



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

[3331]

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

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1943/2026

Between:

1. CHIKIRI RAMA MURTHY, S/O. CHIKIRI VASANTHA NAIDU, AGED ABOUT 56 YEARS, OCC CONTRACTOR, R/O. D.NO. 1-24, MAIN ROAD, KUSUMURU VILLAGE, THERLAM MANDAL, VIZIANAGARAM DISTRICT, ANDHRA PRADESH- 535124.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH, PIN CODE NO. 522238.

2. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYATRAJ RURAL DEVELOPMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH, PIN CODE NO. 522238.

3. THE ENGINEER IN CHIEF, PANCHAYAT RAJ ENGINEERING DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH, PIN CODE NO. 522238.

4. THE COLLECTOR AND DISTRICT MAGISTRATE, VIZIANAGARAM DISTRICT, ANDHRA PRADESH, PIN CODE NO. 535001.

5. THE SUPERINTENDING ENGINEER, PR CIRCLE, VIZIANAGARAM, VIZIANAGARAM DISTRICT, ANDHRA PRADESH, PIN CODE NO. 535001.

6. THE EXECUTIVE ENGINEER, PANCHAYAT RAJ, BOBBILI DIVISION, VIZIANAGARAM DISTRICT, ANDHRA PRADESH, PIN CODE NO.535001.
7. THE DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ (PRI), RAJAM, VIZIANAGARAM DISTRICT, ANDHRA PRADESH, PIN CODE NO.535001.
8. THE DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ (PIU) RAJAM, VIZIANAGARAM DISTRICT, ANDHRA PRADESH, PIN CODE NO.535001.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or Direction more particularly one in the nature of writ of Mandamus directing the respondent authorities to deposit total amount of Rs.39,88,994/- (Thirty-Nine Lakhs-Eighty-Eight Thousand-Nine Hundred and Ninety-Four) each to an amount of Rs. 2,39,407/- (Rupees Two Lakhs-Thirty-Nine Thousand-Four Hundred and Seven) 15,13,950/- (Rupees Fifteen Lakhs-Thirteen Thousand-Nine Hundred and Fifty) and 22,35,557/- (Twenty-Two Lakhs-Thirty Five Thousand- Five Hundred and Fifty-Seven) along with the interest of 18 per annum from the date of execution of the work for the works executed for Formation of Internal Roads I.D. No. 0185ILAOO1447 Layout in Raj am and Approach Road to Jagananna Colony (Layout ID 010404LA109166 in Raj am Mandal, wherein an administrative sanction was issued through Proceedings Rc.No.214/2022/NON- OTS/AM(Eng) dated 13.06.2022 in respect of an Agreement vide its No.51/2022-23, Dt.21.09.2022 and Agreement No.53/2022-23, Dt.21.09.2022, despite the same was entered in the M-Book vide its 767/B and 1130-B to the account of the Petitioner as per the entitlements to enable the petitioner to get the same to his account by the authorities and pass

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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 pass an interim order directing the respondent authorities to release the amount of Rs.39,88,994/- (Thirty-Nine Thousand- Eighty-Eight Thousand-Nine Hundred and Ninety-Four) along with the interest of 18% per annum from the date of execution of the work to the account of the petitioner as per the

entitlements for the works executed in Vizianagaram District until pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.KOTA KRISHNA DEEPTHI

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER ::

The above writ petition was filed to declare the action of the respondents in withholding an amount of Rs.39,88,994/- payable to the petitioner in relation to the works executed by the petitioner i.e. (i) Approach road to Jagananna Colony (Layout ID 010404LA109166) in Rajam Mandal and (ii) Formation of Internal roads (ID 01851LA001447) Layout in Rajam Mandal, as illegal and arbitrary.

2. Heard Ms. Kota Krishna Deepthi, learned counsel for the petitioner and Sri P. Rajesh Kumar, the learned Assistant Government Pleader for the Panchayat Raj and Rural Development & Finance and Planning Department, appeared for the respondents.

3. Today, when the matter is taken up for consideration, the learned Assistant Government Pleader for Panchayat Raj, submitted the written instructions of the Executive Engineer (FAC), PRI Division, Bobbili – respondent No.6.

4. A perusal of the said instructions indicates that the petitioner has executed the aforementioned works and the net amount payable to the petitioner is Rs.32,78,110/-. The written instructions are made as part of the record. Learned counsel for the petitioner endorses the amount payable to the petitioner as mentioned in the written instructions.

5. Thus, as seen from the instructions, there is no dispute regarding the execution of work and the petitioner's entitlement for Rs.32,78,110/-. Since the amount payable is admitted and undisputed, the writ petition is maintainable. In ***M/s Utkal Highways Engineers and Contractors v. Chief General Manager & Ors***¹, it was held at Para No.8 as under:

“Be that as it may, the High court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence.”

6. Given the instructions furnished by respondent No.6, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.32,78,110/- payable to the petitioner regarding execution of the aforementioned works, within four (04) months from the date of receipt of the copy of this order. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 07.04.2026
TVN

¹ 2025 SCC online SC 1400

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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