



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

[3331]

WEDNESDAY, THE 5th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 10242/2026

Between:

1.AVULA SUBBAIAH, S/O. AVULA NARAYANA, AGED ABOUT 41 YEARS, OCC PROPRIETOR, RIO. KOTA, UTHAMANELLORE, KOKKUPADU, NELLORE DISTRICT.

...PETITIONER

AND

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

2.THE PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT, THE GOVERNMENT OF ANDHRA PRADESH, 2ND BLOCK, 1ST FLOOR, ROOM NO.287, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DIST-522237.

3.THE COMMAND AREA DEVELOPMENT AUTHORITY CADA, REP. BY THE COMMISSIONER, NAMBOORI, PENDYALA VANI ST, HANUMANPET, VIJAYAWADA, ANDHRA PRADESH 520003.

4.THE EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT, NELLORE SOUTH DIVISION, GUDURU-524101.

5.THE DEPUTY EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT, REGULAR SUBDIVISION, GUDURU-524101.

...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 Writ order or direction more particularly one in the nature of Writ of Mandamus or any appropriate writ, declare the action of respondents in not disbursing the amount for a tune of Rs.2,76,343/- with interest @ 24 percent p.a. i.e., O and M- Category A-2020-21-Repairs to Embankment of Uthamanellore tank at Uthamanellore Village of Kota Mandal in SPSR Nellore District, dated. 16-11-2020, the despite issuance of satisfactory certificate after making required measurements in measurement book bearing M.B. No. 2584AG, dated 04-03-2021 illegal, arbitrary violation of principles of natural justice and violative of Article 14, 19 (i) (g), 21 of the Constitution, of India and consequently direct the respondents to release the bill to a tune of Rs.2,76,343/- for the above said work i.e. O and M- Category A-2020-21-Repairs to Embankment of Uthamanellore tank at Uthamanellore Village of Kota Mandal in SPSR Nellore District, immediately with 24 percent interest and to 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 to direct the respondents to release the bill to a tune of Rs2,76,343/-for the above said work i.e., O&M- Category A-2020-21-Repairs to Embankment of Uthamanellore tank at Uthamanellore Village of Kota Mandal in SPSR Nellore District immediately with 24% interest, pending disposal of main WP No. of 2026 and to pass

Counsel for the Petitioner:

1.HARINATH REDDY SOMA

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.2,76,343/- payable to the petitioner for execution of work in pursuance of Agreement No.37DN/2020-21 dated 16.11.2020, as illegal and arbitrary.

2. Heard Sri Harinath Reddy Soma, learned counsel for the petitioner, and Sri K.Sambasiva Rao, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, for the respondents.

3. Learned counsel for the petitioner would submit that pursuant to the aforementioned agreement, the petitioner has executed the work, i.e., O&M category A-2020-21-Repairs to Embankemnt of Uthamanellore tank at uthamanellore Village of Kota Mandal, SPSR Nellore District, as per the timelines stipulated in the agreement and the same was verified by the respective authorities. However, the amount has not been paid so far.

4. Today, when the matter is taken up, Sri K.Sambasiva Rao, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, submitted the written instructions furnished by the Executive Engineer, Nellore South Division, Gudur, *vide* Letter No.EE/NS Divn./GDR/AB/A.1/Court Cases dated 14.07.2026, wherein it is stated that the amount payable to the petitioner in respect of the aforementioned work is Rs.2,76,343/-, the bill is pending at Division Officer due to want of LOC, budget requisition proposals submitted to Government. Waiting for LOC.

5. 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.

6. Learned counsel for the petitioner endorses the same.

7. Thus, as seen from the instructions of the Executive Engineer, Nellore South Division, Gudur, 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 & Ors¹, 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.”.

8. Given the instructions of the Executive Engineer, Nellore South Division, Gudur, the petitioner the Writ Petition is disposed of, directing the respondents to release an amount of Rs.2,76,343/- (Rupees Two Lakhs Seventy Six Thousand Three Hundred and Forty Three only) payable to the petitioner regarding execution of the aforementioned work, subject to deductions, if any, within two (02) 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: 05.08.2026
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¹ 2025 SCC online SC 1400

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