

IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS JUDGE/ LAND
ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY,
MUVATTUPUZHA

Present:

SRI. HARIKUMAR K.N, ADDL. DISTRICT AND SESSIONS JUDGE.

Friday, 6th day of February, 2026/17th Magha 1947.

E.A.2/2026

In

E.P 1/2026

in

LAR No.2/2020

Decree Holder:-

M.V Ganesh S/o Viswambharan, Methanath House, Marady
South, Marady Village, Muvattupuzha.

By Adv. O.V Anish

Judgement Debtor :

- 1 State of Kerala represented by Special Tahsildar(LA) NH No. 1, Ernakulam, Kakkanad.
- 2 Executive Engineer, KSTP, Muvattupuzha.

By Sri. K.S. Jyothikumar, Addl. Govt. Pleader, Muvattupuzha.

This Petition filed Under Order 21 R/w Rule 46A and Section 151 of Civil Procedure, is coming on for hearing on 6th day of February, 2026 and on the same day Court passed the following.

ORDER

1. This is a petition filed by the decree holder for attachment of Rs.18,34,899/- which is lying in the custody of the Sub Court, Muvattupuzha under Order 21 Rule 46A and section 151 CPC.

2. Notice given to the learned Additional Government Pleader.

3. Heard both sides.

4. The execution petition is filed for recovery of total amount of Rs.18,34,899/- from the respondents in execution of the award passed by this Authority in the above LAR. It is stated in the petition that Rs.1,20,27,470/- is lying in the custody of Sub Court Muvattupuzha in EP 08/2023 in LAR 01/2019 which belonged to the judgment debtor. The petitioner prays for attachment of Rs.18,34,899/- out of the above deposit in execution of the Award in the award passed by this authority in LAR 2/2020.

5. Learned Additional Govt Pleader objected the petition mainly stating that the amount computed by the decree holder in the execution petition is not compatible with or in terms of the award. It was further argued by the learned Additional Govt Pleader that the respondents have filed a review petition before the Hon'ble Supreme Court relating to the enhanced compensation awarded by Hon'ble High Court in LAA 618/2023.

It was also submitted that the respondents have taken steps for filing appeal against the award passed in LAR 2/2020. The respondents prayed for dismissal of the attachment petition as well as the execution petition.

6. One of the objections raised by the judgment debtors is that the computation of the amount to be recovered made by the petitioner in the execution petition is incorrect. Correctness of the computation is a matter to be decided at later stage in the course of the execution proceedings. The question germane in this petition is only as regards the requirement of attachment of the amount. Another objection raised is that the respondents are intending to file appeal against the award passed in LAR 2/2020. Another objection is that a review petition is pending before the Hon'ble Supreme Court relating to enhancement of compensation by Hon'ble High Court in LAA 618/2023. The above grounds are not sufficient to disallow the prayer for attachment. The petitioner has filed an affidavit stating that the Hon'ble Supreme Court was pleased to dismiss the Special Leave Petition filed as SLP 21871/2025 filed by the respondents relating to LAR 145/2018. It is admitted by the respondents that Rs.18,34,899/- belonged to the respondents is in deposit before the Sub Court, Muvattupuzha. Learned Additional Govt Pleader submitted that the deposit made in the Sub Court, Muvattupuzha were for the purpose of discharge of the liability as per other awards. The Additional Govt Pleader further submitted that several decree

holders have obtained order of attachment on the deposit sought to be attached in this petition.

7. In the circumstances of the case, it is only just and proper to pass an order of attachment of the attachment schedule amount in accordance with Order 21 Rule 52 of CPC. But the part of the prayer in the petition for directing to remit the attached amount in the account of this Authority cannot be allowed at this stage for the reason that it is revealed from the submission made during the hearing that various decree holders have obtained Order of attachment against the same respondents in execution of Awards passed in other land acquisition reference. It appears that probably this will be a proceedings in which the decree holder will have to resort to the procedure for rate, able distribution u/s.73 of CPC before the appropriate Court. This question will be decided later. In the circumstances of the case, it may be only proper to obtain a report from the learned Presiding Officer of the Sub Court, Muvattupuzha as regards the details of any other orders of attachment of the same deposit.

In the result, the petition is allowed as follows:-

1. Rs.18,34,899/- shown in the attachment schedule which is in deposit in EP 08/2023 in LAR 1/2019 of the Sub Court, Muvattupuzha is attached. Issue Notice to the Sub Judge, Muvattupuzha with covering letter of this Authority requesting to hold the above amount in the deposit until further orders of this Court in accordance Order 21 Rule 52 CPC.

2. Issue a letter to the Sub Judge, Muvattupuzha requesting to forward the details of any other orders of attachment, if any, on the amount shown in the attachment schedule in this petition.

Dictated to the Confidential Assistant, transcribed by her and corrected by me and pronounced in Open Court on this, the 6th day of February, 2026.

Sd/-
HARIKUMAR K.N
Addl. District and Sessions Judge/
Land Acquisition Rehabilitation
and Resettlement Authority

Appendix :- Nil

Id/-
Addl. District and Sessions Judge/
Land Acquisition Rehabilitation
and Resettlement Authority

**Order in EA No. 2/2026
in
EP. No 1/2026
in
LAR No.2/2020
dated:-06.02.2026**