



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

[3331]

MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14716/2023

Between:

1. GUDLA MOHAN RAO,, S/O .LATE VISWANATHAM, AGE 56 YEARS,
CONTRACTOR, H.NO.7-115/A, MAIN ROAD, PONDURU,
SRIKAKULAM DISTRICT, A.P.

...PETITIONER

AND

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

2. THE PRINCIPAL SECRETARY, FINANCE AND PLANNING
DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH,
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

3. THE SUPERINTENDENT ENGINEER, PANCHAYAT RAJ,
PANCHAYAT RAJ DEPARTMENT, SRIKAKULAM, A.P.

4. THE DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ AND
RURAL DEVELOPMENT DEPARTMENT, SUB DIVISION,
AMUDALAVARASA, SRIKAKULAM DISTRICT, A.P.

5. THE MANDAL ENGINEERING OFFICER CUM ASSISTANT
ENGINEER, PANCHAYAT RAJ, M.P.P, PONDURU, SRIKAKULAM
DISTRICT, A.P.

6. THE EXTENTION OFFICER, PR AND RD DEPARTMENT, MANDAL
OFFICER, PONDUR, PONDUR (M), SRIKAKULAM DISTRICT,

KUNROOL DISTRICT.

7.THE EXECUTIVE OFFICERCUMSECRETARY, PONDURU
GRAMANCHAYAT, PONDURU, SRIKAKULAM 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 an appropriate Writ or direction or order, more particularly one in the nature of Writ of MANDAMUS calling for records and declare that the impugned action of the respondents in not releasing and paying the bills amounts to a tune of Rs.10,01,410/-(rupees ten lakhs one thousand and four hundrededn ten only) exclusive of taxes, even after execution of the work entrusted to me under the contract for execution of seven works vide proceedings No.33/2022 dated 17-06-2022 for estimate value of Rs.200,000/-, for estimate value of Rs.1,30,000/-, for estimate value of Rs.1,55,000/- ,for estimate value of Rs.2,00,000/-, for estimate value of Rs.2,00,000/-,for estimate value of Rs.2,00,000/-,for estimate value of Rs.2,00,000/- respectively inspite of the same being technically verified, inspected and passed the respective bills duly processed and entered in the M.Books No.1348A vide page No.49 to 55 and passed the bills without assigning any reason and inspite of several representations made to the respondents as arbitrary, illegal, unjust and in violation of Articles 14, 21, 19(1)(g) of the Constitution of India and consequently direct the respondents to release the same forth with in the interests of justice 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 amounts to a tune of Rs.10,01,410/-(rupees ten lakhs one thousand and four hundrededen ten only) exclusive of taxes to the petitioner forthwith immediately in the interest of Justice and pass

Counsel for the Petitioner:

1.P A SESHU

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 the amount of Rs.10,01,410/- payable to the petitioner in relation to the seven works executed by the petitioner, pursuant to seven agreements, as illegal and arbitrary.

2. Heard Sri P.A. Seshu, learned counsel for the petitioner and Sri Panuku Rajesh Kumar, the learned Assistant Government Pleader for the Panchayat Raj and Rural Development & Finance and Planning Department, and learned Standing Counsel appearing for Gram Panchayat appeared for the respondents.

3. Today, when the matter is taken up for consideration, the learned Standing Counsel appearing for Gram Panchayat, submitted the written instructions of the Executive Officer-cum-Secretary – respondent No.7.

4. A perusal of the said instructions indicates that the petitioner has executed the aforementioned works and the net amount payable to the petitioner is Rs.9,99,452/-. The written instructions are made as part of the record. Learned counsel for the petitioner endorses the amount payable to the petitioner as mentioned in the written instructions.

5. Thus, as seen from the instructions, there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.9,99,452/-. 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:

¹ 2025 SCC online SC 1400

“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.7, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.9,99,452/- payable to the petitioner regarding execution of the aforementioned works, 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: 04.05.2026
TVN

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 04.05.2026
TVN