



**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: 7419/2026

Between:

1.P VIJAYA LAKSHMI,, CHAIRMAN, WORKS COMMITTEE,
BURRIPALEM VILLAGE, TENALI MANDAL, W/O.ANJAIAH, AGED
ABOUT 66 YEARS, OCC HOUSEWIFE, R/O.3-40, BURRIPALEM
VILLAGE, TENALI MANDAL, GUNTUR DISTRICT, PINCODE 522301.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY PRINCIPAL
SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT, PINCODE 522238.

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT, PINCODE 522238.

3.THE DISTRICT COLLECTOR, GUNTUR, GUNTUR DISTRICT,
PINCODE 522004.

4.THE EXECUTIVE ENGINEER, RWS AND S DIVISION, GUNTUR,
GUNTUR DISTRICT, PINCODE 522004.

5.THE DEPUTY EXECUTIVE ENGINEER, RWS AND S SUB-DIVISION,
TENALI, GUNTUR DISTRICT, PINCODE 522201

...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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents not releasing the amount of Rs. 1,06,910/-, even after finalizing the bills, payable to the petitioner in relation to the works i.e.. Construction of CC drain from Palaparthi Ratnam (H) to Pull Baburao (H) in Burripalem Village in Tenali Mandal, vide Agreement No. 46/2023-24, dated 09.11.2023 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to pay for payment of amount of Rs. 1,06,910/- with interest @24percent per annum for the delayed amount to the petitioner in respect of execution of above- mentioned work forthwith

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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 please to direct the respondents to pay for payment of amount of Rs. 1,06,910/- with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Construction of CC drain from Palaparthi Ratnam (H) to Pull Baburao (H) in Burripalem Village in Tenali Mandal, vide Agreement No. 46/2023-24, dated 09.11.2023 forthwith pending disposal of the Writ Petition

Counsel for the Petitioner:

1.MODAPOTHULA SUMALATHA

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER::

Heard Smt. M. Sumalatha, learned counsel for the petitioner; Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development and Finance for the respondents.

2. The above writ petition was filed to declare the action of the respondents in not releasing the amount of Rs.1,06,910/- payable to the petitioner in relation to the work executed i.e. 'Construction of CC drain from Palaparthi Ratnam (H) to Pull Baburao (H) in Burripalem Village in tenali Mandal, pursuant to agreement No.46/2023-24 dated 09.11.2023, as illegal and arbitrary.

3. Today when the matter is taken up, learned Assistant Government Pleader for Panchayat Raj, submitted instructions of the Executive Engineer, RWS & S Division, Guntur.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned work for a total value of Rs.1,28,973/- and the net amount payable to the petitioner, after QC recovery/statutory recovery of Rs.16,970/- is Rs.1,12,003/-. The written instructions are made as part of the record.

5. 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.1,12,003/-. 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

¹ 2025 SCC online SC 1400

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

6. Given the instructions furnished by Executive Engineer, RWS & S Division, Guntur, though there is a small variation in the amount claimed by the petitioners and the amount determined by the official, as payable to the petitioners, the Writ Petition is disposed of directing the respondents to release an amount of Rs.1,12,003/- (Rupees One Lakh Twelve Thousand and Three only) 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: 21.04.2026
IKN

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 21.04.2026

IKN