

HIGH COURT FOR THE STATE OF TELANGANA HYDERABAD
MAIN CASE No: C.R.P.(SR).No.11565 of 2025
PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	18.03.2025	<u>JAK, J</u> Office objections are overruled. Registry is directed to number the revision, if it is otherwise in order. In view of the urgency expressed by learned Senior Counsel that pursuant to the orders passed in E.P.No.80 of 2023, the movable properties of the judgment debtors are to be attached today, the matter is being heard. Mr. Krishna Kishore Kovvuri, learned counsel for caveator(s), takes notice for respondent Nos.1 to 66. Learned Assistant Government Pleader for Revenue takes notice for respondent No.67. This Civil Revision Petition is filed challenging the order dated 03.02.2025 passed in E.P.No.80 of 2023 on the file of the Principal District Judge at Jangaon. Mr. Krishna Kishore Kovvuri, learned counsel for caveator(s), brought to the notice of this Court that papers have been served yesterday only. Mr. Gangaiah Naidu, learned Senior Counsel appearing on behalf of the petitioner/judgment Debtor No.1, has invited the attention of this Court to the order passed in W.P.No.18617 of 2024, dated 18.07.2024. The relevant portion of the order is as follows: “...4. Learned Government Pleader for Land Acquisition for the respondents fairly conceded that the W.P.No.34721 of 2023 is a similar matter which is on the same lines with the grievance of the petitioners in the present writ petition. 5. Having regard to the same, the Writ Petition is disposed of and the respondent No.4 is directed to deposit the decretal amount in terms of the order and decree dated 04.02.2023 passed in Appeal	

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		No.G3/1362/2017, GR/1068/2013 and G3/1069/2013 on the file of the Arbitrator-cum-District Collector, Jangaon District, to the credit of E.P.No.80 of 2023 on the file of the Principal District Judge, Jangaon, as expeditiously as possible, at any rate within a period of four (4) months from the date of receipt of a copy of this order. There shall be no order as to costs.” Challenging the order of the learned Single Judge, W.A.No.228 of 2025 is filed. The relevant portion of the order in the Writ Appeal passed by a Division Bench of this Court is as follows: “...6. A plain reading of the order of the learned Single Judge shows that it is basically founded upon the concession given by the learned Government Pleader. The impugned order does not show that the appellant entered appearance and gave any such concession. 7. Thus, in the fitness of things, we deem it proper to set aside the order dated 18.07.2024 in W.P.No.18617 of 2024 and restore the said writ petition to its original number. 8. The Registry shall list the aforesaid writ petition before the appropriate Bench on 26.03.2025. The appellant shall enter appearance on the said date for which separate notice will not be required to be issued. The learned Single Judge is requested to decide the matter afresh. 9. Accordingly, the writ appeal is disposed of without expressing any opinion on the merits of the case. No order as to costs.” It is observed that a direction was issued by learned Single Judge to deposit the decretal amount in terms of the order and decree dated 03.02.2025 passed in Appeal Nos.G3/1362/2017, G3/1068/2013 and G3/1069/2013, dated 04.02.2023 on the file of the Arbitrator-cum-District Collector, Jangaon, to the credit of E.P.No.80 of 2023 on the file of the Principal District Judge at Jangaon. Learned Senior Counsel appearing on behalf of petitioner/judgment debtor No.1 contended that an arbitration appeal is pending before the concerned authority and the writ petition is slated to be listed on 26.03.2025. It is further submitted that there	

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		is an exponential increase of the sum of Rs.5.00 crores to Rs.45.00 crores to be deposited and the entire issue is that without considering the facts in proper perspective, the order of enhancement was passed. The decree holder filed E.P.No.80 of 2023 stating that the award was passed by judgment debtor No.1 <i>vide</i> proceedings No.B.2383/2015-1 and B/2383/2015-2 wherein the decree holders filed petition before the Arbitrator-cum-District Collector, Jangaon, under Section 3(G)(5 to 7) r/w Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act) to set aside the award passed by judgment debtor No.1 that the Arbitrator confirmed the claim of the claimant and others and enhanced the rate of land from Rs.74/- to Rs/714/- per sq. metre for the lands categorized under category 'A' and from Rs.74/- to Rs.296/- per sq. metre for the lands categorized under category 'B'. The judgment debtors were supposed to deposit an amount of Rs.44,72,03,879/-. Learned Judge passed the following order: “.... The Decree holder approached the Hon'ble High Court of Telangana by filing a Writ Petition No.18617 of 2024 seeking action against J.Drs.1 and 2 for not depositing the entire decretal amount to the credit of E.P.No.80/2023 on the file of this court, pursuant to the orders passed by Arbitrator in Appeal No.G3/1362/2017, G3/1068/2013 and G3/1069/2013, dt:04.02.2023. On hearing both sides, the Hon'ble High Court of Telangana on 18.07.2024, by its order directed the Judgment Debtors i.e., J.Dr.No.1, who is Competent Authority & Revenue Divisional officer, run by State Government and J.Dr.No.2 is run by Union Government to deposit the entire decretal amount in this E.P. proceedings within 4 months, but the respondents/J.Drs. failed to comply the orders till date and they are liable to pay the decretal amount without four months from the date of order i.e., 18.07.2024. As per the record, the J.Drs. did not deposit the said amount and did not file any	

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		proceedings of stay. Therefore, this Court finds that the decree-holders proved its contention and entitlement by obtaining orders from the Hon'ble High Court of Telangana, therefore the movables of J.Dr. Nos.1 and 2 mentioned in the schedule are liable to be attached. Accordingly, the point is answered. 6. In the result, the petition is allowed, issue Movable Attachment Warrant against judgment debtor Nos.1 and 2 to attach the petition schedule movable properties to realize the decretal amount within one month from the date of this order." The learned Judge, while allowing the E.P., on 03.02.2025, issued warrant attaching the movable properties of judgment debtor Nos.1 and 2 to realize the decretal amount within one month from the date of the order. Be that as it may, this revision is filed by judgment debtor No.2 in E.P.No.80 of 2023 under Order XXI Rule 11 (2) of C.P.C., against the attachment of movable properties for realization of the decretal amount. When queried about the attachment, learned Senior Counsel submitted across the Bar that movable properties i.e., computers ten (10) in number are to be attached today. On the other hand, learned counsel for the respondents submitted that agricultural and non-agricultural lands were acquired on 08.10.2015 @ Rs.74/- per sq. metre and that all the respondents are agriculturists and that the Arbitrator has enhanced the compensation from Rs.74/- to Rs/714/- per sq. metre and from Rs.74/- to Rs.296/- per sq. metre respectively for non-agricultural and agricultural lands. It is further submitted that in spite of the award, enhanced amount is not paid. Seeking deposit of decretal amount, respondents herein filed W.P.No.18617 of 2024. Learned counsel further submitted that instead of	

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		depositing the amounts within four months, as directed by learned Single Judge, the judgment debtors are dragging the proceedings. It is also submitted that the judgment debtors have not availed the remedy of appeal in time under the Arbitration and Conciliation Act, 1996 and that they cannot by means of filing of the present petition achieve the objective of not depositing the amount by seeking a direction from this Court. Be that as it may, learned counsel for caveator(s) is present in the Court and submitted that he would like to bring all the facts before this Court and contest the matter. This Court, having considered the entire factual matrix of the case, is of the considered opinion that interests of justice would be met if steps initiated pursuant to order in E.P.No.80 of 2023, dated 03.02.2025 for attaching of movable properties of judgment debtor Nos.1 and 2 be stayed and are accordingly stayed for a limited period of three weeks. Learned counsel for caveator(s) is permitted to file all the documents. This Court is conscious of the fact that lands of the poor farmers were acquired in 2015. Post on 08.04.2025. JAK, J KH	

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