



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

[3504]

FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 8456/2024

Between:

- 1.C LAKSHMI DEVI, W/O.SEENAI AH, AGED ABOUT 43 YEARS, OCC HOUSEWIFE, R/O. GIRIJANA COLONY, KOTTURU, INDUKURU PETA, SPSR NELLORE DISTRICT, PINCODE 524314
- 2.C ARUNA,, W/O.LAKSHMAIAH, AGED ABOUT 30 YEARS, OCC HOUSEWIFE, R/O. GIRIJANA COLONY, KOTTURU, INDUKURU PETA, SPSR NELLORE DISTRICT, PINCODE 524314.
- 3.I PADMA,, W/O. VENKAIAH, AGED ABOUT 43 YEARS, OCC HOUSEWIFE, R/O. GIRIJANA COLONY, KOTTURU, INDUKURU PETA, SPSR NELLORE DISTRICT, PINCODE 524314.
- 4.C VENKAMMA,, W/O.CHENCHAIAH, AGED ABOUT 40 YEARS, OCC HOUSEWIFE, R/O. GIRIJANA COLONY, KOTTURU, INDUKURU PETA, SPSR NELLORE DISTRICT, PINCODE 524314.

...PETITIONER(S)

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARIAT , DEPARTMENT OF HOUSING, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
- 2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
- 3.THE MANAGING DIRECTOR, AP STATE HOUSING CORPORATION (APSHCL) VIJAYAWADA, KRISHNA DISTRICT.
- 4.THE PROJECT DIRECTOR, AP STATE HOUSING CORPORATION

LIMITED (APSHCL) NELLORE, SPSR NELLORE DISTRICT.

5.THE DISTRICT COLLECTOR, NELLORE, SPSR NELLORE DISTRICT.

6.THE EXECUTIVE ENGINEER, AP STATE HOUSING CORPORATION LIMITED (APSHCL) NELLORE, SPSR NELLORE DISTRICT.

7.THE DEPUTY EXECUTIVE ENGINEER, AP STATE HOUSING CORPORATION LIMITED (APSHCL) KOVUR, SPSR NELLORE DISTRICT.

...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 amounts of Rs.90,000/- vide Ben Id 092352716NH1743601, Rs.90,000/- vide Ben Id 092352716NH1743602, Rs.90,000/- vide Ben Id 092352716HH1743S93 and Rs.90.000/- vide Ben Id 092352716NH1743599 to the Petitioners in relation to the Scheme i.e., Construction of Houses under YSR RURAL HOUSING 2019-20 Scheme is questioned, as the same is illegal, arbitrary and contrary to law violation of principals of natural justice and consequently direct the respondents to release an amounts of Rs.90,000/- vide Ben Id 092352716NH1743601, Rs.90,000/- vide Ben Id 092352716NH1743602, Rs.90,000/- vide Ben Id 092352716NH1743593 and Rs.90,000/- vide Ben Id 092352716NH1743599 with interest @24 percent per annum for the delayed amounts to the petitioners in respect of Construction of Houses under YSR RURAL housing 2019-20 Scheme forthwith and pass

IA NO: 1 OF 2024

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 consider for payment of amounts of Rs.90,000/- vide Ben Id: 092352716NH1743601, Rs.90,000/- vide Ben Id: 092352716NH1743602, Rs.90,000/- vide Ben Id; 092352716NH1743593 & Rs.90,000/- vide Ben Id:092352716NH1743599 with interest @24% per annum for the delayed amounts to the petitioners in respect of Construction of Houses under YSR RURAL HOUSING 2019-20 Scheme within four weeks from the date of passing of the order pending disposal of the Writ Petition and pass

Counsel for the Petitioner(S):

1.BATHALA RAMESH

Counsel for the Respondent(S):

- 1.KALYAN CHAKRAVARTHY R
- 2.E V JAGANNADHA RAO (SC FOR AP STATE HOUSEING COOP LTD)
- 3.GP FOR REVENUE
- 4.MALLIKHARJUNA MOORTHY K (SC FOR A.P HOUSING CORPORATION LIMITED)
- 5.GP FOR HOUSING (AP)
- 6.GP FOR FINANCE PLANNING (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 8456 of 2024

ORDER:-

The instant writ petition has been filed by the petitioners under Article 226 of Constitution of India seeking the following main prayer:

“....to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the Respondents not releasing the amounts of Rs.90,000/- vide Ben Id 092352716NH1743601, Rs.90,000/- vide Ben Id 092352716NH1743602, Rs.90,000/- vide Ben Id 092352716HH1743S93 and Rs.90.000/- vide Ben Id 092352716NH1743599 to the Petitioners in relation to the Scheme i.e., Construction of Houses under YSR RURAL HOUSING 2019-20 Scheme is questioned, as the same is illegal, arbitrary and contrary to law violation of principals of natural justice and consequently direct the respondents to release an amounts of Rs.90,000/- vide Ben Id 092352716NH1743601, Rs.90,000/- vide Ben Id 092352716NH1743602, Rs.90,000/- vide Ben Id 092352716NH1743593 and Rs.90,000/- vide Ben Id 092352716NH1743599 with interest @24 percent per annum for the delayed amounts to the petitioners in respect of Construction of Houses under YSR RURAL housing 2019-20 Scheme forthwith and pass....”

2. The sum and substance of the writ petition is that the petitioners challenged the inaction of the respondents in not releasing the amounts even after completion of the entire works entrusted to them.

3. Heard learned counsel for the petitioners and Sri K.Mallikarjuna Moorthy, learned Standing Counsel for A.P. Housing Corporation appearing for respondents.

4. Learned counsel for the petitioners, while reiterating the averments made in the writ affidavit, submits that in view of the non-release of the

admitted amounts, the petitioners are facing multifarious problems, physically and fiscally. Hence, he submits that the release of the amounts is just and essential.

5. On the other hand, learned Standing Counsel for the respondent Corporation, places a copy of the written instructions dated 23.04.2026 issued by the concerned authority of the Corporation and submits that three months' time may be granted for paying the admitted amount of Rs.2,38,049/- to the petitioners.

6. Since it is not in dispute that the petitioners completed the works and has yet to receive payment, this Court finds the respondents' failure to pay is unjustified. However, taking into consideration of the ground realities to settle the admitted amounts, the respondents are granted rational time to settle the dues.

7. Recently the Hon'ble Supreme Court of India held in ***Utkal Highways Engineers and Contractor Vs Chief General Manager and Others***¹, in vivid terms categorically in the following manner.

“8. 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.....”

¹ (2025) SCC Online SC 1400

8. It is apt to note that a mere financial incapacity/poor financial conditions, as stated by the respondent Corporation, for non-releasing of amounts after utilising the services of the petitioners, cannot be a ground.

9. In view of the above stated legal position, the respondent Corporation, being the instrumentality of the 'State' within the meaning of Article 12 of the Constitution of India, is bound to release the amount for the undisputed works done by the petitioners, without any further delay. A mere financial incapacity or paucity of funds cannot be a valid defence for non-fulfilment of such statutory obligations, more particularly, when the works executed by the petitioners are admitted by the respondent Corporation.

10. So far as the interest portion is concerned, the Hon'ble Division Bench of this Court in the case of ***Managing Director & Ors. Vs. Sree Balaji Constructions & Ors.*** (Writ Appeal No.60 of 2025) held that the award of interest on delayed payments was unsustainable in the absence of specific terms and conditions of the relevant agreement between the parties, but in the instant case, the learned counsel for the petitioners has not touched on the said point. However, the Hon'ble Division Bench in similar circumstances made it clear that the parties are at liberty to pursue their claims before an appropriate forum in accordance with the Law.

11. In the light of the above legal position, coupled with the fact that the liability for the undisputed works was admitted by the respondents, the writ petition is disposed of with a direction to the respondents to release the amount payable to the petitioners, within a period of three (03) months, from

the date of receipt of copy of this order. It is needless to say that the petitioners are at liberty to approach the appropriate civil court with regard to interest, if so advised.

There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 24.04.2026
RMR

71

THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No. 8456 of 2024

Date: 24.04.2026

RMR