

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.

Tuesday 7th day of April 2026/ 17th Chaithra, 1948.

EA 1/2026 in EP 3/2025 in LAR No.47/2017

Decree Holder:-

Devadas T. Nair, S/o. Thankappan Nair, Padinjarethottathil
House, Ramangalam Kara, Marady Village, Muvattupuzha
Taluk.

By Adv. O.V. Anish

Judgment 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. Government Pleader,
Muvattupuzha.

This petition filed under order 21 r/w rule 46 A and Section
151 CPC, is coming on for hearing on 07.04.2026 and on the same
day, the Court passed the following.

ORDER

This is a petition filed by the decree holder for attachment
of Rs.44,23,691/- 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. Respondents filed objection.

3. Heard both sides.

4. The execution petition is filed for recovery of total amount of Rs.44,23,691/- from the respondents in execution of the award passed by this Authority in the above LAR. It is stated in the petition that Rs.44,23,691/- 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.44,23,691/- out of the above deposit in execution of the Award in the award passed by this authority in LAR 47/2017.

5. Learned Additional Government Pleader objected the petition mainly stating 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 226/2020. The respondents prayed for keeping the proceedings in abeyance till disposal of the review petition by Hon'ble Supreme Court.

6. The objection raised is that a review petition is pending before the Hon'ble Supreme Court relating to enhancement of compensation by Hon'ble High Court. The above grounds are not sufficient to disallow the prayer for attachment. There is no contention that there is any stay of the proceedings. It is not denied by the respondents that Rs.44,23,691 belonged to

the respondents is in deposit before the Sub Court, Muvattupuzha. Learned Additional Government 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 Government 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. In connection with another similar execution petition, as per the request of this Authority, the learned Sub Judge, Muvattupuzha filed a report dated 13.02.2026 stating that the amounts in LAR 01/2019 and LAR 02/2019 are under the orders of attachment in connection with other execution petitions. The learned Sub Judge reported that several other attachment petitions are pending before that court in respect of the amounts in LAR cases. 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 result, the petition is allowed as follows:-

Rs. 44,23,691/- shown in the petition which is in deposit in EP 08/2023 in LAR 1/2019 of the Sub Court, Muvattupuzha is attached. Issue a 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.

Dictated to the Confidential Asst. transcribed and typed by her, corrected and pronounced by me in Open Court on this the 7th day of April, 2026.

Sd/-
HARIKUMAR K.N
ADDL. DISTRICT AND SESSIONS JUDGE/
LAND ACQUISITION REHABILITATION AND
RESETTLEMENT AUTHORITY

APPENDIX: NIL

I/d-
ADDL. DISTRICT AND SESSIONS JUDGE/
LAND ACQUISITION REHABILITATION AND
RESETTLEMENT AUTHORITY

EA No.1/26 in EP No.3/25 in
LAR No.47/2017
Order
Dated: 07.04.2026