



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

[3331]

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 13520/2023

Between:

1.BETHU RAMANJANEYULU, S/O.BETHU MANIKYAM, AGED ABOUT
43 YEARS, R/O.3-332, GAAJULA VAARI VEEDHI,
BHUVVANAPALLE(V), NIDAMARRU (M), ELURU DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.

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

3.THE COMMISSIONER, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, GOVERNMENT OF ANDHRA
PRADESH, NH -16, TADEPALLI, GUNTUR DISTRICT.

4.THE EXECUTIVE ENGINEER, RURAL WATER SUPPLY
DEPARTMENT WEST GODAVARI DISTRICT AT BHIMAVARAM.

5.THE KONDRUPROLU GRAM PANCHAYAT, REP. BY ITS
PANCHAYAT SECRETARY, KONDRUPROLU VILLAGE, WEST
GODAVARI 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 WRIT OF MANDAMUS declaring the respondents more particularly 1st respondent in non-compliance of pending due MGNREGS Convergence Funds of Rs.21,17,560/- in connection with Work ID No(s).057701829017080001 vide M.Book No.66B, 057701829017080002 vide M.Book No.67B, 057701829017080003 vide M.Book No.68B 057701829017080004 vide M.Book No.69B for providing CC Open Drainage System with covers slab in Respondent No.5 Gram Panchayat pursuant to the Mahatma Gandhi National Rural Employment Scheme (MGNREGS) grants towards cost for the material supplied by the petitioner under MGNREGS in Convergence despite issuing fund transfer orders on 03.03.2021, 04.03.2021 and keeping bills pending from the year 2021 as illegal arbitrary violation of principles of natural justice contrary to the Rules and Regulations of the National Rural Employment Guarantee Act, 2005 as contrary to the Settled principles of natural justice and further, offends Article-14, 19 of Indian Constitution and consequently, direct the respondents to comply with the above Measurement Books/Fund Transfer Orders by paying amounts along with interests at 18percent to the petitioner and to pass

IA NO: 1 OF 2023

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 MGNREGS Convergence Funds of Rs.21,17,560/- in connection with Work ID No(s).057701829017080001 vide M.Book No.66B, 057701829017080002 vide M.Book No.67B, 057701829017080003 vide M.Book No.68B 057701829017080004 vide M.Book No.69B for providing CC Open Drainage System with covers slab in Respondent No.5 Gram Panchayat and pass

Counsel for the Petitioner:

1.V.N.V.SURYA DATTU

Counsel for the Respondent(S):

1.GP FOR FINANCE PLANNING

2.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja

Parishads,Mandal Praja Parishads and Gra

3.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

::ORDER ::

The above writ petition was filed to declare the action of the respondents in not releasing an amount of Rs.21,17,560/- in connection with work ID Nos.057701829017080001 vide M.Book No.66B, 057701829017080002 vide M.Book No.67B, 057701829017080003 vide M.Book No.68B and 057701829017080004 vide M.Book No.69B for providing open CC drains with cover slabs in Segment 1, 2, 3 & 4 in K.S.N. colony of Kondruprolu Village, Tadepalligudem Mandal, as illegal and arbitrary.

2. Heard Sri V.N.V. Surya Duttu, learned counsel for the petitioner; Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, appeared for respondents 1 to 4 and Sri Chaitanya, learned counsel representing Sri Y. Koteswara Rao, learned Standing Counsel, appeared for respondent No.5.

3. Today, when the matter is taken up for consideration, the learned Assistant Government Pleader for Panchayat Raj, submitted the written instructions of the Executive Engineer, RWS&S Division, Bhimavaram – respondent No.4.

4. A perusal of the said instructions would disclose that the petitioner has executed the work in connection with the aforementioned ID numbers. It would further indicate that in respect of work ID Nos.057701829017080001 vide M.Book No.66B, 057701829017080002 vide M.Book No.67B, the amounts have already been paid. In respect of work ID Nos.057701829017080003 vide M.Book No.68B and 057701829017080004 vide M.Book No.69B, part payment has already been made, and the balance amount payable to the

petitioner is Rs.11,95,944/-. The written instructions are made as part of the record. Learned counsel for the petitioner endorses the same.

5. Thus, as seen from the instructions, there is no dispute regarding the execution of work and the petitioner's entitlement for Rs.11,95,944/-. 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 furnished by respondent No.4, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.11,95,944/- payable to the petitioner regarding execution of the aforementioned work IDs, within three (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: 17.02.2026
TVN

¹ 2025 SCC online SC 1400

297

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 13520 of 2023

Date: 17.02.2026
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