



**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: 1491/2026

Between:

1. ARK CONSTRUCTIONS, REP BY ITS MANAGING PARTNER, SRI N. V. RAMA KRISHNA REDDY, S/O. SURYA NARAYANA REDDY, AGED ABOVE 36 YEARS, OCCU-BUSINESS, DNO 6-36/1, SATHYA SAI COLLEGE ROAD, RAVULAPALEM, EG DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRI SECRETARY IRRIGATION AND WATER RESOURCES (CAD) DEPARTMENT, AT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, - 522238

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRI SECRETARY FINANCE AND PLANNING DEPARTMENT, AT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522238

3. THE DISTRICT COLLECTOR, EAST GODAVARI DISTRICT AT KAKINADA-533001

4. THE CHIEF ENGINEER, IRRIGATION CIRCLE DRAINAGE DIVISION, DAWALESWARAM, RAJAHMUNDRY, EAST GODAVARI DISTRICT-. 533125

5. THE SUPERINTENDING ENGINEER IRRIGATION CIRCLE, WATER RESOURCES DEPT DRAINAGE DIVISION, DAWALESWARAM, RAJAHMUNDRY, EAST GODAVARI DISTRICT-. 533125

6. THE EXECUTIVE ENGINEER, WATER RESOURCES DEPT,

DRAINAGE DIVISION, KAKINADA , KAKINADA DISTRICT-. 533003

7.PAY AND ACCOUNTS OFFICER, KAKINADA DISTRICT AT KAKINADA. -533003.

...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 appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in paying amount of Rs 6,91,094/- (six lakhs ninety one thousand ninety four only) in respect of agreement No. 31/2024-25 to the petitioner as illegal, arbitrary and violation of principles of and violation of Article 14 and 19(1g) of Constitution of India and Consequently, direct the respondents to pay the amount of Rs 6,91,094/- (six lakhs ninety one thousand ninety four only) with interest at the rate of 18percentage natural justice per annum to the petitioner in the interest of justice 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 direct the Respondents to pay amount of Rs 6,91,094/- (six lakhs ninety one thousand ninety four only).to the petitioner in respect of Agreements no. 31/2024-25 pending disposal of the writ petition, and pass

Counsel for the Petitioner:

1.CH B R P SEKHAR

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER ::

The above writ petition was filed to declare the action of the respondent authorities in not releasing the amount of Rs.6,91,094/- payable to the petitioner for execution of work in pursuance of Agreement No.31/2024-25 dated 20.07.2024, as illegal and arbitrary.

2. Heard Sri CH.B.R.P.Sekhar, learned counsel for the petitioner, and Sri K.Sambasiva Rao, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, for the respondents.

3. Learned counsel for the petitioner would submit that pursuant to the aforementioned agreement, the petitioner has executed the work, 'Annual maintenance towards removal of weed growth from Pilvela Medium from km 0.000 to km 9.100 and Palivela minor drain for the year 2024-25', as per the timelines stipulated in the agreement and the same was verified by the respective authorities. However, the amount has not been paid so far.

4. Today, when the matter is taken up for consideration, Sri K.Sambasiva Rao, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, submitted the written instructions furnished by the Executive Engineer, Drainage Division, Kakinada, *vide* Letter No.EE/DD/KKD/DV/ATO-2/F.CC/445M dated 28.07.2026, wherein it is stated that the total value of the work done by the petitioner in relation to the aforementioned work is Rs.6,11,586/-. After QC recovery of Rs.41,728/-, the balance amount payable to the petitioner comes to Rs.5,69,863/- and the bills are not uploaded in CFMS Portal due to Error (Regulation of expenditure) showing in CFMS Portal.

5. Learned Assistant Government Pleader submitted that the petitioner is not entitled to interest. He placed reliance on the order, dated 11.02.2025, in W.A.No.60 of 2025 passed by the Division Bench of this Court.

6. Learned counsel for the petitioner endorses the amount mentioned in the instructions.

7. Thus, as seen from the instructions of the Executive Engineer, Drainage Division, Kakinada, there is no dispute regarding the execution of work and the petitioner's entitlement to the aforementioned amount. 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 & Ors¹, 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.”.

8. Given the instructions of the Executive Engineer, Drainage Division, Kakinada, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.5,69,863/- (Rupees Five Lakhs Sixty Nine Thousand Eight Hundred and Sixty Three only) payable to the petitioner regarding execution of the aforementioned work, within two (02) months from the receipt of the copy of this order. Insofar as the interest component is concerned, the petitioner is at liberty to approach the civil court or appropriate forum, given the directions in W.A.No.60 of 2025. 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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