



2025:TSHC:41484

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

CIVIL REVISION PETITION NO: 166 OF 2024

Petition under Article 227 of the Constitution of India, aggrieved by the orders passed in FA No. 1 of 1995 in EP No.8 of 2012 dated. 29.12.2023 on the file of 1 Addl.District Judge at Mahabubnagar.

Between:

1. The State of Telangana, Rep. by its Principal Secretary, Forest Department, Secretariat Buildings, Hyderabad.
2. The Government of AP Forest Department, Rep., by its Divisional forest officer, Mahabubngar Mahabubnagar District (erstwhile) (presently) Wanaparthi & Jogulamba Gadwal district

...Petitioners/Respondents

AND

1. C. Raja Gopala chary (Died) L.R.s.,
2. C Laxmana Chary & 2 Others
3. Laxmanna Chary (Died) Per Lrs 5 Sons
4. Vishnuvardhan Chary & Others.

...Respondent/D.Hr /Plaintiff.

IA NO: 1 OF 2024

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 to **grant** interim stay of all further proceedings in E.P. 8 of 2012 in F.A.No.1 of 1995 on the file of 1 Additional District Judge, Mahabubnagar District.

counsel for the petitioners: GP FOR ARBITRATION
Counsel for the Respondents: Mr. KS.SUNIL, Advocate representing
M/s. Chandrasen Law Officers,

The Court made the following: ORDER



2025:TSHC:41484

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

CIVIL REVISION PETITION No.166 OF 2024

ORDER:

This Civil Revision Petition is filed challenging the legality and validity of the order, dated 29.12.2023, passed by the I Additional District Judge, Mahabubnagar, in EP.No.8 of 2012 in FA.No.1 of 1995, whereby and whereunder the petitioner was directed to deposit decretal amount by 22.01.2024, failing which, orders of attachment would be issued.

2. Heard learned Government Pleader for Arbitration appearing for the revision petitioners and Sri K.S.Sunil, learned counsel representing M/s Chandrasen Law Offices, appearing for the respondents.

3. In nut-shell, the facts of the case are that the Government has acquired land admeasuring 807.28 guntas in various Survey numbers of Anjanagiri Village, Wanaparthi Mandal, Mahabubnagar District; that the lands in Sy.Nos.6, 17/1 and 17/2, belonging to the respondents, were also included; and that Award was passed by the Forest Settlement officer,(FSO), Mahabubnagar, dated 29.07.1995 awarding compensation @ Rs.1,650/- per acre. The Award dated 29.07.1995 passed by FSO reveals that notification under Section 4(1) of the A.P. Forest Act, 1967 was issued on 12.08.1971, draft declaration under



Section 6 of the Act was issued on 12.12.1971 and the market value of the acquired lands was determined @ Rs.1,650/- per acre and solatium @ 30% on the market value was awarded from 12.08.1971 to 30.04.1982, and further, interest @ 9% per annum on the market value was awarded for the period from 01.05.1980 to 30.04.1983 and @ 15% per annum on the total market value from 01.05.1983 to 31.07.1985, however, additional market value was not granted on the ground that Forest Department has occupied the lands from the date of notification issued under Section 4(1) of the Act.

4. Aggrieved by the said Award, the Forest Department preferred appeal vide FA.No.1 of 1995 on the file of I Additional District Judge, Mahabubnagar and the appellate Court partly allowed the Appeal and modified the market value of the acquired lands from Rs.1,650/- per acre to Rs.700/- per acre, vide judgment dated 09.06.2003. Challenging the said order, the respondents herein filed the Revision before this Court, vide CRP.No.6432 of 2004 and this Court by order dated 20.09.2007 allowed the Revision enhancing the market value of the acquired lands from Rs.700/- to Rs.1,000/- per acre and also awarded all statutory benefits and further, awarded interest @ 9% for first one year and thereafter @ 15% per annum till the date of realization on the additional market value.



5. It appears that the Government has not paid the compensation to the respondents as per the orders of this Court in CRP.No.6432 of 2004, instead, it has filed SLP(Civil).No.9906 of 2008, but the same was dismissed by the Hon'ble Supreme Court vide order dated 01.08.2008. The respondents have filed EP.No.8 of 2012 for enforcement of the Award, as modified by this Court in CRP.No.6432 of 2004 and in the said EP, the Executing Court passed order dated 29.12.2023, which is impugned in the present Revision.

6. Learned Government Pleader for Arbitration appearing for the revision petitioners submitted that the Executing Court failed to take note of the fact that the revision petitioners/J.Drs have already paid a sum of Rs.52,95,000/- (Rupees Fifty two lakhs ninety five thousand Only) to the respondents/D.Hrs. on 23.06.2023 towards full and final satisfaction of the Award; that the Executing Court erred in mechanically directing the revision petitioners to deposit a further sum of Rs.2,03,44,642/- by 22.01.2024, failing which, it directed attachment of the Government property. He further submitted that Executing Court failed to consider the principle that execution proceedings must not be oppressive, particularly where the Government acted bonafidely by paying a sum of Rs.52,95,000/- to the respondents herein/D.Hrs.



6.1. Learned Government Pleader principally contended that the respondents/D.Hrs. have erroneously calculated the additional market value @ 12% per annum from the date of taking possession of the acquired lands to the date of passing of the Award, i.e., from 12.08.1971 to 29.07.1995, which is contrary to the provisions of the Land Acquisition Act and prayed to allow present revision.

7. On the other hand, learned counsel for the respondents/D.Hrs./claimants submitted that the prolonged pendency of the EP, i.e., for more than 11 years, clearly reflects the intention of the judgment debtor to delay the execution and evade payment of the awarded amount. Despite repeated opportunities granted by the Executing Court, the appellant has failed to honour the award or demonstrate any bonafide intent to comply with the lawful directions of the Court.

7.1. He further submitted that the impugned order of the Executing Court in ordering attachment of the property, on failure of the petitioners to deposit the amount of Rs.2,03,44,642/- by 22.01.2024, is not only justified, but also necessary to uphold the efficacy of the judicial process and ensure enforcement of arbitral awards passed under Section 36 of the Arbitration and Conciliation Act, 1996.



7.2. Learned counsel further submitted that the Executing Court, taking into account the fact that the EP was pending since more than 11 years, has rightly directed the revision petitioners to deposit a sum of Rs.2,03,44,642/- by 22.01.2024, failing which, ordered for attachment of the property.

7.3. He further submitted that delay in execution of the orders undermines the sanctity of the arbitral process and erodes public confidence in the enforcement mechanism and therefore, in the interest of justice, prayed this Court not to entertain any further dilatory tactics employed by the revision petitioners/J.Drs and to dismiss the Revision.

8. The core issue that falls for consideration in this Revision Petition is whether the respondents-claimants are entitled to additional market value for the subject acquired lands from the date of 4(1) notification till the date of passing Award.

9. In order to adjudicate upon the said issue, it is necessary to refer to and discuss the relevant provisions of the Land Acquisition Act, 1984. The said Act is a beneficial legislation for the land losers whose land/s were acquired by the Government for public purpose. Therefore, the land losers must be compensated for the land lost by them by awarding the prevailing market value as on the date of acquisition. The said Act prescribes a procedure for acquisition, determination of



market value of the acquired land, etc. It also provides for grant of certain statutory benefits to the land losers like grant of solatium, additional market value, interest on additional market value, damages, if any, etc.

10. The Land Acquisition Act, 1894, prescribes the procedure to be followed for acquiring the land/s of individuals/companies required for public purposes/s. The said Act contemplates publication of notification under Section 4(1) of the Act in two daily newspapers circulating in that particular locality stating that a particular land/s are needed for public purpose, followed by declaration under Section 6 of the Act, issuance of notice to person/s interested or occupier of the lands under Section 9 of the Act and thereupon, enquiry and passing of Award by the Collector under Section 11 of the Act determining the market value of the acquired lands and subsequently, taking possession of the lands by the Government under Section 16 of the Act.

11. It is relevant to note that in cases of urgency, special powers can be exercised under Section 17 of the Act. Section 17 of the Act envisages that in cases of unforeseen emergencies, as enumerated in detail in sub-section (2) thereof, viz., sudden change in the channel of any navigable river, etc., the Government shall take possession of the land after expiry of fifteen (15) days from the date of publication of



notice mentioned in Section 9(1) of the Act. Sub-section 3A of Section 17 of the Act prescribes a rider that before taking possession of any land in cases of urgency or unforeseen emergency, the Collector shall tender payment of 80% of compensation for such lands to the persons entitled thereto.

12. In the case on hand, the notification under Section 4(1) of the Act was published in State Gazette on 12.08.1971. Here, it is apt to note that the Award passed by the FSO reveals that the subject lands were occupied by the Forest Department from the date of notification issued under Section 4(1) of the Act, i.e., from 12.08.1971. In other words, the possession of the acquired lands was taken by the Forest Department on the very same day of publishing of notification under Section 4(1) of the Act.

13. Adverting the afore-mentioned Sections of the Land Acquisition Act to the instant case, it is to be seen that possession of the subject lands was taken by the Government on the very same day of publication of notification under Section 4(1) of the Act, though no urgency or unforeseen emergency as envisaged under Section 17(1) and (2) of the Act had arisen. The purpose of acquisition of subject lands is for constituting Wanaparthy Reserve Forest Block, which clearly shows that it does not fall under the definition of either



'urgency' or 'unforeseen emergencies' as enumerated in sub-sections (1) and (2) of Section 17 of the Act. However, the Government took possession of the subject lands on the very same day of publication of notification under Section 4(1) of the Act, thereby, clearly violating or giving a go-bye to the procedure prescribed under the Land Acquisition Act. Furthermore, it is to be seen that neither 15 days' notice as contemplated under Section 9(1) of the Act nor 80% of compensation was paid to the claimants before taking such possession. The Award was passed on 29.07.1995, determining the market value of the acquired lands @ Rs.1,650/- per acre, without granting additional market value therefor. This procedure followed by the petitioners-Government is in utter violation of the provisions of the Land Acquisition Act. The respondents/claimants were admittedly deprived of their respective lands right from the date of publication of notification under Section 4(1) of the Act, i.e., from 12.08.1971, in the absence of any urgency or emergency clause involved and non-compliance of Sections 9(1) and 17(3A) of the Act, Section 23(1A) of the Act which provides for grant of amount @ 12% p.a. on the market value for the period commencing on and from the date of publication of notification under Section 4(1) of the Act to the date of Award or



the date of taking possession of land, whichever is earlier, does not apply to the facts and circumstances of the instant case.

14. In the light of the above discussion, the contention of learned Government Pleader that the respondents/claimants are not entitled to additional market value does not hold water and is totally untenable. This Court holds that the respondents/claimants are entitled to additional market value as per the provisions of the Land Acquisition Act, 1894.

15. Accordingly, this Revision Petition is dismissed.

16. As a sequel, miscellaneous applications, if any, pending shall stand closed. No costs.

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SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The file of 1st Additional District Judge at Mahabubnagar.
2. One CC to GOVERNMENT PLEADER FOR ARBITRATION, [OPUC]
3. One CC to Mr. KS.SUNIL, Advocate rep. M/s. Chandrasen Law Officers, [OPUC]
4. Two CD Copies

RC/PSL



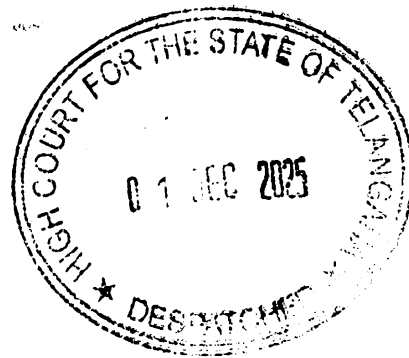
2025:TSHC:41484

HIGH COURT

DATED: 06/11/2025

ORDER

CRP.No.166 of 2024



DISMISSING THE CRP

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