust advantage; dishonest artifice or trick. According to the Halsbury's Laws of England, a representation is deemed to be false and, therefore, a misrepresentation if it was, at the material date, false in substance and in fact. From the dictionary meaning or even otherwise fraud arises out of the deliberate active role of the representor about a fact which he knows to be untrue yet he succeeds in misleading the representee by making him believe it to be true. The representation to become fraudulent must be of a fact with knowledge that it was false. "Fraud" is proved when it is shown that a false representation has been made (i) knowingly, or (ii) without belief in its truth, or (iii) recklessly, careless of whether it be true or false. A false statement, made through carelessness and without reasonable ground for believing it to be true, may be evidence of fraud. *Ram Chandra Singh Vs. Savitri Devi and Others, The State of Andhra Pradesh and Another Vs. T. Suryachandra Rao*, ; *Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others*, ; *Derry v. Peek* 1886 (90) All. E.R. 1. The expression "fraud" involves two elements, deceit and injury to the person deceived. A benefit or advantage to the deceiver will almost always cause loss or detriment to the deceived. Even in those rare cases where there is a benefit or advantage to the deceiver, but no corresponding loss to the deceived, the second condition is satisfied. *Vimla (Dr.) v. Delhi Admn* 1963 Supp. 2 SCR 585 ; *Indian Bank Vs. M/s. Satyam Fibres (India) Pvt. Ltd.*, ; *The State of Andhra Pradesh and Another Vs. T. Suryachandra Rao*, ; *Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others*, and *Bhaurao Dagdu Paralkar Vs. State of Maharashtra and Others*, In fraud one gains at the loss of another. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam. *A.V. Papayya Sastry and Others Vs. Government of A.P. and Others*, Fraud is a conduct which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former. Although negligence is not fraud, yet it can be evidence of fraud. Misrepresentation itself amounts to fraud. Innocent misrepresentation may also give reason to claim relief against fraud. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by wilfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representations, which he knows to be false, and injury enures therefrom although the motive from which the representations proceeded may not have been bad. An act of fraud on court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of others in relation to a property would render the transaction void ab initio. Fraud and deception are synonymous. Fraud is anathema to all equitable principles and any affair tainted with fraud cannot be saved by the application of

any equitable doctrine including estoppel and res judicata. Ram Chandra Singh Vs. Savitri Devi and Others, ; The State of Andhra Pradesh and Another Vs. T. Suryachandra Rao, ; Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others, ; Ram Preeti Yadav Vs. U.P. Board of High School and Intermediate Education and Others, ; Andhra Pradesh Scheduled Tribes Employees Association Vs. Aditya Pratap Bhanj Dev and Others, A representation is fraudulent not only when the person making it knows it to be false, but also when he ought to have known, or must be taken to have known, that it was false. A false statement which a person ought to have known was false, and which he must therefore be taken to have known was false, cannot be said to be honestly believed in. "A consideration of the grounds of belief is, no doubt, an important aid in ascertaining whether the belief was really entertained. A man's mere assertion that he believed the statement he made to be true is not accepted as conclusive proof that he did so. Ram Chandra Singh Vs. Savitri Devi and Others, Fraud can either be proved by established facts or an inference can be drawn from admitted and/or undisputed facts. When fraud is inferred the Court, as well as the authority alleging fraud, can ignore a decision obtained by fraud. Andhra Pradesh Scheduled Tribes Employees Association Vs. Aditya Pratap Bhanj Dev and Others, If, on the facts, the average man would have intended wrong, that is enough. This concept of fraud, steadily kept in view, will render the administration of the law less difficult, or rather will make its administration more effective. Ram Chandra Singh Vs. Savitri Devi and Others,

14. Now to the facts of the present case. The first instance of fraud is that the Forest Settlement Officer, in his proceedings dated 18.12.1984, records that a patta was issued in favour of Sri Inuganti Rama Krishna Ranga Rao for an extent of Ac. 94-00 in Sy. No. 537/3 on 16.12.1931. A copy of the register of S.E.S.D.M. High School, Eluru, for the period 01.07.1948 to 12.07.1950, containing admission Nos. 1 to 687 is placed before us. Admission No. 546 relates to Sri Inuganti Rama Krishna Ranga Rao S/o. I. Papa Rao whose date of birth is recorded as 1.2.1939. While Sri Inuganti Rama Krishna Ranga Rao is said to have been granted patta for Ac. 94.00 on 16.12.1931, it is evident from the school register of admissions that he was not even born on the said date and was, in fact, born more than 7 years thereafter on 01.02.1939.

15. A second instance of fraud is that the Forest Settlement Officer, in his proceedings dated 18.12.1984, records that pattas were granted in favour of the original claimants in the year 1931 itself. If pattas had, in fact, been granted in favour of the original claimants i.e., Smt. I. Rajyalakshamma, Sri I. Papa Rao and Sri Inuganti Rama Krishna Ranga Rao on 02.02.1931, 16.12.1931 and 22.01.1931 respectively, these extents of land ought to have been included in the declaration filed by them under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. A copy of the declaration of Sri Inuganti Rama Krishna Ranga Rao dated 09.04.1975, and of his parents i.e., Smt. I. Rajyalakshamma and Sri I. Papa Rao is placed for our perusal. It is evident therefrom that the lands in Sy. No. 537/2, 3 and 4 are not reflected in

these declarations. A copy of the proceedings of the Land Reforms Tribunal dated 08.09.1977, in LCC No. 2045/CTP/75 dated 08.09.1977, is also placed on record. The said proceedings relates to the declaration of Inuganti Rama Krishna Ranga Rao, and takes note of the declaration relating to several extents of land, but not the land in Sy. No. 537 of Bhogole Village. The fact that the lands in Sy. No. 537 of Bhogole village, for which Zamindari pattas are said to have been issued in their favour in the year 1931, are not included in the declarations filed under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, and are not reflected in proceedings of the Land Reforms Tribunal dated 08.09.1977, would belie the contention that the original claimants, Sri Inuganti Rama Krishna Ranga Rao and his parents, were granted pattas of huge extents of land, in Sy. No. 537 of Bhogole village, in the year 1931.

16. Another instance of fraud is that the land in Sy. No. 537 was not even subjected to sub-division in the year 1931 when pattas were allegedly granted in favour of Sri I. Papa Rao, Smt. I. Rajyalakshamma and Sri I. Rama Krishna Ranga Rao. The subdivision of Sy. No. 537, in fact, took place only on 15.07.1980 as is evident from the statement of the head karanam of Bhogolu village dated 21.11.1980 which has been referred to by the Forest Settlement Officer himself in his proceedings dated 18.12.1984.

17. Another circumstance is that the lands in Sy. No. 537 are said to form part of the Bhogolu estate. On the abolition of estates lands, which hitherto formed part of Estates, stood vested in the Government. None of the original claimants, including Sri Inuganti Rama Krishna Ranga Rao, had at any time submitted applications for grant of ryotwari pattas, let alone being granted such pattas under the Estates Abolition Act. As possession of the entire extent of Ac. 4900-00 was handed over to the Forest Department on 01.10.1952, a notification u/s 56 of the Forest Act, 1882 was issued on 06.07.1953, and the entire extent of land is said to be in the possession of the Forest Department ever since 1952, it neither stands to reason, nor is there any basis for the self-serving statement of the subsequent purchasers that they were handed over possession of the said lands by the original claimants.

18. That the Forest Settlement Officer had colluded with the original claimants and the subsequent purchasers is evident from the fact that while the Forest Settlement Officer, in his proceedings dated 18.12.1984, refers to the notice issued to the Divisional Forest Officer on 19.10.1981 enclosing thereto to the claim petitions and requesting him to file a counter, no notice was issued thereafter to the D.F.O. even when the 28 individuals (alleged vendees) were called upon to attend the enquiry with all documentary evidence to prove their right over the land. It is evident that the Divisional Forest Officer was denied the opportunity of participating in such an enquiry, and to cross examine these individuals in respect of their claims to have title and to be in possession of the lands in question. While the Divisional Forest Officer would deny receipt of even this letter dated 19.10.1981, even if we were to proceed on the premise that the

said letter was, in fact, served on him, the Divisional Forest Officer would, nonetheless, be entitled to be put on notice of the dates of enquiry and to be given an opportunity to cross-examine the claimants regarding their alleged title and possession of the lands in question. Further, while the Forest Settlement Officer holds that the said extent of Ac. 342-50 cents of land in Sy. No. 537 of Bhogolu village had been sold by the original claimants to 28 other purchasers, no documentary proof in this regard such as registered sale deeds, pattedar pass books etc., form part of the proceedings dated 18.12.1984 nor is it reflected among the annexures thereto. Even otherwise transfer of land, in the present case, is said to be by way of sale, after the Section 4 notification in G.O.Ms. No. 3 dated 03.01.1970, and the declaration u/s 6 of the A.P. Forest Act on 06.05.1977. u/s 7(1)(a) of the A.P. Forest Act, 1967, during the interval between the publication of a notification u/s 4, and the date fixed by the notification u/s 15, no right shall be acquired by any person in or over the land included in the notification u/s 4 except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or any person in whom such right was vested before publication of the notification u/s 4. The alleged transfer of title over lands of an extent of Act. 342-50 cents, in Sy. No. 537 of Bhogolu village, by way of sale made by the original claimants to 28 others in the year 1981 is illegal.

19. The Divisional Forest Officer, Eluru would assert that the records maintained by the Mandal Revenue Officer had been tampered; while the subject lands were classified as "Adavi" (Forest), the names of individuals were incorporated subsequently; and, as the lands were classified as "Adavi", they are not even zyroiti lands. It is evident that the proceedings of the Forest Settlement Officer dated 18.12.1984 is vitiated by fraud. Sri Inuganti Rama Krishna Ranga Rao has suppressed material facts including that he was not even born when pattas were allegedly issued in his favour on 02.02.1931; he was born seven years thereafter; neither he nor his parents had declared these extents of land in Sy. No. 537 in the declarations filed under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973; and the land in Sy. No. 537 was not even subdivided when pattas were allegedly granted in their favour. A litigant, who approaches the Court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds it in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party. *A.V. Papayya Sastry and Others Vs. Government of A.P. and Others*, ; *S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. and others*, . Suppression of a material document would also amount to a fraud on the Court. *Gowrishankar and Another Vs. Joshi Amba Shankar Family Trust and Others*, ; *S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. and others*, ; *T. Suryachandra Rao (2005) 6 SCC 194*; *Behari Kunj Sahkari Avas Samiti Vs. State of U.P. and Others*, and *Bhaurao Dagdu Paralkar Vs. State of Maharashtra and Others*, Material fact would mean material for the purpose of determination of the lis, the logical corollary whereof would be

whether the same was material for grant or denial of the relief. S.J.S. Business Enterprises (P) Ltd. Vs. State of Bihar and Others, ; Sardar Associates and Others Vs. Punjab and Sind Bank and Others, . Suppression, in the present case, is of material facts and documents, and it is only on such suppression that the original claimants, including Inuganti Rama Krishna Ranga Rao, were granted relief by the Forest Settlement Officer by excluding a huge extent of land of Ac. 342-50 cents/138.60 hectares from the Bhogulu Forest Block.

20. In the result, for the above reasons, we grant the review and allow W.A.M.P. No. 2601 of 2009. After re-hearing the matter, we also allow the writ appeal filed by the State and set aside the Judgment of the learned Single Judge in W.P. No. 12394 of 1989 dated 4.12.1995 and the Judgment of District Judge, West Godavari, in A.S. No. 107 of 1985 dated 17.10.1988. Consequently, the order of the Forest Settlement Officer, dated 18.12.1984 is declared as non est and void. The same is quashed.

21. As noted hereinabove, W.P. No. 11419 of 2006 was allowed, by order dated 19.01.2009, in effect granting the relief sought for which was to direct the Central Government to consider and pass appropriate orders u/s 2 of the Forests (Conservation) Act, 1980 as proposed by the Forest Settlement Officer, Eluru in his proceedings dated 18.12.1984. The Writ Appeal preferred thereagainst i.e., W.A. No. 1123/09 was disposed of as withdrawn by order of the Division Bench dated 08.09.2009 at the request of the Learned Government Pleader who sought permission to withdraw the appeal so as to seek review of the judgment in W.A. No. 82/88 dated 25.01.2002 . The very basis of the order, in W.P. No. 11419 of 2006 dated 19.01.2009, is the proceedings of the Forest Settlement Officer dated 18.12.1984 and, as the said proceedings dated 18.12.1984, the order of the District Judge, the Writ Petition and the Writ Appeal preferred thereagainst, have all been set aside as a result of the order now passed by us, the contention that the order in W.P. No. 11419 of 2006 dated 19.01.2009 has attained finality does not merit acceptance. The principle of "finality of litigation" cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants. Courts of law are meant to impart justice between the parties. One who comes to the Court must come with clean hands. A person who's case is based on falsehood has no right to approach the Court. He can be summarily thrown out at any stage of the litigation, S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. and others, ; A.V. Papayya Sastry and Others Vs. Government of A.P. and Others, even in collateral proceedings. S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. and others, . In view of the order now passed by us, in Review W.A.M.P. No. 2601 of 2009, the question of the Central Government considering the claim of the Respondents herein, for exclusion of Ac. 342-50 cents in Sy. No. 537/2, 3 and 4 of Bhogolu Village from the Bhogulu Forest block in terms of Section 2 of the Forest (Conservation) Act, 1980, does not arise.

22. The review W.A.M.P. is, accordingly, allowed. The writ appeal is also allowed.

We direct the Respondents to jointly and severally pay exemplary costs of Rs.50,000/- (Rupees fifty thousand only) to the State Government within two months from today.