



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

[3331]

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4486/2026

Between:

1.J. RADHA KRISHNA,, S/O. J. NAGESWARA RAO AGED ABOUT 50
YEARS, R/O. D.NO. 2/30, GOLLAPALEM, CHINAPURAM, KRISHNA
DISTRICT - 521001

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATI, THULLUR MANDAL, GUNTUR
DISTRICT - 522237.

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY FINANCE DEPARTMENT SECRETARIAT,
VELAGAPUDI, AMARAVATI, THULLUR MANDAL, GUNTUR
DISTRICT - 522237.

3.THE A P STATE HOUSING CORPORATION LTD, 2ND FLOOR SP
RIVER VIEW BUILDING, TADEPALLI, AMARAVATI, REP. BY ITS
MANAGING DIRECTOR - 522501.

4.THE DISTRICT COLLECTOR, MACHILIPATNAM, KRISHNA DISTRICT
- 521001.

5.THE ENGINEERINCHIEF, PANCHAYAT RAJ DEPARTMENT,
VIJAYAWADA, NTR DISTRICT-520001.

6.THE SUPERINTENDENT ENGINEER, PANCHAYAT RAJ
DEPARTMENT, VIJAYAWADA NTR DISTRICT-520001.

7.THE EXECUTIVE ENGINEER, PRI DIVISION, MACHILIPATNAM,
KRISHNA DISTRICT - 521001.

...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 or any other appropriate writ or direction declaring the action of the respondents in not releasing the payments of Rs. 70,00,000/-, even after finalizing the bills, payable to the petitioner in relation to the works for 1) Amount of Rs. 35,00,000/-, for the work Land Levelling 1st stage in YSR Jagananna Housing Colony in 18th Ward Gilakaladindi Block -III layout in Machilipatnam (Urban) (Layout ID 068118LA000776) Part-1, 2) Amount of Rs. 35,00,000/-, for the work Land Levelling 1st stage in YSR Jagananna Housing Colony in 18th Ward Gilakaladindi Block -III layout in Machilipatnam (Urban) (Layout ID.068118LA000776) Part-2 under Non-OTS Critical Infrastructure Grant, is as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release Rs. 70,00,000/- plus GST forthwith for the above said works executed by the petitioner

IA NO: 1 OF 2026

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 respondents to consider for payment of amount of Rs. 70,00,000/- + GST for the works executed by the petitioner for Filling of Low-lying Lands in YSR Jagananna layout colonies of Krishna District i.e., pending disposal of the main Writ Petition

Counsel for the Petitioner:

1.ANNAMNEEDI BALAKRISHNA

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.MALLIKHARJUNA MOORTHY K (SC FOR A.P HOUSING CORPORATION LIMITED)
- 3.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER ::

Heard Sri Annamneedi Balakrishna, learned counsel for the petitioner; Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development and Finance for respondents 1, 2 and 4 to 7 and Sri Mallikarjuna Moorthy K, learned standing counsel for respondent No.3.

2. The above writ petition was filed to declare the action of the respondents in not releasing an amount of Rs.70,00,000/- payable to the petitioner for the works executed i.e. 'Land Levelling 1st stage in YSR Jagananna Housing colony in 18th Ward Gilakaladindi Block-III layout in Machilipatnam (Urban) (Layout ID:068118LA000776) Part-1 and Part-2', as illegal and arbitrary.

3. Today, when the matter is taken up, learned Assistant Government Pleader for Panchayat Raj and Rural Development submitted the instructions of Executive Engineer (FAC), PRI Division, Machilipatnam.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned works for a total value of Rs.63,23,318/- and the net amount payable to the petitioner after QC recovery/statutory recovery of Rs.8,69,333/- is Rs.54,53,985/- out of which the petitioner was paid Rs.38,82,601/- and the balance amount payable is Rs.15,71,384/-. The instructions are made part of the record.

5. Learned counsel for the petitioner endorses the same.

6. Thus, as seen from the instructions there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.15,71,384/-. 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 (FAC), PRI Division, Machilipatnam, the Writ Petition is disposed of directing the respondents to release the balance amount of Rs.15,71,384/- (Rupees Fifteen Lakhs Seventy One Thousand Three Hundred and Eighty 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: 21.04.2026
IKN

¹ 2025 SCC online SC 1400

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4486 of 2026

Date: 21.04.2026
IKN