



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Special Leave Petition (C) Nos. 27034-27035 of 2025

Smt. Uppaluri Eswaramma Etc.

...Petitioners

Versus

The State of Andhra Pradesh & Ors.

...Respondent(s)

ORDER

1. The petitioners, the widow of an ex-serviceman and an ex-serviceman are aggrieved with the common interim order passed by the High Court in two review petitions. The impugned order directed the respondents therein, the petitioners herein, to produce the two D-form Pattas with respect to two lands having 5 Acres each before the Registrar (Judicial), which was directed to be sent to the Central Forensic Science Laboratory (CFSL), Hyderabad to ascertain whether the signatures therein are genuine and to verify whether the defects pointed out in the report of the State Forensic Science Laboratory (SFSL) are correct or not.

2. Shri Ranjit Kumar learned Senior Counsel appearing for the petitioners pointed out that the husband of one of the petitioners' and the other petitioner himself had served in the Armed Forces and participated in the Indo-China War of 1962. Both being domiciled in the State of Andhra Pradesh, by way of a reward for service in the Army, especially the participation in war, was assigned two distinct lands located in Vishakhapatnam, in the year 1982. The petitioners had been in possession and enjoyment of the land when the Vishakhapatnam Urban Development Authority (VUDA) took possession of the land for public purpose. The petitioners filed two writ petitions raising their claim of ownership of the properties which was directed to be considered by the Tehsildar. Though, the Tehsildar, at the first instance, concluded that the Darkhast Registrar (DR) supporting the Pattas was untraceable, later, the DR was traced out and, on a remand, made by the RDO, the grant of Patta was confirmed. The petitioners approached the High Court with two writ petitions seeking alternate land in lieu of that taken possession of, which were disposed of directing payment of compensation as per the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013). Writ Appeals filed by the State were dismissed and so were the SLPs rejected.

3. Subsequently, a review petition was filed in which the allegation of fraud raised earlier and negated, was repeated. Without any cause, the review petition was entertained and directions issued by the impugned order, which according to the learned Senior Counsel is untenable. The learned Senior Counsel also took us through the order of the Tehsildar which categorically found ownership and possession of the petitioners. It was also argued that the petitioners, considerably aged, have been running from pillar to post to get their claim over the land established for the last many years.

4. Ms. Prerna Singh, learned Counsel appearing for the State vehemently opposed the contention and urged that only later to the rejection of the SLP clear forgery was detected by way of the report issued by the SFSL which prompted the review. The Id. Counsel would rely on ***Kunhayammed v. State of Kerala***¹, to assert that a review

¹ (2000) 6 SCC 359

would be maintainable despite the rejection of the SLP, which rejection was not on merits and hence there would be no merger. The SFSL Report was dated just prior to the disposal of the writ appeals and the same could not have been placed before the Division Bench when the matter was heard finally. The review is proper, and it is open only to consider whether a fraud was played on the State.

5. Eventually, if fraud is not detected, necessarily the compensation would have to be paid and otherwise the claim of the petitioner for compensation rejected. The learned Counsel would point out that there was no ground of a missing register in the first instance and when there was a remand, a different officer had suddenly produced a DR which cannot be relied upon.

6. The petitioners' claims are with respect to two different properties, both having an extent of 5 acres in Survey No. 1/P of Yendada Village, Visakhapatnam (Rural) Mandal, Visakhapatnam District. Their claim, as has been mentioned hereinabove, is with respect to two extents of properties, agitated in two different writ petitions disposed of by Annexure-P/14 and Annexure-P/15 (W.P. No. 15023 & 15029

of 2015). The appeals filed by the State were disposed of by a common judgment produced as Annexure-P/17 affirming the judgments of the learned Single Judge. It is also to be observed that in the writ petition itself, the State had raised the contention that the Patta produced by the petitioner is a fabricated document and the signature in the D-Form Pattas were forged by the land *mafia* and persons like the petitioners set up, to claim ownership of lands which were evidently classified as “Hill Poramboke” and existing as purely government lands. However, the learned Single Judge had negated the contention on the ground that the Patta had not been cancelled, or the land resumed by following due procedure, in which circumstance, there could be no such allegation raised. In the writ appeal the Division Bench confirmed the finding of the learned Single Judge by a common judgment dated 26.06.2023. Admittedly, the SLP filed from the common judgment was rejected, later the review was filed producing the SFSL report which is produced herein as Annexure-P/16 which led to the impugned order.

7. In understanding the controversy and the allegation of fraud, we have to necessarily look at the orders passed by the Tehsildar. At the first instance, when a direction was issued by the High Court as per Annexure-P/5 and P/6 directing the Tehsildar to conduct an inquiry, the same was carried out and orders passed as is evident from Annexure-P/7 and P/8. There are two D-Form Pattas with respect to lands having an extent of 5 acres in the same survey number. The orders do not speak of any missing DR and on the other hand, the revenue records were verified to find the entire land which comprised the two different extents, to be classified as "Hill Poramboke" in the government land register, the Adangal Register, the Computerized Adangal as also the 10 (1) register of Yendada also having not recorded the name of the persons who allegedly received assignment. It is also observed that there is no DR file forthcoming as having issued D-Form Patta to the husband of the petitioner or the other petitioner nor are the assignments revealed in the computerized Assignment List of Yendada. It has to be emphasized that the ground was not the missing of DR but the non-existence of such a DR.

8. On remand, as per Annexure-P/9 and P/10, the then incumbent Tehsildar, different from the one who passed Annexure-P/11 and P/12 orders, affirmed the Patta having been issued to the petitioner's husband. It has been stated that on a diligent search, the DR had been traced out which restricted the State from denying the assignment. On this ground alone, it was held that the lands belong to the petitioners, one having been allotted to one of the petitioners and the other to the husband of the other petitioner. There is nothing stated about the other registers as mentioned in the first order. If there was an assignment, then necessarily that would have been recorded in all the revenue registers.

9. True, the matter travelled up to this Court and the SLP was dismissed but without any observation on merits. ***Kunhayammed*** makes it clear that there is no merger of the judgment of the High Court, if the SLP has been rejected without any observation on merits, in which event, the parties before the High Court could exercise their right to seek review which has been done, as of now. The writ appeals were dismissed on 26.06.2023 while the report of the SFSL is dated 17.05.2023, just 1½ months before the disposal of the

writ appeal. It cannot at all be said that by exercise of due diligence, the State could have produced the certificate along with the appeal, which was filed earlier, nor can it be definitely said that the certificate of the SFSL was in the knowledge of the State at the time of disposal of the writ appeal. The review hence filed is perfectly in order which as of now is at the stage of verification of the genuineness of the two Pattas issued. We would not say anything further since the issue is pending before the High Court and in the review, the issue has to be confined to the genuineness of the documents, verification of which has been directed by the CFSL, Hyderabad.

10. On a reading of the impugned order, it is seen that the Division Bench had, while considering the ground of fabrication and forgery, noticed that D-Form Pattas issued are prepared in two copies, one of which is handed over to the beneficiary and the other is retained by the issuing authority. The comparison of the signatures on the D-Form Pattas available with the applicants according to the High Court cannot be taken as fabrication of the D-Form Pattas available with the respondents herein. It was also observed

that only upon examination of the signatures on the D-Form Pattas available with the respondents can the question of fabrication and forgery be detected.

11. When the above SLP was pending before this Court on 26.09.2025, an order was passed of which para 1 to 3 are extracted hereinabove below: -

“Having considered the matter in its entirety, and upon assistance by Mr. Ranjit Kumar, learned Senior Counsel for the petitioner, we are of the considered opinion that the matter needs to be referred to a Forensic Expert to verify whether the signature(s) of the Officer(s) on the Patta(s) is genuine.

2. Accordingly, issue notice.

3. We further make it clear that the Court is of the tentative view that the matter has to be considered by the Forensic Experts with reference to the signature(s) of the Officer(s) on contemporaneous official records.”

12. In this context, we have to notice that the report of the SFSL produced as Annexure-P/16 refers to two Form-D sheets containing questioned signatures, which obviously is that available in the so-called DR traced out. Five letters containing standard signatures were the basis of verification

carried, out of the signatures in the questioned documents. Hence, obviously the admitted signatures, of the Officer who allegedly signed the patta on the date of its issuance will have to be produced before the CFSL by the State which shall be produced through the Registrar (Judicial).

13. The petitioners hence would produce the D-Form Pattas in original issued to them, which, as of now only typed copies have been produced before this Court. The State will also produce the copy of the D-Form Pattas available with the State and the DR (Darkhast Register) which is said to have been recovered, before the Registrar (Judicial) along with the contemporaneous documents showing the admitted signature of the officer who issued the Patta and recorded the same in the DR. The Registrar (Judicial) shall forward the same to the CFSL, Hyderabad and the Central FSL, Hyderabad shall make a report on the genuineness of the signatures as compared with the admitted contemporaneous records and the age of the DR as also the age of the D-Form Patta granted to the petitioners and that retained by the State, in its records. We make it clear that on the receipt of the report, the same shall also be issued to the petitioner and if

the report is positive to the petitioner, the review shall be dismissed and otherwise the review entertained and the petitioners who are the respondent in the appeals, given the liberty to agitate their cause independently in the restored Writ Appeals. The contentions of all parties, then, would be left open which also would have to be considered on the basis of the report of the CFSL, since, as referred to in the impugned order and repeatedly declared by this Court; 'fraud vitiates everything'; even a judgment obtained from a competent court based on such fraud perpetrated.

14. The Special Leave Petitions are dismissed with the above observations and directions.

15. Pending applications, if any, shall also stand disposed of.

..... J.
(AHSANUDDIN AMANULLAH)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
NOVEMBER 28, 2025.