



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

[3331]

MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1285/2025

Between:

1. LAKKENABOINA MOUSHE, AGED 52 YEARS, CONTRACTOR, R/O.
H NIDAMANURU (V), NAGULUPPALA PADU MANDAL, PRAKASAM
DISTRICT-523183.

...PETITIONER

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY,
PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT,
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT.

3. THE ENGINEER IN CHIEF, PANCHAYAT RAJ DEPARTMENT,
OPPOSITE PWD GROUNDS, VIJAYAWADA, KRISHNA DISTRICT.

4. THE COLLECTOR AND DISTRICT MAGISTRATE, PRAKASAM
DISTRICT AT ONGOLE.

5. THE SUPERINTENDING ENGINEER, PANCHAYAT RAJ CIRCLE,
ONGOLE.

6. THE EXECUTIVE ENGINEER, PRI DIVISION, ONGOLE, PRAKASAM
DISTRICT.

7. THE PAY AND ACCOUNTS OFFICER, WORKS AND ACCOUNTS,

ONGOLE.

...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 a writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in withholding the payment of Rs. 4,99,988/- (Rupees Four Lakhs Ninety-Nine Thousand Nine Hundred and Eighty-Eight Only), payable to the petitioner, for the work done pertaining to Construction of Community Shed in Madigapalli of H. Nidamanur Village of N.G.Padu Mandal of Estimate Cost Rs. 5.00 Lakhs as bad, illegal, arbitrary, improper, unjust and against the Article 21 of Constitution of India and consequently direct the respondents to pay the amount of Rs. 4,99,988/- (Rupees Four Lakhs Ninety-Nine Thousand Nine Hundred and Eighty-Eight Only) for the works executed by the petitioner 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 consider the representation of the petitioner, dated 16/12/2024, and to pay the amount payable to the petitioner and pass

Counsel for the Petitioner:

1.BANDLA PAVAN

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.4,99,988/- payable to the petitioner in relation to the work executed by the petitioner i.e. Construction of Community Shed in Madigapalli of H. Nidamanur Village of N.G. Padu Mandal, as illegal and arbitrary.

2. Heard Sri B. Pavan, learned counsel for the petitioner and Sri Panuku 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, PRI Division, Ongole – respondent No.6.

4. A perusal of the said instructions indicates that the petitioner has executed the aforementioned works. It further indicates that the total value of the work done by the petitioner is Rs.4,99,988/-, and after statutory deductions, i.e. Rs.54,681/-, the net amount payable to the petitioner is Rs.4,45,307/-. 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.4,45,307/-. 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.”

¹ 2025 SCC online SC 1400

6. Given the instructions furnished by respondent No.6, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.4,45,307/- payable to the petitioner regarding execution of the aforementioned works, within two (02) 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: 04.05.2026
TVN

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 04.05.2026
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