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APHC010473602017

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

FRIDAY, THE 30th DAY OF OCTOBER 2026
PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL REVISION PETITION NO: 3613 OF 2017

Between:

1. The Special Deputy Collector (L.A), Somasila Project,, Unit-IV, Rajampet, Kadapa District.

...Petitioner

AND

1. Jonnadula Pedda Subbarayudu, S/o. Naraiah R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

2. Jonnadula Sanjivamma, W/o Chinna Subbarayudu, R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

3. Jonnadula Geetha, W/o.Venkata Subbaiah R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

4. Jonnadula Srinivasulu, S/o Chinna Subbarayudu R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

5. Jonnadula Venkata Subbaiah, S/o Chinna Subbarayudu, R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

6. Jonnadula Mallikarjunudu, S/o Chinna Subbarayudu, R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

7. Jonnadula Narasimhulu, S/o.Kishtaiah R/o.Madhavaram Village, Vontimitta Mandal, Cuddapah District.

...Respondents

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 toagainst the orders in EP No.8 2010 in OP.No.217 1999 dated

01.08.2012 on the file of the court of Principal Senior Civil Judge, Rajampet for the following among other

IA NO: 1 OF 2013(CRPMP 296 OF 2013

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 condone the delay of 18 days in representing the above Case and pass

IA NO: 4 OF 2013(CRPMP 3930 OF 2013

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 condone the delay of 17 days in presenting the above mentioned CRP and pass

IA NO: 1 OF 2017(CRPMP 4745 OF 2017

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 suspend the orders dated 01.08.2012 made in EP No.8/2010 in LAOP No.217/1999 pending on the file of the Hon'ble Prl.Senior Civil Judge, Rajampet pending disposal of the CRP

Counsel for the Petitioner: GP FOR ARBITRATION

Counsel for the Respondents: P SRIDHAR REDDY

The Court made the following order:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL REVISION PETITION NO.3613 OF 2017

ORDER :

This revision petition is directed against the orders dated 01.08.2012, passed in E.P. No.08/2010 in L.A.O.P. No.217/1999 passed by the Principal Civil Judge (Senior Division), Rajampet.

2. The respondent in the said proceedings, i.e., the Special Deputy Collector, Land Acquisition, Somasila Project Unit –IV, is the revision petitioner.

3. E.P. No. 08 of 2010 was filed for implementation of the Award passed in L.A.O.P. No. 217/1999.

4. The prayer sought for in the E.P. is to attach the amount available in the account of the J.Dr maintained in the State Bank of India, Main Branch, Rajampet, in both Account Nos. vide 1) 4701-01112 1126539532 and 2) 10750055155 from withdrawing or using or paying of the said amount to anybody and to issue notice to Garnishee to deposit the said amount into the Court and to pay the same to the decree holder (D.Hr).

5. For the sake of convenience parties will be referred to as the D.Hr and the J.Dr as per their respective rankings in the E.P. proceedings.

Contention of D.Hr :-

6. [i] Neither the J.Dr., nor his Superior Officer, nor the requisition Department deposited the decretal amount payable to the D.Hr in terms of the decree passed by the Hon'ble High Court of Andhra Pradesh in Appeal Suit No.1038 /2007 dated 31.07.2008 arising out of L.A.O.P. No. 217/1999.

[ii] Even the Special Leave Petition Vide SLP No.1266/2009 was dismissed by the Hon'ble Supreme Court on 15.12.2009.

[iii] Further it is also the contention of the D.Hr that the J.Drs maintained the accounts mentioned and the amount lying therein can be attached and paid to the D.Hr.

Contention of the J.Dr. :-

7. [i] The statement with regard to the decretal charges in terms of the decree was submitted to the Special Deputy Collector, GNSS Kadapa, for approval and issuance and the office of the J.Dr is pursuing the same sincerely.

[ii] After receipt of the amount and approval of higher authorities, the amount will be deposited into the Court and the petition is not maintainable.

[iii] Further it is also the contention of the J.Dr. No.2 that there is no amount of the 1st respondent in the 2nd respondent bank. It is only a letter of

credit. The account maintained by the 1st respondent with the 2nd respondent bank, balance available is ₹27.753/- as on 22.02.2010.

[iv] Since it is only a letter of Credit, no cash balance will be maintained.

[v] Hence, the D.Hr has no right to seek the orders to deposit the E.P. amount.

Findings of the E.P. Court.

8. [i] The orders dated 03.07.2001 in LAOP. No.217/1999 and the orders dated 31.07.2008 in L.A.O.P. No.1038/2007, indicate the entitlement of D.Hr. As per the calculation of D.Hr vide Ex.A1 the entitlement of the decree holder is for Rs.2,52,382/- as on the said date.

[ii] Except asserting on behalf of the J.Dr that the calculation is wrong, there is no material to substantiate the same. RW1 examined for the J.Dr., made certain allegations that calculation as shown in Ex.A1 is wrong and same is not correct. There is no scrap of paper filed by the J.Dr No.1 to support any one of the contentions raised in the counter; much less to establish that the calculating under Ex.A1 is wrong and false. In view of the evidence of RW1, the claim of D.Hr is correct and genuine in terms of Ex.A1. The defence appears to be to protract the case proceedings without giving benefits to the D.Hr.

[iii] Further even as per RW.1, the J.Dr has not deposited the interest fixed by the Trial Court and also the appellate Court.

9. Questioning the same present revision petition is filed by the Special Deputy Collector, arrayed as 1st respondent in the E.P.

10. The grounds urged in the present revision are that –

(i) There is error in ordering attachment of the amount.

(ii) Calculation is contrary to the observations of the Hon'ble Apex Court.

(iii) The J.Dr has already paid entire compensation amount as determined by the Land Acquisition Officer and enhancement compensation amount as determined by the reference Court and High Court stage-wise.

(iv) The J.Dr has deposited the amount vide calculation memos but the same is not considered.

(v) Interest on solatium and additional market value are denied by the referral Court. Hence, the D.Hr is not entitled for the same.

11. Heard both sides.

12. The points that arise for determination in this appeal are:

1) Whether the attachment order dated 01.08.2012 passed in E.P. No.08/2010 in L.A.O.P. No.217/1999 passed by the Principal Civil Judge (Senior Division), Rajampet, is proper or require any modification?

2) What is the result of the Civil Revision Petition?

Point No.1:-

13. The relief prayed for in the E.P. is in terms of Order XXI Rule 46A of CPC, by way of issuing notice to 6th respondent -garnishee and to pass orders in terms of Order XXI Rule 46B. The dues calculated as per the Column No.9 of Order XXI Rule 11 as on the date of E.P. are Rs.8,96,803/-.

14. What is the exact entitlement of D.Hr is one aspect; whether the 2nd respondent is a Garnishee and whether any amount payable to J.Dr is lying with the 2nd respondent is the second issue; and lastly, what is the amount for which the D.Hr is entitled. The entitlement of D.Hr and paying the same to the D.Hr is the subject matter of the main Execution Petition (E.P.). However, at the stage of considering an order of attachment, whether the 2nd respondent is a Garnishee in respect of the J.Dr. alone is the primary requirement, the Court has to consider.

15. There is no specific denial by the 2nd respondent as to its status as a garnishee or of its liability to pay the amount to J.Dr No.1, to the extent of the

amount lying to the credit of the accounts. Instead of furnishing the details of the amounts available in the said accounts and indicating the basis on which it claims to be not liable to pay any amount to J.Dr., the 2nd respondent has merely asserted that the transaction pertained to a Letter of Credit and that only a nominal amount was available. It is also it is clear from the orders that none are examined on behalf of the garnishee/second respondent. It is also clear that no documentary evidence is placed indicating on behalf of the respondents to show what is the amount available to the credit of the accounts and attached and also nature of the accounts etc.,.

16. In view of the above discussion, no irregularity or illegality is found in the orders under challenge. However, insofar as the calculation of the amounts due and payable to the D.Hr and the J.Dr is concerned, both parties are liberty to file their respective calculation memos. The Executing Court shall thereupon determine the exact amounts due and payable in accordance with the decree and the orders passed by the Hon'ble High Court and the Hon'ble Apex Court. The point No.1 framed is answered accordingly.

Point No.2:

17. **In the result**, the Civil Revision Petition is dismissed. However, it is clarified that, to the extent of amount claimed in the E.P., if any amount is available to the credit of the attached accounts, the garnishee shall be liable to deposit such amount, subject to the entitlement of the D.Hr. The Executing Court shall, after determining the amounts due and payable, upon hearing

both sides, proceed in accordance with law with regard to the disbursement of the amount, if any, and further execution of the decree.

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A. HARI HARANADHA SARMA, J

Date: 30.10.2026
Pnr

THE HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

CIVIL REVISION PETITION NO: 3613 OF 2017

Dated: 30.10.2026

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