

APHC010026042026



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

[3331]

THURSDAY, THE 6th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1786/2026

Between:

1.DEVARAKONDA VENKATA SIVA RAMANJANEYULU, S/O.D.
VENKATESWARA RAO, AGED 34 OCC CONTRACTOR, R/O.
D.NO.4-716, POTHUMERAKA (V), THUMMALA, REPALLE (M),
BAPATIA DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE
SECRETARY, IRRIGATION DEPARTMENT. SECRETARIAT
BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DIST - 523 238.

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE
SECRETARY, FINANCE AND PLANNING DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DIST- 523 238.

3.THE ENGINEER IN CHIEF, IRRIGATION DEPARTMENT,
AMARAVATHI, GUNTUR DIST - 523 238

4.THE DISTRICT COLLECTOR, BAPATIA, BAPATIA DIST - 522 101.

5.THE SUPERINTENDENT ENGINEER, IRRIGATION CIRCLE,
GUNTUR, GUNTUR DIST - 522 001.

6.THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, REPALLE,
BAPATIA DIST 522 265.

...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 order or orders, direction or directions, Writ or Writs particularly one in the nature Writ of Mandamus or any appropriate writ declare the action of the respondents in not paying the bills for execution of works by the Petitioner work under 1. Agreement No. 49 of 2022-23, Dt 16-09-2022. Total work amount of Rs.7,57,400/- to the petitioner with 6percentage interest till to day from the date of completion of respective works as illegal, arbitrary violation of principles of natural justice and violative of Article 14,19 (i) g, 21 of the Constitution of India, consequently direct the respondents to release the bills for the above completed works immediately with 6percentage 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 the amount of Rs.7,57,400/- towards payment of above final bills for the contract works under taken by the petitioner long back, pending disposal of main writ petition pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1. K L N SWAMY

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD

2. GP FOR FINANCE PLANNING

The Court made the following:

::ORDER::

Heard Sri K.L.N Swamy, learned counsel for the petitioner, and Sri K.Sambasiva Rao, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, for the respondents.

2. The above writ petition was filed to declare the action of the respondent authorities in not releasing the amount of Rs.7,57,400/- payable to the

petitioner for execution of work in pursuance of Agreement No.49 of 2022-23 dated 16.09.2022, as illegal and arbitrary.

3. A counter affidavit was filed on behalf of respondent No.6. At para No.3 it is stated that the petitioner has completed the work within the time stipulated in the agreement. It is further stated that the petitioner is entitled to a gross amount of Rs.7,60,618/- and the bills were not uploaded in 'NIDHI PORTAL' due to non-availability of LOC.

4. Learned counsel for the petitioner would submit that despite completion of the works as per the agreements, the authorities failed to release the amount payable to the petitioner.

5. Learned Assistant Government Pleader for Irrigation, while not disputing the execution and completion of the works by the petitioner, 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. Thus, as seen from the counter of respondent No.6, 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 & 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

¹ 2025 SCC online SC 1400

which by their very nature cannot be adjudicated upon without recording formal evidence.”

7. Given the averments of the counter affidavit of respondent No.6, the Writ Petition is disposed of, directing the respondents to release an amount of gross amount of Rs.7,60,618/- (Rupees seven Lakhs Sixty Thousand Six Hundred and Eighteen only) payable to the petitioner regarding execution of the aforementioned work, subject to deductions, if any, within two (02) months from the 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: 06.08.2026
IKN

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 06.08.2026
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