



**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: 4543/2026

Between:

1.S DINESH BABU, S/O. SESHAGIRI AGE ABOUT 30 YEARS, OCC
CONTRACTOR, R/O. F/83, AP GENCO COLONY, SUNDIPENTA,
SRISAILAM, KURNOOL, ANDHRA PRADESH - 518102.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT PANCHAYAT RAJ DEPARTMENT,
SECRETARIAT BUILDINGS, A.P. SECRETARIAT, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT.

2.THE COMMISSIONER, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, TADEPALLI, GUNTUR DISTRICT.
522501

3.THE SUPERINTENDENT ENGINEER, PANCHAYAT RAJ
ENGINEERING DEPT, P.R..I. CIRCLE, MACHILIPATNAM, KRISHNA
DISTRICT, 521001

4.THE DISTRICT COLLECTOR, (PR WING) KRISHNA DISTRICT AT
MACHILIPATNAM.521001

5.THE EXECUTIVE ENGINEER, P.R.I. DIVISION, MACHILIPATNAM,
KRISHNA DISTRICT. 521001

6.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT 522238

...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 direction more particularly one in the nature of Writ of Mandamus declare the inaction on part of the respondents herein not releasing the final bills amount total amount of Rs.26,69,097/- 1) for an amount of Rs. 4,66,679/- vide Agreement /2023-24 dated 01.03.2024, 2) for an amount of Rs. 4,72,564/- vide Agreement /2023-24 dated 01.03.2024, 3) for an amount of Rs. 4,40,470/- vide Agreement /2023-24 dated 01.03.2024 4) for an amount of Rs. 4,14,899/- vide Agreement /2023-24 dated 01.03.2024, vide Common M.Book.No. 350A/2022-23 for the works (1 to 4), 5) for an amount of Rs. 1,79,981/- vide Agreement /2023-24 dated 11.12.2023 6) for an amount of Rs. 2,02,331/- vide Agreement /2023-24 dated 11.12.2023, 7) for an amount of Rs. 2,77,107/- vide Agreement /2023-24 dated 26.12.2023 and 8) for an amount of Rs. 2,15,066/- vide Agreement /2023-24 dated 26.12.2023 with interest of execution of completion of GGMP Grant under Panchayatraj Department as per agreements/ Proceedings to the petitioner till today and causing heavy loss with interest even though total works were completed as per the agreements as illegal, arbitrary and violation of Articles 14, 16 and 21 of The Constitution of India and consequentially to direct the respondents release the final bills of total amount worth of Rs.26,69,097/- for execution of completion of works under GGMP Grant, Panchayat Raj Department as per agreements to the petitioner forthwith 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 release the final bills of total amount worth of Rs.26,69,097/- for execution of completion of works under GGMP Grant, Panchayat Raj Department as per agreements to the petitioner forthwith, pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.PAMARTHI KAMESWARA RAO

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.GP FOR FINANCE PLANNING

The Court made the following order :

Heard Sri Pamarthi Kamaewara Rao, learned counsel for the petitioner and Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, for respondents.

2. The above writ petition was filed to declare the action of the respondents in not releasing the amount of Rs.26,69,097/- payable to the petitioner in relation to eight works executed by him i.e. '8 CC road works in Ventraparagada and Vinjarampadu villages of Pedaparupudi Mandal in pursuance of agreements, dated 01.03.2024, 01.03.2024, 01.03.2024, 01.03.2024, 11.12.2023, 11.12.2023, 26.12.2023 and 26.12.2023, as illegal and arbitrary.

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

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned eight works for a total value of Rs.27,78,041/- and the net amount payable to the petitioner after QC recovery / statutory recovery of Rs.4,02,707/-, is Rs.23,75,344/-. The written instructions are made as part of the record.

5. Learned counsel for the petitioner endorses the same. Learned counsel submits that deficit Court Fee is paid and memo along with e-Pay receipt is filed.

6. Thus, as seen from the instructions there is no dispute regarding the execution of the aforementioned works and the petitioner's entitlement for amount of Rs.23,75,334/-. 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 an amount of Rs. 23,75,334/- (Rupees Twenty Three Lakhs Seventy Five Thousand Three Hundred and Thirty Four only) payable to the petitioner regarding execution of aforementioned works, within three (03) months from the date of receipt of the copy of this order.

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