



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3572]

**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL REVISION PETITION NO: 1275/2026

Between:

1. NATIONAL HIGHWAYS AUTHORITY OF INDIA, REP BY ITS
PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT,
VIJAYAWADA, OFFICE AT. PLOT NO 74, VANAMALI BUILDING,
NEAR NAC KALYANA VEDIKA, COMMERCIAL TAXES COLONY,
VIJAYAWADA.

...PETITIONER

AND

1. MADALA RAJENDRA PRASAD, S/O RAMA MOHAN RAO, AGED
ABOUT 62 YEARS R/O D. NO 1-150, GANDIGUNTA VILLAGE,
VUYYURU MANDAL, KRISHNA DISTRICT.

2. THE SUB COLLECTOR CUM GALA, NUZVID, KRISHNA DISTRICT

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the
circumstances stated in the grounds filed herein, the High Court may be
pleased to set aside the order of attachment passed dated
05/02/2026 passed in E.P No 80 of 2021 by the learned XIII Additional District
and Sessions Judge, Vijayawada

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased

pleased to grant stay of all further proceedings in pursuance of the order of attachment dated 05/02/2026 passed in E.P No 80 of 2021 by the learned XIII Additional District and Sessions Judge, Vijayawada pending disposal of the C.R.P and pass

Counsel for the Petitioner:

1.AKHIL KRISHNAN

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER :- *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

This Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, 1908, challenging the order dated **05.02.2026** passed in **ARB.E.P.No.80 of 2021 in A.O.P. No. 51 of 2017** on the file of the XIII Additional District and Sessions Judge, Vijayawada.

2. Heard Sri Akhil Krishnan, learned Standing Counsel for the National Highways Authority of India (NHAI), appearing for the petitioner.

3. For the order proposed to be passed and as keeping the petition pending to issue notice to the respondents, would serve no useful purpose. Notice to the respondents is dispensed with, but his interest would be safeguarded.

4. An Award No.1/2016-17, dated 23.05.2016, was passed by the Competent Authority (Land Acquisition), Revenue Divisional Officer, Nuzvidu, determining the compensation. Being dissatisfied with the said award, the decree-holder approached the Arbitrator under Section 3-G(5) of the National Highways Act, 1956. The Arbitrator & Joint Collector, Krishna, *vide* proceedings in Rc.No.G2A.51/2017, passed an award dated **02.05.2019** in favour of the 1st respondent and against the revision petitioner, enhancing the compensation to certain extent.

5. Aggrieved by the award dated **02.05.2019**, the petitioner filed ARB.O.P.No.331 of 2019 on the file of the learned Principal District Judge,

Machilipatnam, along with I.A.No.371 of 2021 seeking stay of operation of the award passed in Rc.No.G2A.51/2017, dated 02.05.2019, which is stated to be pending before the Court of the XI Additional District Judge, Gudivada, to which the matter was made over, in **ARB.O.P.No.50 of 2021**.

6. Learned counsel for the petitioner submits that the stay application filed along with the petition under Section 34 of the Act, 1996 is still pending consideration. He submits that though the delay in filing the petition was condoned, the application for interim relief has not been disposed of till date. He further submits that, in the meantime, the 1st respondent filed **ARB.E.P.No.80 of 2021** for execution of the Award, and in the said E.P., the impugned order dated **05.02.2026** has been passed. He submits that the Executing Court has taken the view that unless stay is granted, the execution proceedings can be continued.

7. The grievance raised is that, on the one hand the application seeking stay of the Award is pending consideration since long, which remains undisposed of, and on the other hand, the Award is being put to execution.

8. Considering the submissions of the learned counsel for the petitioner, we are of the considered view that, in terms of Section 36(2) of the Act,1996, an Award becomes executable unless stayed by an order of the Court. However, once an application seeking grant of stay of the Award is filed, the same is required to be considered and disposed of expeditiously, so

as to balance the rights of both parties and to avoid rendering the proceedings under Section 34 of the Act, 1996 infructuous.

9. Accordingly, this Civil Revision Petition is disposed of, with a direction to the **XI Additional District Judge, Gudivada**, to consider the application filed in **ARB.O.P.No.50 of 2021**, seeking stay of the Award *vide* proceedings in Rc.No.G2A.51/2017, dated **02.05.2019**, and pass appropriate orders in accordance with law, after giving due opportunity of hearing to the 1st respondent herein, as expeditiously as possible, preferably within a period of **four (04) weeks** from the date of receipt of a copy of this order.

10. Till disposal of the stay application, the further execution proceedings pursuant to the impugned Award dated **02.05.2019** and the impugned order dated **05.02.2026**, shall remain stayed, subject to the condition that the petitioner deposits **1/3rd of the amount under execution**, before the Executing Court within a period of two (02) weeks from today.

11. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

BALAJI MEDAMALLI, J

Date :28.04.2026.
RPD.

209

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

(DISPOSED OF)

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Date: 28.04.2026

RPD.