

APHC010288382025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

(Special Original Jurisdiction)



MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 14637 OF 2025

Between:

The Habitation Works Committee, of P.Naidupalem (GP) of Chimakurthy (M)
Represented by its Chairman namely Kurakula Venkata Subba Reddy, S/o
Chinna Venkateswara Reddy Aged about 50 years, Occ Civil Contractor, R/o
71, Padamati Naidupalem village, Chimakurthy mandal, Prakasam District.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Panchayat Raj and Rural Development Department, A.P Secretariat buildings, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of Finance and Planning A.P Secretariat buildings, Velagapudi, Guntur District.
3. The Andhra Pradesh Comprehensive Financial Management system CFMS, 6th floor, C block, Anjaneya Towers, Ibrahimpatnam, Krishna District, Rep. By its Chairman.
4. The Commissioner of Panchayat Raj and Rural development, State of Andhra Pradesh, NH 16 Service Rd, Tadepalle, Andhra Pradesh 522501.
5. The District Collector, Prakasam District, Collectorate compound, Ongole.
6. The Executive Engineer, PRI Division, Ongole.
7. The Deputy Executive Engineer, PRI Sub Division, S.N. Padu (Santhanuthalapadu), Prakasam District.

8. Assistant Engineer, Mandala Praja Parishad, Chimakurthy, Prakasam 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 or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the final due amount of Rs 2,76,662 (two lakhs seventy-six thousand six hundred and sixty-two rupees) for the work namely Construction of Side drains and Culverts in P. Naidupalem(V) of Chimakurthy(M) executed by petitioner for 6th respondent under Agreement No. 411/2023-24 dated 06-11-2023, despite lapse of more than one year as illegal, arbitrary, unconstitutional and consequently direct the respondents herein to immediately pay the due amount of Rs 2,76,662 (two lakhs seventy-six thousand six hundred and sixty-two rupees) to the petitioner in relation to the above work with an interest @ 12 percent per annum.

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 final due amount of Rs 2,76,662 (two lakhs seventy-six thousand six hundred and sixty-two rupees) for the work namely "Construction of Side drains and Culverts in P. Naidupalem(V) of Chimakurthy(M)" executed by petitioner for 6th respondent under Agreement No. 411/2023-24 dated 06-11-2023 within a stipulated time frame.

Counsel for the Petitioner: SRI SASANKA BHUVANAGIRI

Counsel for the Respondents No.1,4, 6,7,8: GP FOR PANCHAYAT RAJ



RURAL DEV

Counsel for the Respondents No.2,3:GP FOR FINANCE & PLANNING

Counsel for the Respondents No.5:GP FOR REVENUE

The Court made the following order:

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APHC010288382025



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

[3329]

MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU
NIMMAGADDA

WRIT PETITION NO: 14637/2025

Between:

1. THE HABITATION WORKS COMMITTEE, OF P. NAIDUPALEM
(GP) OF CHIMAKURTHY (M) REPRESENTED BY ITS
CHAIRMAN NAMELY KURAKULA VENKATA SUBBA REDDY,
S/O CHINNA VENKATESWARA REDDY AGED ABOUT 50
YEARS, OCC CIVIL CONTRACTOR, R/O 71, PADAMATI
NAIDUPALEM VILLAGE, CHIMAKURTHY MANDAL,
PRAKASAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT
BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND
PLANNING A.P. SECRETARIAT BUILDINGS, VELAGAPUDI,
GUNTUR DISTRICT.

3. THE ANDHRA PRADESH COMPREHENSIVE FINANCIAL
MANAGEMENT SYSTEM CFMS, 6TH FLOOR, C BLOCK,
ANJANEYA TOWERS, IBRAHIMPATNAM, KRISHNA

DISTRICT, REP. BY ITS CHAIRMAN.

4. THE COMMISSIONER OF PANCHAYAT RAJ AND RURAL DEVELOPMENT, STATE OF ANDHRA PRADESH, NH 16 SERVICE RD, TADEPALLE, ANDHRA PRADESH 522501.
5. THE DISTRICT COLLECTOR, PRAKASAM DISTRICT, COLLECTORATE COMPOUND, ONGOLE.
6. THE EXECUTIVE ENGINEER, PRI DIVISION, ONGOLE.
7. THE DEPUTY EXECUTIVE ENGINEER, PRI SUB DIVISION, S.N. PADU (SANTHANUTHALAPADU), PRAKASAM DISTRICT.
8. ASSISTANT ENGINEER, MANDALA PRAJA PARISHAD, CHIMAKURTHY, PRAKASAM 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 or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the final due amount of Rs 2,76,662 (two lakhs seventy-six thousand six hundred and sixty-two rupees) for the work namely Construction of Side drains and Culverts in P. Naidupalem(V) of Chimakurthy(M) executed by petitioner for 6th respondent under Agreement No. 411/2023-24 dated 06-11-2023, despite lapse of more than one year as illegal, arbitrary, unconstitutional and consequently direct the respondents herein to immediately pay the due amount of Rs 2,76,662 (two lakhs seventy-six thousand six hundred and sixty-two rupees) to the petitioner in relation to the above work with an interest @ 12 percent per annum and pass

Counsel for the Petitioner:

1. SASANKA BHUVANAGIRI

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. GP FOR FINANCE PLANNING

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 14637/2025

The Court made the following:

1. The petitioner had been awarded the contract of work(s) under the subject scheme in P. Naidupalem (GP), Chimakurthy (M), Prakasam District. After execution of the said contract, a final bill was prepared for a sum of Rs.2,76,662/- as per the sanctioned orders. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.
2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.
3. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such

non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

4. On the other hand, learned Government Pleader placed on record written instructions submitted by the Executive Engineer, PRI Division, Ongole, dated 04.08.2025 stating that, since the budget was not released by the Government, the bills were not paid to the petitioner. Soon after release of the budget by the Government, the bills will be paid to the petitioner.

5. In view of the facts and circumstances submitted in the affidavit, and the directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.2,76,662/- to the petitioner.

6. As far as interest component is concerned, if there is any subsisting clause in the agreement/work order envisaging payment or non-payment of interest upon any amount which is due and payable, the same is binding upon both the parties. In the absence of any clause with regard to interest component in the agreement, the respondents are directed to release the amount along with the interest @ 6% per annum on delayed

payment, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023 if not paid, within a period of three (03) months from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate its claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

Sd/- K KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Panchayat Raj and Rural Development Department, A.P Secretariat buildings, Velagapudi, Guntur District.
2. The Principal Secretary, State of Andhra Pradesh, Department of Finance and Planning A.P Secretariat buildings, Velagapudi, Guntur District.
3. The Chairman, Andhra Pradesh Comprehensive Financial Management system CFMS, 6th floor, C block, Anjaneya Towers, Ibrahimpatnam, Krishna District.
4. The Commissioner of Panchayat Raj and Rural development, State of Andhra Pradesh, NH 16 Service Rd, Tadepalle, Andhra Pradesh 522501.

5. The District Collector, Prakasam District, Collectorate compound, Ongole.
6. The Executive Engineer, PRI Division, Ongole.
7. The Deputy Executive Engineer, PRI Sub Division, S.N. Padu (Santhanuthalapadu), Prakasam District.
8. Assistant Engineer, Mandala Praja Parishad, Chimakurthy, Prakasam District.
9. One CC to SRI. SASANKA BHUVANAGIRI, Advocate [OPUC]
10. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court of Andhra Pradesh [OUT]
11. Two CCs to GP FOR FINANCE & PLANNING High Court of Andhra Pradesh [OUT]
12. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh [OUT]
13. Two CD Copies

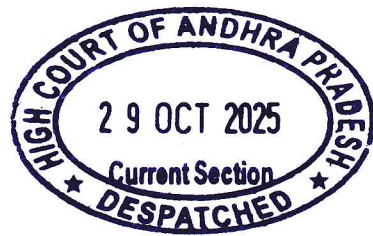
NM

HIGH COURT

DATED:04/08/2025

ORDER

WP NO. 14637 OF 2025



DISPOSING OF THE WP WITHOUT COSTS