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APHC010157192026



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

[3331]

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 8466/2026

Between:

1.SAYAM SAI AVINASH, S/O. S.SRINIVAS RAO, AGED ABOUT 29 YEARS, OCC CONTRACTOR, R/O.5-138, RAMALAYAM STREET, NEMAM VILLAGE, KAKINADA RURAL MANDAL, KAKINADA DISTRICT -533005.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, SECRETARIAT BUILDINGS VELAGAPUDI, GUNTUR DISTRICT-522237.

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT-522237.

3.THE COMMISSIONER, COMMAND AREA DEVELOPMENT AUTHORITY VIJAYAWADA, NTR DISTRICT - 520003.

4.THE EXECUTIVE ENGINEER, YELERU IRRIGATION DIVISION, PEDDAPURAM, KAKINADA DISTRICT-533437.

...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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the admitted amount of Rs.2,32,209/- (Rupees Two Lakh Thirty Two Thousand and Two Hundred Nine only) as per M.Book No,3959 in respect of work Embankment Repairs to eroded No.1 channel of RRB tank near SC Peta and vulnerable reaches in Ramanakkapeta Village, U.Kothapalli Mandal, East Godavari (now Kakinada) District as illegal, irregular, arbitrary, highhanded mala fide and against to the principles of natural justice and violative of fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India and consequently direct the Respondents to release an amount of Rs.2,32,209/- (Rupees Two Lakh Thirty Two Thousand and Two Hundred Nine only) along with 12per interest from the date of completion of the work to till the date of realization forthwith 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 may be pleased to direct the respondents to release a sum of Rs.2,32,209/- (Rupees Two Lakh Thirty Two Thousand and Two Hundred Nine only) as per M.Book No.3959 in respect of work "Embankment Repairs to eroded No.1 channel of RRB tank near SC Peta and vulnerable reaches in Ramanakkapeta Village, U.Kothapalli Mandal, East Godavari (now Kakinada) District" forthwith to the Petitioner pending disposal of the above writ petition and pass

Counsel for the Petitioner:

- 1.B JAYA PRABHAKARA RAO

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 not releasing the amount of Rs.2,32,209/- payable to the petitioner for execution of work, 'Embankment Repairs to eroded No.1 channel of RRB tank near SC peta and vulnerable reaches in Ramanakkapeta Village, U. Kothapalli Mandal, East Godavari District', in pursuance of agreement No.46/2020-21, dated 29.12.2020, as illegal and arbitrary.

2. A counter affidavit was filed by respondent No.4. The authority has not disputed the execution of the aforementioned work and stated that the admitted amount payable to the petitioner is Rs.2,20,599/-. However, due to an inadequate budget, the amount was not released.

3. Heard Sri B. Jaya Prabhakara Rao, learned counsel for the petitioner and Sri S. Satish, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, for the respondents.

3. Learned counsel for the petitioner accepts the amount admitted in the counter.

4. 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.

5. Thus, as seen from the averments made in the counter-affidavit filed on behalf of respondent No.4, 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.”

6. Given the instructions of respondent No.4, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.2,20,599/- (Rupees Two Lakhs Twenty Thousand Five Hundred and Ninety Nine only) payable to the petitioner regarding execution of the aforementioned work, subject to deductions, if any, within three (03) months from the receipt of the 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: 01.07.2026
IKN

Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No

¹ 2025 SCC online SC 1400

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IKN