



W.A(MD)Nos.618 of 2009, 718 of 2008, 323 of 2009, 332 of 2011, 324 of 2009, 325 of 2009, 703 of 2008, 697 of 2008, 698 of 2008, 299 of 2013, 316 of 2009, 700 of 2008, 701 of 2008, 317 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

**W.A(MD)Nos.618 of 2009, 718 of 2008, 323 of 2009, 332 of 2011,
324 of 2009, 325 of 2009, 703 of 2008, 697 of 2008, 698 of 2008, 299
of 2013, 316 of 2009, 700 of 2008, 701 of 2008 and 317 of 2009
and
M.P(MD)Nos.2 of 2009, 1, 1, 1, 1 of 2008, 1, 1, 1, 1, 1 of 2009
and
C.M.P(MD)No.10533 of 2018**

R.Mani Ambalam	... Petitioner in WA(MD)No.618 of 2009
P.Rajakumari	... Petitioner in WA(MD)No.718 of 2008
D.Srinivasan	... Petitioner in WA(MD)No.323 of 2009
1.K.P.Mohanasundaram	
2. M.Kavitha	... Petitioner in WA(MD)No.332 of 2011
Natarajan Chettiar	... Petitioner in WA(MD)No.324 of 2009
Arumuga Udayar	... Petitioner in WA(MD)No.325 of 2009
Kaspar	... Petitioner in WA(MD)No.703 of 2008
S.Chellakannu	... Petitioner in WA(MD)Nos.697,698, 700 & 701 of 2008
S.Sivaraj	... Petitioner in WA(MD)No. 299of 2013
Sheik Abdullah	... Petitioner in WA(MD)No. 316of 2009
Chellakannu Rawther	... Petitioner in WA(MD)No. 317of 2009

- Vs. -

1. The District Revenue Officer
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
3. The Tahsildar Karaikudi,
Sivagangai District. ... Respondents in WA(MD)No. 618 of 2009
1. The District Collector,
Pudukkottai.



2. The Tahsildar,
Thirumayam, Pudukkottai District.

... Respondents in WA(MD)No. 718 of 2008

1. The Sub Collector
Devakkottai, Sivaganga District.

2. The Tahsildar,
Karaikudi Taluk, Sivaganga District.

... Respondents in WA(MD)No. 323 of 2009

1. The District Collector,
Sivaganga.

2. Revenue Divisional Officer,
Devakkottai.

3. The Tahsildar,
Karaikudi.

... Respondents in WA(MD)No. 332 of 2011

1. The Sub Collector,
Devakkottai, Sivaganga District.

2. The Tahsildar,
Karaikudi Taluk, Sivaganga District.

... Respondents in WA(MD)No. 324 of 2009

1. The Sub Collector,
Devakkottai, Sivaganga District.

2. The Tahsildar,
Karaikudi Taluk, Sivaganga District.

... Respondents in WA(MD)No. 325 of 2009

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Revenue Divisional Officer,
Devakkottai, Sivagangai District.

3. The Tahsildar,
Karaikudi, Sivagangai District.

... Respondents in WA(MD)No. 703 of 2008

1. The Tahsildar,
Karaikudi Taluk, Sivagangai District.

... Respondents in WA(MD)Nos. 697 & 698 of 2008

1. The District Revenue Officer,
Sivagangai



2. The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3. The Tahsildar, Karaikudi,
Sivagangai District. ... Respondents in WA(MD)No. 299 of 2013

1. The Sub Collector of Revenue Divisional Officer,
Devakottai, Sivaganga District.

2. The Tahsildar,
Karaikudi Taluk, Sivaganga District.

3. A.Zeenath ... Respondents in WA(MD)No. 316 of 2009

1. The District Revenue Officer,
Sivagangai.

2. The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3. The Tahsildar,
Karaikudi Taluk, Sivagangai District.
... Respondents in WA(MD)Nos.700 & 701 of 2008

1. The Sub Collector,
Devakottai, Sivaganga District.

2. The Tahsildar,
Karaikudi Taluk, Sivaganga District.
... Respondents in WA(MD)No. 317 of 2009

WA's Prayer in Common:

Writ Appeal Petitions filed under Clause 15 of Letters Patent against the order passed in WP(MD)No.1702 of 2006 dated 24.09.2006, WP(MD)No.10699 of 2015 dated 29.09.2008, WP(MD)No.10136 of 2018 dated 05.01.2009, WP(MD)No.1905 of 2006 dated 24.09.2008, WP(MD)Nos.10137 of 2008, 10139 of 2008 dated 05.01.2009, WP(MD)Nos.190 of 2006, 2904 of 2005, 2906 of 2005, 1693 of 2006 dated 24.09.2008, WP(MD).No.10728 of 2008 dated 07.01.2009, WP(MD)Nos.763 of 2006, 764 of 2006 dated 24.09.2008, WP(MD)No.10135 of 2008 dated 01.01.2009.

Prayer in WP(MD). 1702/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus forbearing the respondents herein their men, agents, servants or any one caliming under them from in any manner ingterfering with the petitioners peaceful possession and enjoyment of the property measuring an extent of 1.87.0 hectares in sruvey Nos.237 Kazhanivasal, Karaikudi Taluk, Sivagangai District or from



dispossessing the petitioner from the same in any manner and direct the respondent to carry out the corrections in the name of the petitioner in all the revenue records and village accounts

Prayer in WP(MD). 10699/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus, directing the 2nd respondent to effect mutations in the revenue records and the village accounts in favour of the petitioner in respect of the lands comprised in S.F.Nos. 426/2 to 426/8, 428/3, 429/1 to 429/7 in K.Rayavaram (village No. 115) Thirumayam Taluk, Pudukkottai District.

Prayer in WP(MD). 10136/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent dated 30.10.2008 in N.K.A1/3343/2008 and quash the same and consequently directing the respondents not to disturb the peaceful and possession and enjoyment of the petitioner in the property in T.S.No.171/3 Sub divided from 171/1 to an extent of 120 sq.meter in Karaikudi Taluk, Sivaganga District.

Prayer in WP(MD). 1905/ 2006 :

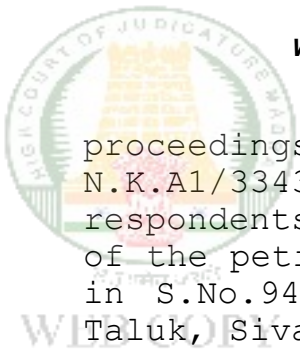
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the respondents and its officials and servants from in any manner demolishing or removing structures of the petitioners building or in any manner interfering with the peaceful possession and enjoyment of the property in T.S.No. 498/88-A2, kalanivaasal, karaikudi, Sivaganga district without following due process of law.

Prayer in WP(MD). 10137/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent dated 30.10.2008 in N.K.A1/3343/2008 and quash the same and consequently directing the respondents not to disturb the peaceful and possession and enjoyment of the petitioner in the property bearing T.S.No.62/2B in Block No.2, Ward No.13 of an extent of 0.0234.00 Sq.metre in Karaikudi Taluk and Town, Sivaganga District.

Prayer in WP(MD). 10139/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the



proceedings of the 1st respondent dated 30.10.2008 in N.K.A1/3343/2008 and quash the same and consequently directing the respondents not to disturb the peaceful and possession and enjoyment of the petitioner in the property of an extent of 0.0844.50 sq. meter in S.No.944/2, Block 10, Ward No.1, Kalanivasal Village, Karaikudi Taluk, Sivagangai District.

Prayer in WP(MD). 190/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents and its officials and servants from in any manner demolishing or removing structures of the petitioner or in any manner interfering with the peaceful possession and enjoyment of the said property namely S.No. 69, kalanivaasal, Karaikudi, Sivaganga district.

Prayer in WP(MD). 2904/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to carry out mutation of entry in the revenue records in respect of land of an extent of 1.50 acres in S.No.48, Kalanivasal Village, Karaikkudi Taluk, Sivagangai District and incorporate the name of the petitioner herein as pattadar in respect of the said land.

Prayer in WP(MD). 2906/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to carry out mutation of entry in the revenue records in respect of land of an extent of 3.50 acres in S.No.134/2 O-Thiruvayal Village, Karaikudi Taluk, Sivagangai District and incorporate the name of the petitioner herein as pattadar in respect of the said land.

Prayer in WP(MD). 1693/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, forbearing the respondents herein their men, agents, servants or any one claiming under them from in any manner interfering with the petitioners peaceful possession and enjoyment of the property measuring an extent of 0.80.0 hectares in Survey Nos. 240/1 part New survey No. 240/1 kazhanivasal, karaikudi taluk, Sivagangai district or from dispossessing the petitioners from the same in any manner and direct the respondents to carry out the corrections in the name of the petitioner in all the revenue records and village accounts.

Prayer in WP(MD). 10728/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of

Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent dated 30/10/2008 in N.K.NO. A1/3343/2008 and quash the same and consequently directing the respondents 1, 2 not to disturb the peaceful possession and enjoyment of the petitioner in the property bearing old s.No. 552/8 present S.No. 561 in Block No. 16, of an extent of 1.1968.00 sq.metre in karaikudi town, sivaganga district.

Prayer in WP(MD). 763/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS Forbearing the respondents herein, their men, agents, servants or any one claiming under them from in any manner interfering with the petitioner s peaceful possession and enjoyment of the property measuring an extent of 1.50 acres in Survey No.48 Kalanivasal Village, Karaikudi Taluk, Sivagangai District or from dispossessing the petitioner from the same in any manner.

Prayer in WP(MD). 764/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS Forbearing the respondents herein, their men. agents, servants or any one claiming under them from in any manner interfering with the petitioner s peaceful possession and enjoyment of the property measuring an extent of 3.50 acres in Survey No. 134./2, O Siruvayal Village, Karaikudi Taluk, Sivagangai or from dispossessing the petitioner from the same in any manner.

Prayer in WP(MD). 10135/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent dated 30.10.2008 in N.K.A1/3343/2008 and quash the same and consequently directing the respondents not to disturb the peaceful and possession and enjoyment of the petitioner in the property of an extent of 0.0079.00 sq.meter in S.No.120/4 Block 2, Ward No.8, Karaikudi Taluk, Sivaganga District.

For Appellants : Mr.AR.L.Sundarasan
Senior Counsel for
Mr.J.Anandkumar
in WA(MD)No.618,316, 317 of 2009,
332 of 2011.



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WA(MD)Nos.618 of 2009, 718 of 2008, 323 of 2009, 332 of 2011, 324 of 2009, 325 of 2009, 703 of 2008, 697 of 2008, 698 of 2008, 299 of 2013, 316 of 2009, 700 of 2008, 701 of 2008, 317 of 2009

Mr.AR.L.Sundarassen
Senior Counsel for
Mr.K.K.Senthil
in WA(MD)No.703 of 2008

Mr.AR.L.Sundarassen
Senior Counsel for
Mr.V.Meenakshi Sundaram
in WA(MD)No.324 & 325 of 2009

Mr.AR.L.Sundarassen
Senior Counsel for
Mr.D.Selvanayagam
in WA(MD)No.323 of 2009

Mr.AR.L.Sundarassen
Senior Counsel for
Mr.AL.Gandhi Mathi
in WA(MD)No.698, 700 & 701 of 2008

Mr.V.Raghavachari,
in WA(MD)No.299 of 2013

Mr.AR.L.Sundarassen
Senior Counsel for
Mr.S.Srinivasa Raghavan
in WA(MD)No.718 of 2008

For Respondents : Mr.K.P.Narayanakumar,
Special Government Pleader
in all the WA's

COMMON JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

Since the issue involved in these writ appeals are one and the same, these writ appeals are taken up together and disposed of by means of this common judgment.

2.The unsuccessful writ petitioners are the appellants herein.



S. No	Name	Case No.	Dates of ASO Order	Village	S.No	Extent	Classification
1	R.Maniambalam	W.A(MD) No.618 /2009	12.02.1996	Kazhanivasal	237	1.87.0 Hec.	Government unoccupied Dry
2	S.Chellakannu	W.A(MD) No.697/2008	08.01.1996	Kazhanivasal	48	1.50 acres	Forest Poramboke
3	S.Chellakannu	W.A(MD) No.698/2008	08.01.1996	O.Siruvayal	134/2	3.50 acre	Kuttivayal Kanmoi (Water Course)
4.	S.Chellakannu	W.A(MD) No.700/2008	08.01.1996	Kazhanivasal	48	1.50 acre	Forest Poramboke
5.	S.Chellakannu	W.A(MD) No.701/2008	08.01.1996	O.Siruvayal	134/2	3.50 acre	Kuttivayal Kanmoi (Water Course)
6	Kaspar	W.A(MD) No.703/2008	24.02.1996	Kazhanivasal	69	0.32.0 hec.	Sangasamuthrakanm oi (Water Course)
7	Jothi	W.A(MD) No.300/2009	15.06.1995	Kazhanivasal	1042 /4	0.02.71 hec.	Channel Poramboke (Water Course)
8	Sheik Abdullah	W.A(MD) No.316/2009	18.01.1996	Kazhanivasal	552/8 present S.No. 561	1.1968.0 sq. Mtr.	Quarry Poramboke
9.	Chellakannu Rawther	W.A(MD) No.317/2009	16.10.1995	Kazhanivasal	120/4	0.0079.0 sq. mtr.	Channel Poramboke (Water Course)
10.	D.Srinivasan	W.A(MD) No.323/2009	28.08.1995	Kazhanivasal	171/3	0.0125.0 sq. mtr.	Oorani Poramboke (Water Course)
11	Natarajan Chettiar	W.A(MD) No.324/2009	23.02.1996	Kazhanivasal	62/2 b	0.0284.0 sq. mtr.	Channel Poramboke (Water Course)
12	Arumuga Udayar	W.A(MD) No.325/2009	28.06.1995	Kazhanivasal	944/2	844.5 sq. mtr.	Manakattu kanmoi (Water Course)
13	K.P.MohanaSundaram M.Kavitha	W.A(MD) No.332/2009	30.06.1995	Kazhanivasal	498/88-A2	0.2541.0 sq. mtr.	Road Poramboke
14	S.Sivaraj	W.A(MD) No.229/2013	06.02.1996	Kazhanivasal	240/1	0.80.0 hec.	Govt. Dry unoccupied

3. Fraud vitiates everything. If an order is vitiated by fraud, it does not attain finality and it can be set at naught by a proper proceedings.

4. In this batch of writ petitions, a few of them are filed for a Writ of Mandamus forbearing the respondents and its officials therein in any manner interfering with the peaceful possession and enjoyment of the property and most of which are situated in Kazhanivasal Village and O.Siruvayal Village in Karaikudi Taluk in Sivagangai District. Few of the writ petitions are for Certiorarified Mandamus to call for the records relating to the impugned order of the Sub-Collector, Devakottai dated 30.10.2008 in Na.Ka.No.A1/3343/2008.

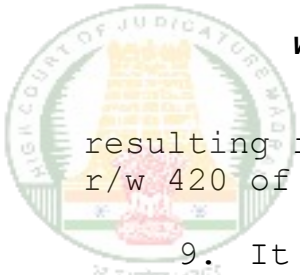


5. The claim of all the writ petitioners are that the different extent of land as indicated in the table were in their possession and enjoyment without any let or hindrance from any other person or party. It is alleged that it came to their knowledge that the lands were erroneously classified as 'Sarkar Punjai' at the time of notification of the village under Tamil Nadu Act 26 of 1963. Immediately, they had made applications to the Assistant Settlement Officer, Madurai, for granting patta in terms of Act 26 of 1963. According to the appellants, the Assistant Settlement Officer had made spot inspection of the place in question and after obtaining a report from the Village Administrative Officer of Kazhanivasal and O.Siruvayal village specified that the classification of the land as 'Sarkar Punjai' was erroneous and directed grant of patta in favour of the appellants. Accordingly, the Assistant Settlement Officer, Madurai, granted patta in favour of the appellants in the year 1994-1996. The order also further stated that any person aggrieved by the said order could appeal before the District Revenue Officer, within thirty days. According to the appellants, as there was no appeal, the order of the Assistant Settlement Officer, had become final. In spite of the order of the Assistant Settlement Officer, mutation was not carried out in the village records and representations were made to the Authorities. While so, the District Collector in communication dated 18.11.2005, held that the proceedings of the Assistant Settlement Officer was without jurisdiction and erroneous. Hence, could not be acted upon and further, directed the appellants to vacate the properties in their possession. Hence, the writ petitions were filed.

6. In all the matters one R.Muthukrishnan was the Assistant Settlement Officer, who had passed the orders. Orders have been passed stating that Kazhanivasal village was taken over by the Government by G.O.Ms.No.1231 dated 09.04.1965 for the purpose of settlement proceedings. It was found that in the village revenue accounts, it is registered as encroachment and during the earlier settlement proceedings, the lands were classified as 'Sarkar Punjai', which was a mistake. Therefore, assuming power under the Tamil Nadu Act 26 of 1963 as if it was a mistake, which was brought to the notice of the Assistant Settlement Officer and that he had the power to rectify the mistake, made corrections and directed to issue patta to the appellants. While granting patta, the said Assistant Settlement Officer had recorded the deposition of the Village Administrative Officer alone and even without any report from the Tahsildhar.

7. It would be appropriate to narrate as to how the entire fraud played on the State unfolded.

8. There were two Assistant Settlement Officers of Madurai by name Mr.R.Muthukrishnan and Mr.S.Ganapathirajan. Fraud has been committed by these two Officers along with certain other Officers



resulting in F.I.Rs being filed against them under Sections 468, 471 r/w 420 of I.P.C.

9. It is also not in dispute that the said Muthukrishnan on coming to know of the registration of the criminal cases filed against him for fabricating the Government documents by misusing the power, obtained anticipatory bail from this Court. When one of the similar beneficiaries from the Assistant Settlement Officer Muthukrishnan sought for grant of patta, the entire scam was unearthed. In this regard, it would be relevant to reproduce the clarification sought for by the Land Commissioner, for better understanding of the facts:

"2) As requested by you and in the light of the directions of the Hon'ble High Court, Madras in the reference second cited the order of the Assistant Settlement Officer, available file S.R.145/96(A) dated 15.02.1996 has been scrutinised. It is seen from the file of the Assistant Settlement Officer, that one Peria Karuppan by his petition dated Nil, applied to the Assistant Settlement Officer for grant of patta for an extent of 5.45 acres in old S.No.55 without enclosed any valid documentary evidence in support of his claim.

3) The following other defects were also noticed.

(i)The petition was not even numbered and there is no office seal of the Assistant Settlement Officer in the face of the petition.

(ii)No statutory notice was sent to the Tahsildar, petitioner or any other person by the Assistant Settlement Officer.

(iii)The Assistant Settlement Officer has filed the depositions of the Village Administrative Officer and the petitioner alone.

(iv)Although the Assistant Settlement Officer has stated in the alleged order that he has inspected the lands on 27.01.1996, no notes of inspection is available in the file.

(v)The Assistant Settlement Officer had not verified or called for any prior settlement records and S.F.1,7 & 10 and filed.

vi)the time limit for applying for patta under [Section 9](#) or any other provisions of the Act.26/63 were over as early as 35 years back. The petition is time barred and also the A.S.O. has no jurisdiction or powers to grant patta even under his official authority. When the land had been treated as Government land, the Assistant



Settlement Officer had no power to reopen the matter which had been settled already.

vii) Further no record of evidence is available in the file to show that the applicant had filed title with continuous possession and enjoyment of the Government poramboke land.

3) Therefore, it is clear from the above facts that the petitioner conspired to grab the Government lands with the connivance of the Village Administrative Officer and the Assistant Settlement Officer and created an order illegally for unlawful gain.

4) In the circumstances explained above, the illegal order passed by the Assistant Settlement Officer, Madurai cannot be implemented in the village accounts. I request you to give a detailed reply to the petitioner on the above lines and send a copy to this office.

5) I also request you to report these fraudulent and illegal activities of the A.S.O's Madurai who have connived with the land grabbers and paved way to grab Government lands in Kazhanivasal and their misfeasance in granting Government lands in other villages also. The Government Pleaders may be properly explained about the illegal and bogus orders of the then A.S.O. Thiru.Muthukrishnan which could not be implemented. If the Government Pleaders of Madurai Bench of Madras High Court are properly appraised about this land scam we may avoid these kind of directions from the High Court and unnecessary embarrassment to the State.'

10. After getting those clarifications, the Commissioner of Land Administration, had sent a letter to the District Collector, wherein he had stated that any person claiming patta under this Act, should have made a claim within six months from the notified date. Even under Act 26 of 1963, the Government had passed an order in G.O.Ms.No.714 Commercial Taxes and Religious Endowments Department, dated 29.06.1987 and as per the said G.O., only one month time was given to the effect that all objections should be submitted on or before 29.07.1987. Thus, the Commissioner of Land Administration had categorically found that the said Assistant Settlement Officer did not have the jurisdiction to enquire and pass any order on settled matters after passage of 30 years and thus, it is clear that the said Muthukrishnan had committed a fraud. Later, the act of the said Muthukrishnan Assistant Settlement Officer was brought to the knowledge of all the District Collectors by the Commissioner of Land Administration. Thought not necessary, it is relevant to mention that disciplinary action was taken against the said Muthukrishnan Assistant Settlement Officer, who had by this time retired from



service.

11. As referred earlier, in the Kazhanivasal village, the settlement proceedings was opened in the year 1965 by G.O.Ms.No.1231 Revenue dated 09.04.1965. The inam lands were taken over by the Government on 15.05.1965. The proceedings of the Assistant Settlement Officer dated 08.07.1977 set out the total extent of the village lands which were taken over by the Government. Similarly, in respect of Siruvayal Village, the lands were taken over on the same day on 15.05.1965 and the proceedings concluded on 18.05.1972. Once the lands are taken over by the Government, it vests with the State and any claim by any person that they are in possession and enjoyment, cannot be entertained. Here also, there was no objection from any of the land owners claiming rectification and the land classification and there was no claim for patta made to the Settlement Officers. The settlement proceedings reached the finality as per Sections 12 and 71 of the Tamil Nadu Act 26 of 1963.

12. Though in the affidavit the appellants have claimed that they have been in possession of their respective extent of lands prior to the commencement of the settlement proceedings, there was not even a scrap of paper produced by the Assistant Settlement Officer before they obtained the ryotwari patta. Thus, it can be seen that

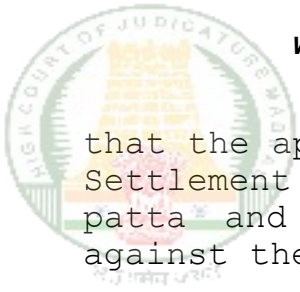
(i) The application made to the Assistant Settlement Officer, Madurai, by all these appellants itself were time barred one and ought not to have been entertained much less to issue patta under the Act 26 of 1963.

(ii) There is no possession or enjoyment of the said property by the appellants. Their statement that they are in possession are false less there is no registration of their names in any of the village accounts prior to the settlement proceedings.

(iii) The Assistant Settlement Officer has no power or right to reclassify the assets 'dry waste land' into ryotwari land. The said act itself would go to show that the order passed by the Assistant Settlement Officer was based on bogus records.

(iv) It is to be noted that the said lands were also entered into Prohibitory Order Book for use of industrial purpose. Hence, the Assistant Settlement Officer, Madurai, had no power to issue patta for the Government poramboke land, which is already entered in Prohibitory Order Book.

(v) It is specifically mentioned by the respondents that the impugned proceedings of the Assistant Settlement Officer, Madurai, was communicated to the officials and it is for them to prefer any appeal. The respondents became aware of the fact only when the appellants applied for mutation of revenue records. In the proceedings of the Commissioner of Land Administration, it is held



that the appellants had obtained patta fraudulantly as the Assistant Settlement Officer did not have the power or jurisdiction to issue patta and that, disciplinary action had already been initiated against the delinquent officer.

13. For the above reasons, the learned Single Judge had held that the appellants/writ petitioners are not entitled for any order from this Court and dismissed all the writ petitions.

14. As all the orders were procured by the appellants by playing fraud and fraud vitiates all solemn acts. Thus, we are of the opinion that the appellants have got no leg to stand and it is unfortunate that they preferred appeals before this Court despite the fact that their claims are fraudulent.

15. In view of the above, all the writ appeals are dismissed confirming the order passed by the learned Single Judge. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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/ /2021

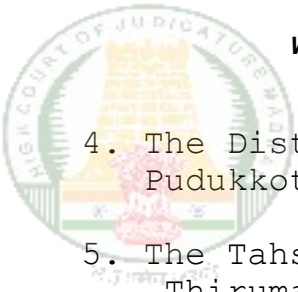
Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1. The District Revenue Officer,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
3. The Tahsildar,
Karaikudi, Sivagangai District.



4. The District Collector,
Pudukkottai.

5. The Tahsildar,
Thirumayam, Pudukkottai District.

6. The Sub Collector
Devakkottai, Sivaganga District.

7. The District Collector,
Sivaganga.

+3ccs to Mr.J.ANAND KUMAR, Advocate in SR.Nos.13200,13201,13203
+1cc to Mr.D.SELVANAYAGAM, Advocate in SR.No.13206
+1cc to Mr.V.MEENAKSHI SUNDARAM, Advocate in SR.No.13205
+1cc to Mr.K.K.SENTHIL, Advocate in SR.No.13204
+1cc to Mr.S.SRINIVASA RAGHAVAN, Advocate in SR.No.13687
+1cc to Mr.AR.L.GANTHI MATHI, Advocate in SR.No.13170
+1cc to Mr.V.RAHAVACHARI, Advocate in SR.No.13454
+1cc to THE SPECIAL GOVERNMENT PLEADER IN SR.No.13865

JUDGMENT MADE IN
W.A (MD) No.618 of 2009 (batch)
24.03.2021

pm
AE/24.05.2021/14P/18C