



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

[3331]

**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 15003/2024

Between:

1. PASUPULETTI RAMBABU, S/O. VEERABHADRU, AGED 38 YEARS, OCC BUSINESS, R/O. WATER TANK STREET, PONGUTURU VILLAGE, KOYYALAGUDAM MANDAL, ELURU DIST.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DIST.,

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DIST.,

3. THE COMMISSIONER, PANCHAYATHRAJ AND RURAL DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH, TADEPALLI, GUNTUR.

4. THE DISTRICT COLLECTOR, ELURU DIST.

5. THE PROJECT DIRECTOR, DWMA, ELURU, ELURU DISTRICT.,

6. THE PONGUTURU GRAMA PANCHAYAT, REP SECRETARY PONGUTURU VILLAGE, KOYYALAGUDEM MANDAL, ELURU DISTRICT.

7. THE SARPANCH PONGUTURU GRAMA PANCHAYAT, REP SECRETARY PONGUTURU VILLAGE, KOYYALAGUDEM MANDAL,

ELURU 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 order or orders, direction or directions. Writ or Writs, more particularly one in the nature of Writ of Mandamus and to declare the action of the respondents in not paying the balance bill amount of Rs.3,04,989/-, against the material supplied by the petitioner for work of supply of material for Development of housing colony at Ponguturu (GP) of Koyyalagudem(M) vide Work ID.No 050710611012170687, is illegal, arbitrary and Articles 14, 19 (i) (g) 21 of the Constitution of India and and consequently direct respondents to pay the balance amount of work bills for the works executed under above work ID and to 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 release balance bill amount of Rs.3,04,989/- to words work done vide Work ID. No 050710611012170687, Pending disposal of main writ petition and to pass

Counsel for the Petitioner:

1.K L N SWAMY

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra
- 3.GP FOR FINANCE PLANNING

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.3,04,989/- payable to the petitioner in relation to the work executed by the petitioner i.e. Development of

housing colony at Pongutur (GP), Koyyalagudem (M) vide work ID.No.050710611012170687, as illegal and arbitrary.

2. Heard Sri K.L.N. Swamy, 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, appeared for the respondents 1 to 5 and learned Standing Counsel appeared for respondents 6 & 7.

3. Today, when the matter is taken up for consideration, the learned Assistant Government Pleader for Panchayat Raj, submitted the written instructions of the Project Director, DWMA, Eluru District – respondent No.5.

4. A perusal of the said instructions indicates that the petitioner has executed the aforementioned works. It further indicates that the total value of the work done by the petitioner is Rs.14,83,539/-, and after previous payment and QC recovery, i.e. Rs.9,68,159/- & Rs.2,01,362/-, the net amount payable to the petitioner is Rs.3,14,018/-. 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 work and the petitioner's entitlement for Rs.3,14,018/-. 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

¹ 2025 SCC online SC 1400

of fact which by their very nature cannot be adjudicated upon without recording formal evidence.”.

6. Given the instructions furnished by respondent No.5, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.3,14,018/- payable to the petitioner regarding execution of the aforementioned work, 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: 28.04.2026
TVN

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 28.04.2026
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