



**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: 2638/2026

Between:

1. PINNIBOYINA RAMAKRISHNA, S/O LATE NAGESWARARAO, AGED ABOUT 45 YEARS, R/O 5-2, PINNIBOINAVARIPALEM EAST, BAPATLA, GUNTUR DISTRICT- 522002

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, A.P SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.-522239

2. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY FINANCE AND PLANNING DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522239

3. FINANCIAL MANAGEMENT SYSTEM CFMS, CEO, NIDHI BHAVAN, APIIC PARK, MANGALAGIRI, GUNTUR DISTRICT-522503

4. THE COLLECTOR AND DISTRICT MAGISTRATE, EAST WHILE GUNTUR, GUNTUR DISTRICT.-522007

5. THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, REPALLE BAPATIA DISTRICT.-522265

...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 direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the admitted due amount of 4,65,233/- (Four Lakhs Sixty-Five Thousand Two Hundred and Thirty-Three rupees), to petitioner herein in relation to contract Work i.e work 'O and M- Desilting to lanka, Chillacodu, Karlapalem, Chintayapalem and Perali padu minor drains in Karlapalem Mandal' despite a lapse of nearly Four year as the same is illegal, arbitrary, and unconstitutional' executed by the petitioner herein, under Tender basics Notice No. 56 EE /2020-21, even after finalizing the bills, as illegal, arbitrary, unconstitutional and consequently direct the respondents herein to immediately pay the admitted due amount of f.4,65,233/- (Four Lakhs Sixty-Five Thousand Two Hundred and Thirty-Three rupees) to petitioner herein in relation to executed for the 5th respondent by the petitioner herein, under Tender basis Notice No. 56 EE /2020-21 'O and M- Desilting to lanka, Chillacodu, Karlapalem, Chintayapalem and Perali padu minor drains in Karlapalem Mandal' 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 herein to release the admitted due amount of 4,65,233/- (Four Lakhs Sixty-Five Thousand Two Hundred and Thirty-Three rupees) to petitioner herein in relation to work executed for the 5th respondent by the petitioner herein, under Tender basis Notice No. 56 EE /2020-21 for "O & M- Desilting to lanka, Chillacodu, Karlapalem, Chintayapalem and Perali padu minor drains in Karlapalem Mandal" despite a lapse of nearly Four years and pass

Counsel for the Petitioner:

- 1.KODE RAMESH BABU

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 failing to release the amount of Rs.4,65,233/- payable to the petitioner for execution of work in pursuance of Agreement No.37/2020-21 as illegal and arbitrary.

2. Heard Kode Ramesh Babu, learned counsel for the petitioner and Sri 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 the petitioner's father, Pinniboina Nageswar Rao, entered into the aforementioned agreement for execution of 'O & M -Desilting to Lanka, Chillacodu, Karlapalem, Chintayapalem and Perali Padu minor drains in Karlapalem Mandal'. Learned counsel would further submit that pursuant to the aforementioned agreement, the petitioner's father has executed the aforementioned work within the stipulated time. However, the amount has not been paid so far. Learned counsel for the petitioner would further submit that subsequently, the petitioner's father expired on 27.04.2021. Hence, the petitioner, being the legal heir of late Pinniboina Nageswar Rao, filed the above writ petition.

4. Today, when the matter is taken up, 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, Repalle, vide letter No.EE/DD/RPL/WP 2638 of 2026, wherein it is stated that the amount payable to the petitioner in respect of the aforementioned work is Rs.4,88,983/- and the bill was not uploaded in the Nidhi portal due to non-release of LOC to the required extent.

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. Thus, as seen from the instructions of the Executive Engineer, Drainage Division, Repalle, 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 which by their very nature cannot be adjudicated upon without recording formal evidence.”

7. Given the instructions of the Executive engineer, Drainage Division, Repalle, 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.4,88,983/- (Rupees Four Lakhs Eighty Eight Thousand Nine Hundred and Eighty Three only) payable to the petitioner in connection with execution of the aforementioned works by his later father, subject to statutory

¹ 2025 SCC online SC 1400

deductions, if any, within six (06) weeks from the receipt of a 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: 06.08.2026
IKN

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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IKN