



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

[3331]

WEDNESDAY, THE 22nd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 10912/2026

Between:

1. 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 AP, REP BY ITS PRINCIPAL SECRETARY, WATER RESOURCE DEPARTMENT, SECRETARIAT BUILDINGS, AT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT
3. THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, GUDIVADA, KRISHNA DISTRICT.
4. THE DIRECTOR, PAY AND ACCOUNTS, FINANCE DEPARTMENT, ANJANEYA TOWERS, IBRAHIMPATNAM, VIJAYAWADA, KRISHNA 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, 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. 106/2024-25 dated 14-02-2025 for an amount of Rs.9,01,178/- (2) Agreement No. 107/2024-25 dated 14-02-2025 for an amount of Rs.7,32,524/-(3) Agreement No. 108/2024-25 dated

14-02-2025 for an amount of Rs.8,82,447/-, total an amount of Rs.25,16,149/ 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.25,16,149/- and GST 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 pay the admitted bills for execution of work vide. (1) Agreement No. 106/2024-25 dated 14-02-2025 for an amount of Rs.9,01,178/- (2) Agreement No. 107/2024-25 dated 14-02- 2025 for an amount of Rs.7,32,524/-{3) Agreement No. 108/2024-25 dated 14-02-2025 for an amount of Rs.8,82,447/-, total an amount of Rs.25,16,149/- to the petitioner with GST forthwith, pending disposal of Writ Petition, and to pass

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.25,16,149/- (Rs.9,01,178/- + Rs.7,32,524/- + Rs.8,82,447/-) payable to the petitioner for execution of works in pursuance of Agreement Nos.106/2024-25, 107/2024-25 and 108/2024-25 dated 14.02.2025, as illegal and arbitrary.

2. Heard Sri T.Dharmendra, 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 agreements, the petitioner has executed the works, i.e., i) O&M to Removal of weed growth in New Kalidindi Medium drains and in

falling Main drains in for the year 2024-25, ii) O&M to Removal of weed growth in Pedaoutapalli Medium drain and its infalling Main drains, and iii) O&M to Removal of weed growth in Veeravalli Major drain and its in falling Medium drains, 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.

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, Drainage Division, Gudivada, *vide* Letter No.EE/DRG/GDV/AB/A2/Court Cases/456M dated 07.05.2026, wherein it is stated that the amount payable to the petitioner in respect of the aforementioned works is Rs.25,16,149/- (Rs.9,01,178/- + Rs.7,32,524/- + Rs.8,82,447/-) and the bills were waiting for LOC.

5. The petitioner has paid a Court Fee of only Rs.100/-, and the petitioner shall pay the deficit Court Fee of Rs.200/- within one week from the receipt of the order copy and file a memo to that effect, failing which the Registry will take necessary steps for payment of the deficit Court Fee.

6. Learned counsel for the petitioner endorses the same.

7. Thus, as seen from the instructions of the Executive Engineer, Drainage Division, Gudivada, there is no dispute regarding the execution of works 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

¹ 2025 SCC online SC 1400

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, Drainage Division, Gudivada, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.25,16,149/- (Rupees Twenty Five Lakhs Sixteen Thousand One Hundred and Forty Nine only) payable to the petitioner regarding execution of the aforementioned works, subject to deductions, if any, within three (03) months from the 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: 22.07.2026
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