

APHC010229382025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

(Special Original Jurisdiction)



WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 12213 OF 2025

Between:

G.S.Infra, No.458 of 2016, 717271/8, 7/7, Srinagar, Guntur, Rep by its
Managing Partner, Gajula Sridhar, Flat No.8, Sudha Sudan Apartment,
Chandramouli Nagar, 1 st Line, Guntur, 522 002.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Municipal Administration Department Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep.by its Principal Secretary, Finance Department, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
3. The Commissioner and Director of Municipal Administration, Padmini Enclave, 5th lane 417, Mahatma Gandhi Inner Ring Road Annapurna Nagar, Guntur, Andhra Pradesh 522034.
4. The Commissioner, Mangalagiri - Tadepalli Municipal Corporation, Mangalagiri, Guntur District.
5. The Municipal Engineer, Mangalagiri - Tadepalli Municipal Corporation, Mangalagiri, Guntur District.
6. Superintending Engineer FAC, Mangalagiri - Tadepalli Municipal Corporation, Mangalagiri, Guntur District.

...Respondents

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 particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in not paying the amount of Rs. 10,55,212.00/-(Rupees Ten Lakhs Fifty-Five Thousand Two Hundred and Twelve only) that is payable to the Petitioner herein for the work of MTMC Providing BT Road from 1. Karakatta to Hindu Burial Ground in Prathuru (v) 2. Providing BT surface from Kura Koteswara Rao filed to Velivolu Ramarao filed in Chirravuru (v) of Mangalagiri - Tadepalli Municipal Corporation that had been executed by the Petitioner herein, in accordance with Agreement No. 114/2023-2024 dated 23-05-2023 as being illegal, arbitrary, unjust and violative of Articles 14, 19(1)(g), 21 and 300A of the Constitution of India and consequently direct the Respondents herein to pay Rs. 10,55,212.00/- (Rupees Ten Lakhs Fifty-Five Thousand Two Hundred and Twelve only) that is payable to the Petitioner Firm.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents herein to release the funds through proper means for the cost sustained by the Petitioner towards labour charges and procurement of material for the contract assigned vide Agreement No. 114/2023-2024 dated 23-05-2023.

Counsel for the Petitioner: SRI AMIRISETTY SAI RAGHAVA

Counsel for the Respondents No.1,3: GP FOR MUNICIPAL ADMN URBAN DEV

Counsel for the Respondent No.2:GP FOR FINANCE & PLANNING

Counsel for the Respondents No.4,5,6: SRI A S C BOSE (SC FOR MUNICIPAL CORPORATIONS)

The Court made the following order:



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

[3457]

WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 12213/2025

Between:

1.G.S.INFRA,, NO.458 OF 2016, 717271/8, 7/7, SRINAGAR, GUNTUR,
REP BY ITS MANAGING PARTNER, GAJULA SRIDHAR, FLAT NO.8,
SUDHA SUDAN APARTMENT, CHANDRAMOULI NAGAR, 1 ST LINE,
GUNTUR, 522 002.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY, MUNICIPAL ADMINISTRATION DEPARTMENT
SECRETARIAT BUILDINGS, VELAGAPUDI, THULLUR MANDAL,
AMARAVATHI, GUNTUR DISTRICT.
- 2.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, THULLUR MANDAL, AMARAVATHI, GUNTUR
DISTRICT.
- 3.THE COMMISSIONER AND DIRECTOR OF MUNICIPAL
ADMINISTRATION, PADMINI ENCLAVE, 5TH LANE 417, MAHATMA
GANDHI INNER RING ROAD ANNAPURNA NAGAR, GUNTUR,
ANDHRA PRADESH 522034.
- 4.THE COMMISSIONER, MANGALAGIRI - TADEPALLI MUNICIPAL
CORPORATION, MANGALAGIRI, GUNTUR DISTRICT.
- 5.THE MUNICIPAL ENGINEER, MANGALAGIRI - TADEPALLI
MUNICIPAL CORPORATION, MANGALAGIRI, GUNTUR DISTRICT.

6.SUPERINTENDING ENGINEER FAC, MANGALAGIRI - TADEPALLI
MUNICIPAL CORPORATION, MANGALAGIRI, GUNTUR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.AMIRISETTY SAI RAGHAVA

Counsel for the Respondent(S):

1.GP FOR MUNICIPAL ADMN URBAN DEV

2.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

3.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development, learned Assistant Government Pleader for Finance and Planning and learned Standing Counsel for Municipal Corporation.

2. Learned counsel appearing for the petitioner submits that the writ petition is filed by the contractor, who executed various works within the limits of the Mangalagiri-Tadepalli Municipal Corporation. The petitioner has completed the works to the satisfaction of the Mangalagiri-Tadepalli Municipal Corporation and the final bills were also approved by the competent authority. However, the bills were not released. The petitioner executed the works during the year 2022–23, and also executed some works in the year 2024. It is submitted that the competent authority has approved the bills; however, there has been no payment forthcoming from the Corporation. Aggrieved by the non-payment of the bills by the Corporation, the petitioner has approached this Court by way of the above writ petition.

3. Learned Standing Counsel appearing for Corporation submits that on 09.08.2024, the Vigilance Enquiry was initiated against the works executed by the petitioner and the Vigilance Enquiry is being conducted on the works which are entrusted to the petitioner. It is also submitted in the counter that the Vigilance Department is taking up verification of the works executed by the petitioner for the year 2019-2024 and the reports were awaited.

4. Considering the submissions of learned counsel for the petitioner and learned Standing Counsel for the respondents, this Court is of the considered view that the bills due payable to the petitioner for the works executed by him would have to be paid without any further delay. There is no time frame for completion of the vigilance enquiry. That apart the learned Standing Counsel has not submitted on the methodology adopted by the vigilance committee to verify the works completed about five years ago. In so far as the Vigilance Enquiry is concerned, in the event an adverse report against the works completed by the petitioner is arrived at, the respondents shall have the right to proceed against the petitioner in accordance with law. Further, the petitioner shall submit a security bond for the amount released and in case it is found that they are due payable, the department can take appropriate action for recovery of the amount. It is needless to mention that the said exercise shall be completed within a period of eight (08) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed off. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal Administration
Department Secretariat Buildings, Velagapudi Thullur Mandal, Amaravathi

2. The Principal Secretary, State of Andhra Pradesh, Finance Department, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
3. The Commissioner and Director of Municipal Administration, Padmini Enclave, 5th lane 417, Mahatma Gandhi Inner Ring Road Annapurna Nagar, Guntur, Andhra Pradesh 522034.
4. The Commissioner, Mangalagiri - Tadepalli Municipal Corporation, Mangalagiri, Guntur District.
5. The Municipal Engineer, Mangalagiri - Tadepalli Municipal Corporation, Mangalagiri, Guntur District.
6. Superintending Engineer FAC, Mangalagiri - Tadepalli Municipal Corporation, Mangalagiri, Guntur District.
7. One CC to SRI. AMIRISETTY SAI RAGHAVA, Advocate [OPUC]
8. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV, High Court of Andhra Pradesh [OUT]
9. One CC to SRI. A S C BOSE, (SC FOR MUNICIPAL CORPORATIONS AP) Advocate [OPUC]
10. Two CCs to GP FOR FINANCE & PLANNING, High Court of Andhra Pradesh [OUT]
11. Two CD Copies

NM

HIGH COURT

DATED:06/08/2025

ORDER

WP NO. 12213 OF 2025



DISPOSING OF THE WP WITHOUT COSTS