



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

[3331]

WEDNESDAY, THE 29th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1533/2026

Between:

1.K VENKATA REDDY, S/O SRINIVASA REDDY, R/O TSUNDURU
VILLAGE AND MANDAL BAPATIA DISTRICT,A.P.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT IRRIGATION AND CAD WATER
RESOURCES DEPARTMENT, SECRETARIAT BUILDINGS, A.P.
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT.522237

2.THE STATE OF ANDRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.522237.

3.THE DISTRICT COLLECTOR, (IRRIGATION WING), KRISHNA
DISTRICT.520002

4.THE ENGINEERINCHIEF, MINOR AND MAJOR IRRIGATION
DEPARTMENT GOVERNMENT OF ANDRA PRADESH, IRRIGATION
BHAVAN, VIJAYAWADA, KRISHNA DISTRICT.520002

5.THE COMMISSIONER, COMMAND DEVELOPMENT AUTHORITY
(CAD) WATER RESOURCES DEPARTMENT, GOVERNMENT OF
ANDRA PRADESH, VIJAYAWADA, KRISHNA DISTRICT.520002

6.THE SUPERINTENDING ENGINEER, IRRIGATION AND WATER
RESOURCES DEPARTMENT GUNTUR.522001

7.THE EXECUTIVE ENGINEER, K.W.DIVISION, TENALI, GUNTUR DISTRICT.522201.

...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 an order, writ or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing and paying the bills for 11 works done by the petitioner of total an amount of Rs.52,61,894, to the petitioner with 18 percentage interest till today from the date of completion of respective works as illegal, arbitrary, violation of principles of natural justice and violative of Article 14,19(1)(g), 21 of the Constitution of India consequentially direct the respondents to release the bills of Rs. 52,61,894 for the above completed works immediately with 18 percentage interest and to 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 direct the respondents to release and pay the pending bills of total an amount of Rs.52,61,894/- with interest forthwith pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.PETA GNANA TEJA

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following order:

Heard Sri Peta Gnana Teja, learned counsel for the petitioner and Sri K.Sambasiva Rao, learned Assistant Government Pleader for Irrigation and Command Area Development for the respondents.

2. The above writ petition was filed to declare the action of the respondents in not releasing an amount of Rs.52,61,894/-, payable to the petitioner in relation to the execution of eleven works *vide* Agreement

Nos.09Kw/2023-2024 dated 19.06.2023, 28KW/2023-2024 dated 19.07.2023, 29KW/2023-2024 dated 19.07.2023, 30Kw/2023-2024 dated 19.07.2023, 41KW/2023-2024 dated 03.08.2023, 42KW/2023-2024 dated 03.08.2023, 46KW/2023-2024 dated 03.08.2023, 47KW/2023-2024 dated 03.08.2023, 48KW/2023-2024 dated 03.08.2023, 65KW/2024-2025 dated 26.07.2024 and 66KW/2024-2025 dated 26.07.2024, as illegal and arbitrary.

3. Today, when the matter is taken up for consideration, learned Assistant Government Pleader for Irrigation and Command Area Development, submitted the written instructions of the Executive Engineer, K.W. Division, Tenali – 7th respondent dated 14.07.2026. The relevant portion of the instructions observed as follows:

“Further, it is submitted that due to non-release of LOC to the required extent, the above work bills are pending. Hence, it is submitted that bills of the petitioner will be processed in NIDHI PORTAL immediately after release of LOC by the Government.”

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned works and the gross amount payable to the petitioner is Rs.52,63,894/-. The written instructions are made as part of the record.

5. The petitioner has paid a Court Fee of only Rs.100/-, and the petitioner shall pay the deficit Court Fee of Rs.1000/- within one week from the receipt of the order copy and file a memo to that effect, failing which the Registry will take necessary steps for payment of the deficit Court Fee.

6. Thus, as seen from the instructions there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.52,63,894/-. 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”.

7. Given the instructions furnished by the Executive Engineer, K.W. Division, Tenali – 7th respondent, though there is a small variation in the amount claimed by the petitioner and the amount determined by the official, as payable to the petitioner, the Writ Petition is disposed of directing the respondents to release an amount of Rs.52,63,894/- (Rupees Fifty Two Lakhs Sixty Three Thousand Eight Hundred and Ninety Four Only) payable to the petitioner regarding execution of the aforementioned works, within three (03) 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: 29.07.2026
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¹ 2025 SCC online SC 1400

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