

Date of reserved for orders :

Date of pronouncement :

Date of uploading :

APHC010213542026



**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: 10868/2026

Between:

1.SRI ESUKAPALLI NAGARAJU,, S/O. NARASIMHA RAJU, AGED
ABOVE MAJOR, R/O. D.NO.4-48, BYRAVARAPATNAM,
MANDAVALLI, ELURU DISTRICT, A.P-521345

...PETITIONER

AND

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

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

3.THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, GUDIVADA,
KRISHNA DISTRICT. - 521 301

4.THE DIRECTOR, PAY AND ACCOUNTS, FINANCE DEPARTMENT,
ANJANEYA TOWERS, IBRAHIMPATNAM, VIJAYAWADA, KRISHNA
DISTRICT. - 520001

...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, order or direction more particularly one in the nature of a Writ of Mandamus or any other appropriate Writ, Direction or Order declare the action of the respondents in not paying the admitted bills for execution of work vide. (1) Agreement No. 103/2024-25 dated 14-02-2025 for an amount of Rs.8,69,571/- (2) Agreement No. 104/2024-25 dated 14-02-2025 for an amount of Rs.11,46,161/-(3) Agreement No. 105/2024-25 dated 14-02-2025 for an amount of Rs.6,73,014/-, total an amount of Rs.19,05,746/ and GST, as illegal, arbitrary, violative of the principles of natural justice and Articles 14, 19(1)(g), and 21 of the Constitution of India, and consequently to direct the respondents to release/pay admitted amount an amount of Rs.19,05,746/ with GST

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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 pay the admitted bills for execution of work vide (1). Agreement No. 103/2024-25 Dt. 14-02-20225 an amount of Rs.8, 69,571/- with GST, (2). Agreement No. 104/2024-25 Dt. 14-02-2025 an amount of Rs.11,46,161/-with GST, (3). Agreement No. 105/2024-25 Dt. 14-02-2025 an amount of Rs.6,73,014/-with GST, and total amount of Rs.19,05,746/-with GST to the petitioner with GST forthwith, pending disposal of Writ Petition,

Counsel for the Petitioner:

1. Thota Dharmendra

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.8,69,571/-, Rs.11,46,161/- and Rs.6,73,014/- payable to the petitioner for execution of works in pursuance of agreement Nos.103/2024-25, 104/2024-25 and 105/2024-25, dated 14.02.2025, as illegal and arbitrary.

2. Heard Sri T. Dharmendra, 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 would submit that pursuant to the agreements dated 14.02.2025, the petitioner has executed the works as per the timelines stipulated in the agreements and the same was verified by the respective authorities. However, the amount has not been paid so far. Learned counsel for the petitioners undertakes to pay the deficit court fee within one week and file a memo to that effect. The same is recorded.

4. Today, when the matter is taken up, Sri S. Satish, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, submitted the written instructions furnished by the Executive Engineer, Drainage Division vide letter No.EE/DRG/GDV/AB/A3/Court Cases/621 M dated 01.07.2026, wherein it is stated that the amounts payable to the petitioner in respect of the works executed pursuant to the aforementioned agreements are Rs.8,53,152/-, Rs.10,92,124/- and Rs.6,69,362/- and the bills will be uploaded.

5. Thus, as seen from instructions furnished by the Executive Engineer, Drainage Division, Gudivada, there is no dispute regarding the execution of work and the petitioner's entitlement for the aforementioned amounts. 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 the Executive Engineer, Drainage Division, Gudivada, the Writ Petition is disposed of, directing the respondents to release amounts of Rs.8,53,152/-, Rs.10,92,124/- and Rs.6,69,362/-, payable to the petitioner regarding execution of the works pursuant to the aforementioned agreements, subject to statutory deductions, if any, within two (03) 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: 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

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 01.07.2026
IKN