HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

C.R.P.Nos.4935, 4957, 5067, 5074, 5415, 5442, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018

CIVIL REVISION PETITION NO: 4935/2017

Between:
Gheesubaigari Mahammed Sab

..... PETITIONER

AND
The Special Deputy Collector, Land Acquisition Officer, S.R.B.C., Nandyal

....RESPONDENT

DATE OF ORDER RESERVED : 16.07.2026
DATE OF ORDER PRONOUNCED : 14.10.2026
DATE OF ORDER UPLOADED : 14.10.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

1. Whether Reporters of Local newspapers may be allowed to see the common order? Yes/No

2. Whether the copies of common order may be marked to Law Reporters/Journals Yes/No

3. Whether Your Lordship wishes to see the fair copy of the common order? Yes/No

PURUSHOTTAM KUMAR CHINTALAPUDI,J

*** THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI**

C.R.P.Nos.4935, 4957, 5067, 5074, 5415, 5442, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018

CIVIL REVISION PETITION NO: 4935/2017

% 14.10.2026

Gheesubaigari Mahammed Sab

……petitioner

And:

$ The Special Deputy Collector, Land Acquisition Officer,
S.R.B.C., Nandyal

…. respondent

!Counsel for the petitioners : Sri Anumula Karthik Reddy

^Counsel for the respondents : Sri Lova Raju Uppalapati, Assistant Government Pleader for Arbitrations

<Gist:

>Head Note:

? Cases referred:

1. AIR 1968 SC 432
2. 1990 Allahabad Law Journal 800
3. MANU/AP/0109/2005
4. 2002 (1) ALD 200
5. 1997 (5) ALT 561
6. 2021 Supreme (Online) (Tel) 2555
7. High Court of Madras, decided on 07.08.2009
8. C.M.A.No.1141 of 2018 & C.R.P.No.6787 of 2018, dated 06.03.2026
9. (2003) 3 SCC 472
10. (2021) 6 SCC 418
11. 2021 Supreme (Online) (Mad) 980
12. 2022 Supreme (AP) 140

Date of reserved for orders: 16.07.2026

Date of pronouncement : 14.10.2026

Date of uploading : 14.10.2026

APHC010151132017

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI [3606]

(Special Original Jurisdiction)s

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

C.R.P.Nos.4935, 4957, 5067, 5074, 5415, 5442, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018

CIVIL REVISION PETITION NO: 4935/2017

Between:

1. GHEESUBAIGARI MAHAMMED SAB, KURNOOL DIST, S/O. HUSSAIN SAB, AGE 75 YEARS, OCC: AGRICULTURIST, R/O. MANCHALAKATTA VILLAGE, MIDTHUR MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE SPL DY COLLECTOR LAO KURNOOL DIST, LAND ACQUISITION OFFICER, S.R.B.C NANDYAL, KURNOOL DISTRICT.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition and set aside the order in EP No. 11 of 2015 in L.A.O.P No.157 of 2008 on the file of learned Senior Civil Judge,

Nandikotkur dated 15-06-2017 and order the attachment of EP schedule properties and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 4957/2017

Between:

1. GHEESUBAIGARI AMEENA BI, W/O. GHOUSI BI, AGRICULTURIST, R/O. KODUMURU VILLAGE, MIDUTHUR MANDAL, KURNOOL.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.C.NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition and set aside the in EP No.15 of 2015 in L.A.O.P No.148 of 2008 on the file of learned Senior Civil Judge, Nandikotkur dt.14.06.2017 and order attachment of EP schedule properties and pass.

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 5067/2017

Between:

1. KASIREDDYGARI PUNYAVATHI,, W/O. VENKATAKA PURSHOTHAM REDDY, AGED: 30 YEARS, OCC: AGRICULTURIST, R/O. KODUMURU VILLAGE MIDUTHUR MANDAL, KURNOOL.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.C NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the Civil Revision petition and set aside the order in EP No. 7 of 2015 in L.A.O.P No.179 of 2008 on the file of learned Senior Civil Judge, Nandikotkur dated 14-06-2017 and order attachment of EP schedule properties and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 5074/2017

Between:

1. SHAIK KHAJAMAIAH, S/O. KHASIM SAB AGRICULTURIST R/O. MANCHALAKATTA VILLAGE, MIDTHUR MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, Land Acquisition Officer, S.R.B.C. Nandyal, Kurnool District.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision Petition and set aside the order in EP No. 16 of 2015 in LAOP No. 212 of 2008 on the file of Learned Senior Civil Judge, Nandikotkur dated 14-6-2017 and order the attachment of EP Schedule property and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 5415/2017

Between:

1. K.VENKATA LAKSHMI REDDY, S/O SUBBA REDDY AGED 49 YEARS, HINDU, AGRICULTURIST R/O MANCHALAKATTA VILLAGE, MIDUTHUR MANDAL KURNOOL DISTRICT.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.C NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition and set aside the order in EP No. 59 of 2014 in L.A.O.P No.173 of 2008 on the file of learned Senior Civil Judge,

Nandikotkur dated 20-07-2017 and order the attachment of petition schedule properties and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 5442/2017

Between:

1. TELUGU VENKATA SUBBAMMA,, W/O VENKATA RAMANA AGED 44 YEARS, AGRICULTURIST R/O NANDYAL TOWN, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.C NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition and set aside the order in EP No. 12 of 2015 in L.A.O.P No.128 of 2008 on the file of learned Senior Civil Judge, Nandikotkur dated 19-06-2017 and order the attachment of petition schedule properties and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 5459/2017

Between:

1. KATHA VENKATA SUBBA REDDY,, S/O VENKATA REDDY AGED 65 YEARS, AGRICULTURIST R/O MANCHALAKATTA VILLAGE,MIDUTHUR MANDAL KURNOOL DISTRICT.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.C NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition and set aside the order in EP No. 10 of 2015 in L.A.O.P No.158 of 2008 on the file of learned Senior Civil Judge, Nandikotkur dated 05-07-2017 and order the attachment of petition schedule properties and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

The Court made the following:

CIVIL REVISION PETITION NO: 5500/2017

Between:

1. B.RAMAIAH, SI O LATE SESHAIAH , AGED 52 YEARS, AGRICULTURIST R/O TALAMUDIPI VILLAGE, MIDUTHUR MANDAL KURNOOL DISTRICT.

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.C NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition and set aside the order in EP No. 14 of 2015 in L.A.O.P No.129 of 2008 on the file of learned Senior Civil Judge, Nandikotkur dated 19-07-2017 and order the attachment of petition schedule properties and pass

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 5869/2017

Between:

1. BONTHALA SUBBA LAKSHMAIAH, OCC: AGRICULTURE, R/O. TALAMUDIPI VILLAGE, MIDUTHUR MANDAL, KARNOOL DISTRICT

...PETITIONER

AND

1. The Special Deputy Collector, Land Acquisition Officer, S.R.B.C Nandyal

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order in EP No. 13 of 2015 in L.A.O.P No. 131 of

2008 on the file of learned Senior Civil Judge, Nandikotkur dt. 19-06-2017 and order the attachment of petition schedule properties and pass.

IA NO: 2 OF 2017(CRPMP 32178 OF 2017

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

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. GP FOR ARBITRATION (AP)

CIVIL REVISION PETITION NO: 2696/2018

Between:

1. M.PAPAMMA, W/O M.CHINNANAGI REDDY AGED 52 YEARS, HINDU, AGRICULTURIST R/O TALAMUDIPI VILLAGE, MIDUTHUR MANDAL KURNOOL DISTRICT. PRESENTLY RESIDING AT KURNOOL TOWN

...PETITIONER

AND

1. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION OFFICER, S.R.B.O NANDYAL.

...RESPONDENT

Petition under Sec. 115 of Code of Civil Procedure 1908, praying that in the circumstances stated in the grounds filed herein,the High Court may be pleased to set aside the order in EP No. 41 of 2014 in LAOP No.1 of 2011 on the file of learned Senior Civil Judge, Nandikotkur dated 05-01-2018 and order the attachment of petition schedule properties and pass

IA NO: 1 OF 2018

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

Counsel for the Petitioner:

1. ANUMULA KARTHIK REDDY

Counsel for the Respondent:

1. Nil

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

C.R.P.Nos.4935, 4957, 5067, 5074, 5415, 5442, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018

COMMON ORDER:

The petitioners have filed these Civil Revision Petitions under Section 115 of the Code of Civil Procedure, 1908 (hereinafter, "the Code"), challenging the orders of the Court of the Senior Civil Judge, Nandikotkur (hereinafter, "the learned Judge"), dismissing their Execution Petitions. In those petitions, the petitioners, as decree-holders, sought attachment and sale of the scheduled properties to realise the amounts awarded in the land-acquisition proceedings.

2. These Civil Revision Petitions raise substantially the same issue: whether the decree-holders may execute the compensation awards by seeking attachment of properties belonging to the State.

3. Sri Anumula Karthik Reddy, learned counsel for the petitioners, and Sri Lova Raju Uppalapati, learned Assistant Government Pleader for Arbitrations, represented petitioners and respondents respectively.

4. These petitions are disposed of by this common order.

Factual Matrix:

5. The State intended to acquire lands for widening the Srisailam Right Branch Canal (SRBC). Accordingly, proceedings were initiated under the Land Acquisition Act, 1894 (hereinafter, "the Act"). The Land Acquisition Officer (hereinafter, "the LAO") was appointed to acquire the lands identified for the SRBC. The lands fell within survey numbers in which the petitioners held land. After hearing the petitioners as claimants, the LAO passed an award granting compensation at Rs.65,000/- per acre under Award No.1/2007, dated 14.05.2007, in the cases arising from that award. C.R.P.No.2696 of 2018 concerns Award No.14/2007-2008, dated 20.10.2007, which also fixed compensation at Rs.65,000/- per acre.

6. The petitioners were dissatisfied with the LAO's award. Although they received the compensation, they did so under protest and sought a reference to the Civil Court under Section 18 of the Act. Accordingly, the LAO referred their claims to the Court of the Senior Civil Judge, Nandikotkur, which registered the references as Land Acquisition Original Petitions (L.A.O.Ps.).

7. In the references, the petitioners were shown as claimants and the LAO as the referring officer. No respondent was shown in the cause titles.

8. After hearing the references, the Civil Court enhanced the compensation from Rs.65,000/- to Rs.1,60,000/- per acre, together with 30% solatium, 12% additional market value and interest at 9% per annum. The record does not show that the LAO or the State paid the enhanced compensation.

9. The record does not show that any appeal was preferred against the awards.

10. Treating the awards as decrees, the petitioners filed Execution Petitions under Order XXI of the Code of Civil Procedure (hereinafter, "the Code"), seeking attachment and sale of movable and immovable properties for recovery of the enhanced compensation.

11. The learned Judge initially ordered attachment of movable and immovable properties at the office of the Tahsildar, Nandikotkur. Subsequently, the learned Judge dismissed the Execution Petitions on the ground that the scheduled properties belonged to the Tahsildar's office, which was part of a department other than the land acquisition department. As the LAO was shown as the judgment-debtor and the properties sought to be attached did not belong to him, the learned Judge held that the properties of another department could not be attached.

12. The petitioners have challenged the dismissal orders in these Civil Revision Petitions.

13. The particulars of the respective Civil Revision Petitions, Execution Petitions and Land Acquisition Original Petitions are as follows:

Sl. No.	C.R.P.No.	Petitioner/Claimant	E.P.No.	L.A.O.P.No.	Property	Details of Attachment / E.P. Schedule Property	Date of Order
1	4935/2017	Gheesubaigari Mohammed Sab	11/2015	157/2008	Movable	5 computers, 10 tables, 10 iron beeruvas at Tahsildar's Office, Nandikotkur	15.06.2017
2	4957/2017	Gheesubaigari Ameena Bi	15/2015	148/2008	Immovable	Tahsildar's Office, Door No.7-105, Nandikotkur.	14.06.2017
3	5067/2017	Kasireddygari Punyavathi	7/2015	179/2008	Immovable	Door No.16-A, ground floor and open site, D.E.E., R.W.S. Office, Nandikotkur.	14.06.2017
4	5074/2017	Shaik Khajamiah	16/2015	212/2008	Immovable	Door No.16-A, ground floor and open site, D.E.E., R.W.S. Office, Nandikotkur.	14.06.2017
5	5415/2017	K. Venkata Lakshmi Reddy	59/2014	173/2008	Immovable	Door No.16-A, ground floor and open site, D.E.E., R.W.S. Office, Nandikotkur.	20.07.2017
6	5442/2017	Telugu Venkata Subbamma	12/2015	128/2008	Movable	6 computers, 10 tables, 10 iron beeruvas, Mandal Education Office, Nandikotkur.	19.06.2017
7	5459/2017	Katha Venkata Subba Reddy	10/2015	158/2008	Immovable	Tahsildar's Office, Door No.7-105, Nandikotkur.	05.07.2017
8	5500/2017	B. Ramaiah	14/2015	129/2008	Immovable	Door No.16-A, ground floor and open site, D.E.E., R.W.S. Office, Nandikotkur.	19.07.2017
9	5869/2017	Bonthala Subba Lakshmaiah	13/2015	131/2008	Immovable	Tahsildar's Office, Door No.7-105, Nandikotkur.	19.06.2017
10	2696/2018	M. Papamma	41/2014	1/2011	Immovable	Survey No.485, Ac.0.06 cents out of Ac.8.46 cents, Nandikotkur.	05.01.2018

14. In all the above cases, the Special Deputy Collector, Land Acquisition Officer, Srisailam Right Branch Canal (SRBC), Nandyal, is shown as the respondent. The claimants sought references under Section 18 of the Act.

Case of the Petitioners:

15. The respective revision petitioners moved execution proceedings before the learned Judge for execution of the respective awards/decrees, stating that the Civil Court had enhanced the compensation and awarded interest, solatium and other statutory benefits.

16. The petitioners contended that, although the respective awards had been passed, the enhanced compensation remained unpaid. They therefore sought to execute the awards/decrees.

17. In some Execution Petitions, the petitioners sought attachment and sale of movable properties (office furniture) under Order XXI Rules 43 and 77 of the Code at the offices of the Tahsildar and the Mandal Education Officer, Nandikotkur Town, Kurnool District.

18. In the remaining Execution Petitions, the petitioners sought attachment under Order XXI Rule 54 of the Code of the scheduled immovable properties, including office buildings and land belonging to the Tahsildar's office and other Government offices at Nandikotkur Town, Kurnool District, and sought their sale to realise the respective decretal amounts.

Proceedings before the Executing Court:

19. The learned Judge took the respective Execution Petitions on file and initially ordered attachment. Subsequently, the learned Judge questioned their maintainability on the ground that the scheduled properties did not belong to the LAO personally and were not in his possession, but belonged to the State or other departments of the Government of Andhra Pradesh.

20. The Execution Petitions sought attachment and sale of movable or immovable properties for realisation of the awards. The two categories of petitions are set out below:

Category	C.R.P.Nos.	Nature of property	Relevant provisions
Movable-	C.R.P.Nos.4935 and	Movable properties, including office	Sec. 60

Category	C.R.P.Nos.	Nature of property	Relevant provisions
property cases	5442 of 2017	furniture, computers, tables and iron beeruvas, situated in the Tahsildar's Office and Mandal Education Office, Nandikotkur Town, Kurnool District, respectively.	Order XXI Rules 43 and 77 CPC
Immovable-property cases	C.R.P.Nos.4957, 5067, 5074, 5415, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018	Immovable properties situated at Nandikotkur Town, Kurnool District, including the Tahsildar's Office building bearing Door No.7-105, the building bearing Door No.16-A with open site, and land in Survey No.485, as described in the respective E.P. schedules.	Sec. 60 Order XXI Rule 54 CPC and the relevant provisions relating to sale/proclamation in the respective E.Ps.

Movable Property Cases (C.R.P.Nos.4935 and 5442 of 2017):

21. In the movable-property cases, the learned Judge opined as whether attachment under Order XXI Rule 43 of the Code of movable properties belonging to other departments of the Government of Andhra Pradesh, which were not the judgment-debtor.

Immovable-property cases (C.R.P.Nos.4957, 5067, 5074, 5415, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018):

22. In the immovable-property cases, the opined was whether attachment under Order XXI Rule 54 of the Code of immovable properties belonging to other departments of the Government of Andhra Pradesh.

23. After hearing both sides, the learned Judge referred to to **Abdul Hussain Tayabali etc. v. State of Gujarat and another**[1], but did not apply that decision, observing that it concerned a Special Land Acquisition Officer specially appointed to perform the functions of the Collector under the Act, whereas the LAO in these cases was not the Collector.

24. The learned Judge observed that the petitioners had shown the LAO as the judgment-debtor in the Execution Petitions, whereas the State, represented by the District Collector, had not been impleaded. Relying on Section 79 of the Code, the learned Judge held that, when proceedings are

[1]AIR 1968 SC 432

initiated against the Government, the State must be named as a party and cannot be replaced by the LAO.

25. The learned Judge further observed that the awards were not passed against the State. As the LAO had been specially appointed under the Act to perform the functions of the Collector, the petitioners ought to have impleaded the State in the Execution Petitions. On that basis, the learned Judge held that the attachment orders were not proper.

26. The learned Judge also referred to Section 60 of the Code and held that only movable or immovable property belonging to the judgment-debtor, or property over which the judgment-debtor has a disposing power, is liable to attachment and sale. According to the learned Judge, the LAO had no saleable interest in the scheduled properties.

27. In the movable-property cases, the learned Judge considered Order XXI Rules 12 and 43 of the Code and concluded that those provisions did not apply because the LAO did not possess the scheduled properties and the properties belonged to another department.

28. The learned Judge proceeded on the basis that the scheduled immovable properties did not belong to the LAO and could not be attached under Order XXI Rule 54 of the Code.

29. The learned Judge dismissed the respective Execution Petitions. The petitioners have filed these Civil Revision Petitions under Section 115 of the Code, challenging the dismissal orders.

Grounds of Challenge:

30. The petitioners rely on substantially the same grounds, which are as follows:

> i) The learned Judge erred in holding that the properties attached in the Execution Petitions do not belong to the judgment-debtor and that the judgment-debtor has no interest in the attached properties or that the said properties are not in his possession.

ii) The learned Judge erroneously held that the petitioners ought to have made the State a party in the Execution Petitions instead of the Land Acquisition Officer to realise the amounts passed in the respective Awards.

iii) The learned Judge ought to have considered the contention of the petitioners that the State Government is liable for realisation of the award amounts.

iv) The learned Judge erred in holding that the Execution Petitions were not filed against the State Government for proceeding against properties belonging to the State Government.

v) The learned Judge ought to have considered the contention that the District Collector is the Administrator of the District and that Government properties in the District are under the administrative control of the State through its officers.

vi) The learned Judge ought to have considered that the judgment-debtor cannot be permitted to raise technical objections which result in delay in payment of compensation to persons deprived of their property.

vii) The learned Judge erred in holding that the petition schedule properties do not belong to the judgment-debtor and, therefore, the petitioners cannot realise the respective awards.

31. With these revision grounds, the petitioners sought to set aside the respective impugned orders, restore the Execution Petitions, and pass appropriate orders.

Proceedings before this Court:

32. This Court issued notice to the respondent-L.A.O. in the respective Civil Revision Petitions, and learned Government Pleader for Arbitrations appeared for L.A.O.

33. According to the record, the respondent did not file written defence to the Execution Petitions before the learned Executing Court. The learned Judge independently questioned their maintainability, sought clarification and heard both sides on that issue.

Submissions of learned counsel:

34. Sri Anumula Karthik Reddy, learned counsel for the petitioners, submitted that the learned Judge erred in holding that the properties could not be attached merely because they were not the LAO's personal properties. He argued that the LAO represented the State, which was liable to satisfy the

compensation awards, and that the petitioners did not seek to proceed against the personal properties of the LAO or any other officer.

35. He further submitted that the State was responsible for paying the compensation, but the amounts had remained unpaid for several years. The petitioners sought attachment only of State property, not the personal property of the LAO or the Tahsildar. He contended that the learned Judge misapplied the law and erred in dismissing the Execution Petitions.

36. Sri Lova Raju Uppalapati, learned Assistant Government Pleader for Arbitrations, submitted that the impugned orders did not warrant interference and disclosed no material irregularity. He argued that, as the properties belonged to the State, the State had to be made a party. Relying on Article 300 of the Constitution of India, he submitted that proceedings against the State must name the State as a party and that the LAO, who acted under the State's authority, had no personal liability.

37. The learned Assistant Government Pleader further submitted that the properties could not be attached unless the State was made a party and that the Execution Petitions were therefore not maintainable.

38. I have heard both learned counsel and perused the material on record in all these Civil Revision Petitions.

Analysis:

39. Learned counsel submitted that the respective awards had not been challenged before the appropriate forum. This Court therefore proceeds on the basis that the awards of the Reference Court remain operative. Neither party has placed material to show that the State paid the enhanced compensation after the impugned orders and before this Court took up these matters.

Discussion:

40. The learned Judge appears to have dismissed the Execution Petitions on the ground that the awards, though executable as decrees, could not be executed against the LAO because the petitioners sought attachment of properties belonging to the Tahsildar's office, which was not a party, and because the State had not been impleaded.

41. The following points arise for consideration:

> **Point No. 1**: Whether an award of the Reference Court is a decree and, if so, whether it is executable?
>
> **Point No. 2**: If the award is executable, against whom should execution proceed?
>
> **Point No. 3**: In execution proceedings, should the public officer appointed under the Act or the State be treated as the proper party?
>
> **Point No. 4**: If the proper party has not been impleaded, does that affect the maintainability of the Execution Petitions?
>
> **Point No. 5**: What relief?

The points are discussed below together:

42. It is necessary to briefly refer to the procedure prescribed by the Act. The State may acquire land for a public purpose and appoint or authorise an officer to perform the statutory functions relating to the acquisition.

43. The LAO's determination of compensation culminates in an award. If a claimant does not accept the award, the claimant may seek a reference on the grounds specified in the Act, including measurement of the land, the amount of compensation, the person entitled to receive it, or apportionment of compensation.

44. Section 18 of the Act reads as follows:

> "**18. Reference to Court**.—
>
> (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the Collector refer the matter for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the

persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2); or, within six months from the date of the Collector's award, whichever period shall first expire."

45. The above provision shows that persons claiming an interest in the compensation payable for the acquired land, including persons interested in an easement affecting the land, are persons interested for the purposes of the Act.

46. Section 18 permits a person interested who has not accepted the award to seek a reference. The LAO is not a person interested in receiving compensation and cannot seek a reference in that capacity. The claimants are the persons who assert an interest in the acquired land or compensation.

47. In the present cases, the Special Deputy Collector/Land Acquisition Officer, SRBC, is shown as the referring officer in the respective references under Section 18 of the Act, and the petitioners are shown as claimants. The cause titles do not identify a respondent.

C.R.P.No.	L.A.O.P.No.	Referring Officer	Claimant
4935/2017	157/2008	Special Deputy Collector/L.A.O., SRBC	Gheesubaigari Mohammed Sab
4957/2017	148/2008	Special Deputy Collector/L.A.O., SRBC	Gheesubaigari Ameena Bi
5067/2017	179/2008	Special Deputy Collector/L.A.O., SRBC	Kasireddygari Punyavathi
5074/2017	212/2008	Special Deputy Collector/L.A.O., SRBC	Shaik Khajamiah
5415/2017	173/2008	Special Deputy Collector/L.A.O., SRBC	K. Venkata Lakshmi Reddy
5442/2017	128/2008	Special Deputy Collector/L.A.O., SRBC	Telugu Venkata Subbamma

C.R.P.No.	L.A.O.P.No.	Referring Officer	Claimant
5459/2017	158/2008	Special Deputy Collector/L.A.O., SRBC	Katha Venkata Subba Reddy
5500/2017	129/2008	Special Deputy Collector/L.A.O., SRBC	B. Ramaiah
5869/2017	131/2008	Special Deputy Collector/L.A.O., SRBC	Bonthala Subba Lakshmaiah
2696/2018	1/2011	Special Deputy Collector/L.A.O., SRBC	M. Papamma

48. Once a matter is referred to the Civil Court, the Court exercises jurisdiction over the reference and must pass an award in accordance with law.

Sec. 26 of the Act reads as follows

> "**26. Form of awards.—**
>
> (1) Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.
>
> (2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2, clause (2), and section 2, clause (9), respectively, of the Code of Civil Procedure, 1908 (5 of 1908)."

49. Section 26(2) of the Act provides that the award of the Civil Court is deemed to be a decree. Execution of that decree is governed by the Code.

50. The principle that an award of the Collector is not a decree, whereas an award of the Reference Court is treated as a decree under the Act, is discussed in **Smt. Shyam Lata Jouhari and others v. Collector, Allahabad and others**[2].

51. The relevant provisions of the Code are as follows:

Section 2(2) of the Code defines a "decree". Section 2(2) of the Code reads as follows:

[2]1990 Allahabad Law Journal 800

> "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties about all or any of the matters in controversy in the suit and may be either preliminary or final."

52. The person in whose favour a decree is passed is the decree-holder. Section 2(3) of the Code defines "decree-holder" as follows:

> "decree-holder" means any person in whose favour a decree has been passed or an order capable of execution has been made."

53. The person against whom a decree is passed is the judgment-debtor. Section 2(10) of the Code defines "judgment-debtor" as follows:

> "judgment-debtor" means any person against whom a decree has been passed or an order capable of execution has been made."

54. A judgment-debtor is a person against whom a decree has been passed or an order capable of execution has been made.

55. In the present batch, the cause titles of the respective awards show the LAO as the referring officer and the petitioners as the claimants. This has contributed to the present ambiguity.

56. The cause titles do not identify a respondent. The LAO, as referring officer, is neither a person interested in receiving compensation nor a claimant. At most, the LAO acted as the officer representing the acquisition proceedings. Merely naming the LAO as the referring officer does not, by itself, establish that the award imposes liability on him personally or identifies the State as the judgment-debtor.

57. In principle, execution cannot proceed against the LAO in his personal capacity merely because he performed statutory functions. The LAO is a State officer appointed or authorised under the Act to discharge the functions prescribed by law.

58. Section 2(17)(g) of the Code reads as follows:

> "public officer" means a person falling under any of the following descriptions, namely:—
>
> (g) every officer in the service or pay of the Government, or remunerated by fees or commission for the performance of any public duty."

59. The above provision shows that an officer in the service or pay of the Government who discharges public duties is a public officer.

60. Now, in this scenario, it is relevant to take aid of the provisions of the Act.

61. Sections 19 and 20 of the Act prescribe the procedure that the Reference Court must follow after receiving a reference under Section 18.

62. Section 19 reads as follows:

> **"19. Collectors statement to the Court**
>
> (1) In making the reference, the Collector shall state for the information of the Court, in writing under his hand,
>
> (a)(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;
>
> (b)(b) the names of the persons whom he has reason to think interested in such land;
>
> (c)(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; [*] [The word "and" omitted by Act 68 of 1984, Section 14 (w.e.f. 24.9.1984).]
>
> (cc) [the amount paid or deposited under sub-section (3-A) of section 17; and] [Inserted by Act 68 of 1984, Section 14 (w.e.f. 24.9.1984).]
>
> (d)(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.
>
> (2)(2) To the said statement shall be attached a schedule giving the parti- culars of the notices served upon, and of the statements in writing made or delivered by the parties interested respectively."

63. Section 19 requires the Collector, when making a reference, to provide the Court with particulars concerning the land, the parties and the compensation, including the relevant statements and information.

64. On receiving the reference, the Court has to proceed to serve the notices required by law.

65. Section 20 reads as follows:

> "**20. Service of notice**
>
> The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely:
>
> (a) the applicant;
>
> (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and]
>
> (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector."

66. Section 20 requires the Court to issue notice to the applicant, to persons interested in the objections concerning the amount of compensation or the area of the land, and to the Collector where the objection concerns the amount of compensation.

67. The awards do not record whether the procedure under Sections 19 and 20 of the Act was followed. They show the LAO as the referring officer and the petitioners as claimants. The absence of a recital in the awards does not, by itself, establish that the required notices were not served; the relevant records must be examined.

68. The record, thus do not reflect as to the award proceedings included the party responsible for opposing the claim for enhanced compensation. The question thus to the effect that on execution the defect can be addressed in accordance with law.

Executability of the Decree:

69. The awards remain operative unless set aside by a competent forum. The principle that an award of compensation should ordinarily be enforced through execution proceedings is supported by the Full Bench decision in **Bhamidipati Annapoorna Bhavani v. Land Acquisition Officer**[3] (Five-Judge Bench).

70. In **Vemula Prabhakar and others v. Land Acquisition Officer and Revenue Divisional Officer, Peddapalli, Karimnagar District and another**[4], it was held that execution proceedings cannot ordinarily be initiated under Article 226 of the Constitution in place of the execution remedy.

71. In **B. Govinda Reddy v. Revenue Divisional Officer-cum-Land Acquisition Officer**[5], it was held that a claimant should ordinarily first seek execution of the compensation award and may approach the High Court where the authorities fail to comply despite execution proceedings.

72. The Full Bench in **Bhamidipati Annapoorna Bhavani**'s case overruled **Vemula Prabhakar**'s case and upheld **B. Govinda Reddy**'s case as stating the correct legal position. It held that, where compensation has been finally determined, the claimant should ordinarily seek its realisation through execution proceedings.

73. The Full Bench held that the State Government or the authorities on whose behalf the land was acquired may be directed to deposit the compensation, in accordance with the applicable legal position.

74. The first remedy for realisation of an award of compensation is ordinarily to approach the Reference Court by initiating execution proceedings.

75. **Bhamidipati Annapoorna Bhavani**'s case (supra) supports enforcement of compensation awards against the State Government or the authorities on whose behalf the land was acquired. In the present cases,

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[3]MANU/AP/0109/2005
[4]2002 (1) ALD 200
[5]1997 (5) ALT 561

however, the identity of the party bound by each award and the legal basis for proceeding against the scheduled properties must be determined from the record.

76. In **T. Tirupataiah & others v. State of Telangana & others**[6], the High Court of Telangana relied on the Full Bench decision in **Bhamidipati Annapoorna Bhavani**'s case. The case concerned land acquired by the State and the recovery of compensation determined by the Reference Court.

77. The claimants in T. Tirupataiah approached the High Court under Article 226 of the Constitution. Relying on **Bhamidipati Annapoorna Bhavani**'s case, the High Court considered the State's obligation to pay compensation in the circumstances of that case.

78. In **Land Acquisition Officer v. E. Chitra Lekha**[7], the Court considered the recovery of a land-acquisition award where movable property of the Land Acquisition Officer had been attached. The decision must be applied with regard to the facts and the scope of its holding.

79. In the present cases, the LAO is shown as the referring officer in the awards and as the respondent in execution. The fact that the LAO processed the acquisition in an official capacity does not, by itself, resolve whether the State is bound by each award or whether the particular properties scheduled in the Execution Petitions are liable to attachment.

80. The principles in **Bhamidipati Annapoorna Bhavani**'s case may be relevant to identifying the authority responsible for satisfying the award. The executing Court must, however, determine the proper judgment-debtor and the legal basis for proceeding against the properties sought to be attached.

81. Section 2(17)(g) of the Code defines a public officer. That definition does not, by itself, establish that the officer is the State or that every property held by a Government department is liable to attachment in execution of a decree against that officer.

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[6] 2021 Supreme(Online)(Tel) 2555
[7] decided on 07.08.2009, the High Court of Madras

Movable Property Execution Petitions:

82. In C.R.P.Nos.4935 and 5442 of 2017, the respective Execution Petitions sought attachment and sale of movable properties under Order XXI Rules 43 of the Code.

83. In those cases, the learned Judge held that the scheduled movable properties were not in the LAO's possession and belonged to another department of the Government of Andhra Pradesh.

84. The learned Judge referred to Order XXI Rule 12 of the Code, which reads as follows:

> "**12. Application for attachment of movable property not in judgment-debtor's possession.—**
>
> Where an application is made for the attachment of any movable property belonging to a judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same."

85. The learned Judge appears to have proceeded on the basis that the movable properties were not in the LAO's possession but were held by another department, namely, the Tahsildar's office. The applicability of the relevant execution provisions depends not only on possession but also on ownership, the identity of the judgment-debtor and the legal attachability of the property.

86. The enquiry could therefore be that the property belongs to the judgment-debtor or is otherwise legally liable to attachment under the applicable provisions, but not LAO possess the property.

Immovable Property Execution Petitions:

87. In the other Civil Revision Petitions, the Execution Petitions sought attachment of immovable properties. The relevant provision is Order XXI Rule 54 of the Code, which reads as follows:

> "**Order XXI Rule 54 CPC — Attachment of immovable property**
>
> Where the property is immovable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge."

88. The learned Judge proceeded substantially on the ground that the properties sought to be attached did not belong personally to the LAO but belonged to the State or another Government department.

89. Although the modes of attachment differ between the two categories of cases, the learned Judge's common view was that the scheduled State properties were not owned or possessed personally by the LAO.

90. Order XXI Rule 52 of the Code is also relevant. It reads as follows:

> "**52**. **Attachment of property in custody of Court or public officer**.—
>
> Where the property to be attached is in the custody of any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice is issued:
>
> Provided that, where such property is in the custody of a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court."

91. Order XXI Rule 52 prescribes a procedure for attachment of property in the custody of a Court or public officer. Its application depends on the nature of the property and the statutory conditions.

92. The Court has to consider the applicable execution provisions to determine the particular property can lawfully be attached in satisfaction of the decree.

Attachment:

93. An officer is a public officer does not make him personally liable for the State's obligations. The property is held by a public office does not, without further examination, establish that it is liable to attachment.

94. The LAO is authorized to perform statutory functions relating to land acquisition. The obligation to pay compensation is to be determined from the award and the applicable law. It cannot be attributed to the LAO personally merely because he processed the acquisition.

95. Naming the LAO or another Government officer in execution proceedings does not, by itself, make that officer personally liable. The Court must identify the party bound by the decree and determine whether the decree can lawfully be executed against the State or the authority concerned.

96. In **Land Acquisition Officer v. E. Chitra Lekha**'s case, the discussion concerned attachment of movable property, can be applied, on examining the nature of the property and the applicable execution provisions.

97. Property held by a public office may belong to the State rather than to the officer personally. Whether a particular scheduled property is liable to attachment must be determined under the applicable provisions of the Code and any relevant statutory restrictions.

98. The Court is required to consider the relevant provisions of law and the circumstances of each Execution Petition before dismissing it.

99. The awards remain operative, and the petitioners seek payment of compensation for the land acquired from them. Their entitlement to proceed with execution should not be defeated on a merely technical ground. Execution be in compliance with the requirements.

100. The issue of correcting the description of a party or adding the State is considered the decision in **Government of Andhra Pradesh v. M/s. SCL-CR 18G Joint Venture and others**[8]. The Division Bench, while considering the State as a party, observed in paragraph 20 as follows:

> "20. The Division Bench, in **General Manager, Central Organisation for Railway Electrification, Allahabad and Others., vs. Y. Parthasarathy and Another** had also referred to the Judgments of the Hon'ble Supreme Court in **Ranjit Mal v/s Northern Railway, and The State of Punjab vs Okara Grain Buyers Syndicate Limited**. A reading of these two judgments raises certain significant issues. In **Ranjit Mal's case**, the General Manager rejected an appeal filed against the removal of an employee of Northern Railway. This rejection was challenged before the Hon'ble High Court of Rajasthan. The Writ Petition was rejected on the ground that the Union of India was not impleaded and the same was affirmed by the Division Bench."
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> **********

101. The Division Bench referred to Article 300 of the Constitution and relied on **Chief Conservator of Forests, Government of Andhra Pradesh v. Collector and others**[9], particularly paragraphs 13 and 16, which are extracted below:

> "13. The question that needs to be addressed is whether the Chief Conservator of Forests, as the appellant-petitioner in the writ petition/appeal, is a mere misdescription of the State of Andhra Pradesh, or whether it is a case of non-joinder of the State of Andhra Pradesh—a necessary party. In a lis dealing with the property of a State, there can be no dispute that the State is the necessary party and should be impleaded as provided in Article 300 of the Constitution and Section 79 CPC viz. in the name of the State/Union of India, as the case may be, lest the suit will be bad for non-joinder of the necessary party. Every post in the hierarchy of the posts in the government set-up, from the lowest to the highest, is not recognised as a juristic person nor can the State be treated as represented when a suit/proceeding is in the name of such offices/posts or the officers holding such posts; therefore, in the absence of the State in the array of parties, the cause will be defeated for non-joinder of a necessary party to the lis, in any court or tribunal. We make it clear that this principle does not apply to a

[8]C.M.A.No.1141 of 2018 and C.R.P.No.6787 of 2018, dated 06.03.2026
[9](2003) 3 SCC 472

> case where an official of the Government acts as a statutory authority and sues or pursues further proceedings in its name because in that event, it will not be a suit or proceeding for or on behalf of a State/Union of India but by the statutory authority as such."

102. The Supreme Court observed in **Chief Conservator of Forests, Government of Andhra Pradesh v. Collector and others**'s case that an officer does not become the State merely by representing it. Where proceedings are, in substance, by or against the State, the State must be properly arrayed as a party, subject to the distinction drawn for statutory authorities acting in their own capacity.

103. Relying on that decision, the Division Bench in **M/s. SCL-CR 18G Joint Venture and others**'s case observed in paragraph 26 as follows:

> "26. This Article, in the light of the above judgments, would have to be understood to mean that —the Government of Andhra Pradesh‖ while being sued or suing, should be described as the —State of Andhra Pradesh‖. Put another way, the party to the litigation is actually the Government of Andhra Pradesh but the said Government of State is to be described as the State of Andhra Pradesh. Any technical defect, of not naming the appropriate party, in a case where an employee of the State is arrayed as a party instead of the State, can be corrected at the primary level and for such matters can be remanded to the primary level. Further, it is only a case of mis-description when the party is described as the Government of Andhra Pradesh instead of —the State of Andhra Pradesh‖. The same can be corrected within the same proceeding. Where a Statutory authority is a party to the proceedings, there would be no need, in view of the judgment of the Hon'ble Supreme Court, in Chief Conservator of Forests, Government of Andhra Pradesh vs. Collector and Others11, to implead the State."

104. The above extract indicates that a defect in the description of a party may, in an appropriate case, be corrected by impleading the proper party. Whether the defect is a mere misdescription or amounts to non-joinder of a necessary party must be determined from the nature of the proceedings and the relief sought.

105. In the present cases, the LAO performed statutory functions in an official capacity. He cannot be made personally liable merely because he is named as the respondent. If the decree binds the State and the defect is curable, the executing Court may consider the legally permissible course for bringing the proper party on record.

106. In **Rahul S. Shah v. Jinendra Kumar Gandhi**[10], the Supreme Court addressed delays in execution and issued directions to make execution effective. Paragraph 42.11 states as follows:

> "42.11. Under Section 60 CPC the term "… in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property."

107. The direction concerning Section 60 of the Code requires the provision to be applied in accordance with its terms. The Court must determine whether the person or property in question falls within the provision.

108. The question as to party may be added at the execution stage in land-acquisition proceedings is answered in **Shanthi v. The Special Tahsildar**[11], the Madras High Court observed in paragraph 5 as follows:

> "5. The revision petitioner herein has filed LAOP No.41 of 1990 and award was passed against the Special Tahsildar (Land Acquisition) on the basis of award the revision petitioner had filed a petition in E.P. No.135 of 2013 for attachment of movables of Tamil Nadu Housing Board, Tirunelveli. The E.P. No.135 of 2013 was dismissed as the Tamil Nadu Housing Board was not a party either in LAOP or in E.P. Against the dismissal order, this revision petition has been filed. In this revision, the District Collector, Tirunelveli District and the Tamil Nadu Housing Board, Tirunelveli Housing Unit, Tirunelveli were suo motu impleaded by this Court as Respondent Nos.2 & 3. The respondent Nos.2 & 3 did not file any petition to agitate the suo motto order. Even in appeal in A.S. No. 216 of 2000 the Tamil Nadu Housing Board was added as R-2, no appeal was preferred against the impleading order. Now, the Tamil Nadu Housing Board, Tirunelveli Housing Unit,

[10](2021) 6 SCC 418
[11] 2021 Supreme (Online) (Mad) 980

> Tirunelveli was added. The order, dated 12.10.2015 passed in E.P. No. 135 of 2013 in LAOP No.41 of 18990 for attachment of movables of Tamil Nadu Housing Board is valid since the land acquisition is only for Tamil Nadu Housing Board."

109. In **Kurra Murali Krishna Yadav v. Sri Lakshmi Rama Cooperative Building Society Limited**[12], this Court observed in paragraphs 28 to 32 as follows:

> 28. We are now faced with a dichotomy. The Hon„ble Supreme Court had taken the view that in suits for specific performance, the correct course of action is to join the subsequent purchasers also in the sale deeds that need to be executed. In **R.C. Chandiok vs. Chuni Lal Sabharwal**, (7 supra) the Hon"ble Supreme Court had specifically directed this course of action even where the subsequent purchasers were not parties to the suit. On the other hand, the provisions of Order I, Rule 10, as interpreted by this court, do not lend themselves to impleading subsequent purchasers. At this stage, one significant aspect of these judgements has to be noticed. In all these judgements, the court did not take the view that Order I, Rule 10, prohibits or bars the impleading of third parties in an execution petition. The view taken is that, the applications under Order I, Rule 10, are not maintainable in execution proceedings as the language of this provision restricts the application of this provision to live suits and pending matters. To put it in another way, the ratio is that the provisions of Order I, Rule 10 are not applicable to implead petitions in Execution Petitions. Therefore there is no provision, in the Civil Procedure Code, governing the procedure for impleading subsequent purchasers at the stage of execution proceedings.
>
> 29. In such an event, the inherent powers of the court, under section 151 of C.P.C., can always be invoked. The Hon"ble Supreme Court, while considering the scope and ambit of section 151 of C.P.C. in **Ram Chand and Sons Sugar Mills (P) Ltd. v. Kanhayalal Bhargava:** (1966) 3 SCR 856: AIR 1966 SC 1899: (1967) 37 Comp Cas 42, in paragraph 5, held as follows:
>
> > Having regard to the said decisions, the scope of the inherent power of a court under Section 151 of the Code may be defined thus: The inherent power of a court is in addition to and complementary to the powers expressly conferred under the Code. But that power will

[12] 2022 Supreme (AP) 140

> not be exercised if its exercise is inconsistent with, or comes into conflict with, any of the powers expressly or by necessary implication conferred by the other provisions of the Code. If there are express provisions exhaustively covering a particular topic, they give rise to a necessary implication that no power shall be exercised in respect of the said topic otherwise than in the manner prescribed by the said provisions. Whatever limitations are imposed by construction on the provisions of Section 151 of the Code, they do not control the undoubted power of the Court conferred under Section 151 of the Code to make a suitable order to prevent the abuse of the process of the Court.
>
> 30. The presence of the purchasers in the sale deeds is essential to the completion of the process and in the absence of any specific provision for impleading the purchasers, the decree holder can always rely upon the provisions of section 151 and seek invocation of the inherent power of the court to do justice.
>
> 31. For the aforesaid reasons, the orders, impleading the purchasers, would have to be upheld and C.R.P.Nos.1790, 1791, 2771, and 2900 of 2019 are dismissed. In view of the dismissal of these Revision petitions, C.R.P.Nos.1282 of 2021 and 1293 of 2021 are closed.
>
> 32. The contentions raised by the purchasers relating to the merits of their case and the defences raised by them, against the execution of the decree, as may be permissible, are left open for adjudication."

110. The above decisions read that Order I Rule 10 of the Code does not ordinarily apply to impleadment applications in execution proceedings. In an appropriate case, the Court may consider exercising its inherent powers under Section 151 of the Code, subject to the limits of those powers and the rights of the parties.

111. In the present cases, the petitioners sought attachment of movable and immovable properties at the offices of the Tahsildar and other Government departments to realise the decretal amounts.

112. The Court could have considered, that the proper party can be brought on record, if the law permitted that course. The Court has to determine, that

the proposed party is bound by the award and the defect is one of misdescription or non-joinder.

113. The learned Judge relied on Order XXI Rule 13 of the Code and Rule 259 of the Andhra Pradesh Civil Rules of Practice and Circular Orders, 1980. The learned Judge observed that the petitioners had not specified the judgment-debtor's saleable interest in the immovable properties or filed the affidavit said to be required by those provisions, and treated that omission as one ground for dismissing the Execution Petitions.

114. The learned Judge considered that the judgment-debtor had no saleable interest in the immovable properties sought to be attached and sold.

115. Order XXI Rule 13 of the Code reads as follows:

> "**13. Application for attachment of immovable property to contain certain particulars**.—
>
> Where an application is made for the attachment of any immovable property belonging to a judgment-debtor, it shall contain at the foot—
>
> (a) a description of such property sufficient to identify the same and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, a specification of such boundaries or numbers; and
>
> (b) a specification of the judgment-debtor's share or interest in such property to the best of the belief of the applicant, and so far as he has been able to ascertain the same."

116. It is applied, may be for the reasons the petitioners had not specified the judgment-debtor's share or interest in the properties. This was arisen as there is no proper identification as to the JDR and whether the requirements of Rule 13 were satisfied.

117. The LAO cannot be treated as personally owning State property or as having a personal saleable interest in it. The Court has to determine the State or another authority is bound by the award and the properties sought to be attached are legally available in execution.

118. The present revision petitions are under Section 115 of the Code. Section 115 of the Code reads as follows:

> **"115. Revision.—**
>
> (1) The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears—
>
> (a) to have exercised a jurisdiction not vested in it by law, or
>
> (b) to have failed to exercise a jurisdiction so vested, or
>
> (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, the High Court may make such order in the case as it thinks fit.
>
> [Provided that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, except where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings.] *[Substituted by the Code of Civil Procedure (Amendment) Act, 1999, Section 12, for former proviso (w.e.f. 1.7.2002).]*"

119. Applying the above provisions, this Court view that the executing Court required to consider the applicable provisions of Order XXI, including Rules 12, 43, 52 and 54, together with the relevant provisions of the Act. Court ought to have determined the proper judgment-debtor, the status and ownership of each scheduled property, and the legal requirements for attachment before dismissing the Execution Petitions.

120. If the proper party has not been impleaded, the executing Court may consider whether the defect can be cured in accordance with law. It may also consider the course recognised in **Land Acquisition Officer v. E. Chitra Lekha**'s case, including whether a reasonable period for payment should be allowed, if that decision applies to the facts. If payment is not made within the time lawfully granted, further steps may be taken in accordance with law.

121. With the above reasons, the points are answered as follows:

Point No. 1: Under Section 26(2) of the Act, an award of the Reference Court is deemed to be a decree and is executable in accordance with the Code.

Point No. 2: The identity of the party against whom execution may proceed is to be determined from the award, the reference proceedings and the applicable law. Sections 19 and 20 of the Act prescribe the procedure to be followed upon a reference, including notice to the Collector where the objection concerns the amount of compensation. The Court has to examine the record before deciding whether the State or another authority is bound by the award.

Point No. 3: Property in the custody of a public officer may be attached only if the applicable legal requirements are satisfied. The Court has to identify the party legally responsible for satisfying the award and determine whether the scheduled property is liable to attachment.

Point No. 4: If the proper party has not been impleaded, the Court may consider, in the circumstances of the case, applicability of Section 151 of the Code permits the defect to be cured, and it is to be within the limits of the Court's inherent powers and do not effect liability on a person who is not bound by the decree.

Point No. 5: Execution to be proceeded under Section 51 and Order XXI of the Code. Where the property is not in the judgment-debtor's possession, the Court has to apply the relevant provisions governing attachment and determine the legal liability to proceed against. The absence of a proper party does not justify dismissal without considering whether the same can be affected under due process of law.

Conclusion:

122. With the above discussion, I am of the considered view that, the dismissal of the Execution Petitions is not proper, the court ought to have

considered to take steps to identify the proper parties, then has to proceed further. As such, the impugned order is liable to be set aside, and execution petitions to be restored.

123. It is made clear that, on restoration, the attachment do not revive as the court has to pass proper orders, identifying the proper parties, giving time to the parties so considered to comply decree. The trial court is at liberty to pass appropriate orders as per due procedure of law for each case independently without getting influenced with the findings of this court.

Result:

124. In the result C.R.P.Nos.4935, 4957, 5067, 5074, 5415, 5442, 5459, 5500 and 5869 of 2017 and C.R.P.No.2696 of 2018 are allowed. The respective impugned orders passed in the Execution Petitions referred to in paragraph 13 above are set aside. The respective Execution Petitions are restored to the file of the learned Civil Judge (Senior Division), Nandikotkur, for fresh disposal in accordance with law after giving opportunity to both parties.

There shall be no order as to costs.

Consequently, any miscellaneous petitions pending in these Civil Revision Petitions shall stand closed.

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JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

Dated: 14.10.2026

DSV

Whether the order is:

Speaking		Reasoned	√
Reportable	√	Non-Reportable	