



**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: 15566/2024

Between:

1.DWARAKA TIRUMALA CONSTRUCTIONS, REP.BY ITS EXECUTIVE PARTNER, VEMULAPALLI SATISH CHOWDARY, S/O. CHALAPATHI RAO, MALE, AGED ABOUT 42 YEARS. CONTRACTOR, REGD. PARTNERSHIP FIRM, HAVING ITS OFFICE AT DOOR NO.2-1-38, SANTHI NAGAR, 7TH LANE ELURU, ELURU DISTRICT (ERSTWHILE W.G.DISTRICT ANDHRA PRADESH.

...PETITIONER

AND

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

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

3.THE ENGINEERING IN CHIEF, PANCHAYAT RAJ DIVISION, VIJAYAWADA, KRISHNA DISTRICT.

4.THE PAY AND ACCOUNTS OFFICER, ELURU, WEST GODAVARI DISTRICT, PRESENTLY ELURU DISTRICT, A.P.

5.THE SUPERINTENDING ENGINEER, PANCHAYAT RAJ, ELURU, WEST GODAVARI DISTRICT, PRESENTLY ELURU DISTRICT,

ANDHRA PRADESH.

6.THE EXECUTIVE ENGINEER, PRI DIVISION, PANCHAYAT RAJ, ELURU, WEST GODAVARI DISTRICT, PRESENTLY ELURU DISTRICT, ANDHRA PRADESH.

7.THE DEPUTY EXECUTIVE ENGINEER, O/O SUPERINTENDING ENGINEER, PR CIRCLE, PANCHAYAT RAJ, ELURU, WEST GODAVARI DISTRICT, PRESENTLY ELURU DISTRICT, ANDHRA PRADESH.

...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 writ or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not releasing the approved bill amounts pertaining to the works executed by the petitioner i.e., providing internal roads in SC Colony of Dosapadu Village, Denduluru Mandal, West Godavari District, presently Eluru District, under the concluded agreement, dated 03.10.2018 and bill amount being Rs.39,36,988-08 (Rupees Thirty Nine Lakhs Thirty Six Thousand Nine Hundred Eighty Eight and Eight Paise Only) in spite of approval, as illegal, manifestly arbitrary, malafide, capricious, unfair, irrational, preposterous, against to the principles of natural justice, contrary to law and violative of Articles 14, 19(1g) and 21 of the Constitution of India and consequently, direct the respondents to pay the approved bill amounts along with interest @ 18percent per annum, w.e.f. 28.05.2019 (the Twenty Eighth day of May, Two Thousand Nineteen), to the petitioner, in the interests of justice 24 and to 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 may be pleased to direct the respondents to pay the approved bill amounts pertaining to the work executed by the petitioner i.e., providing C.C. Roads in SC locality of Dosapadu Village, Denduluru Mandal, West Godavari District, presently Eluru District, for an amount of Rs.39,36,988- 08 (Rupees Thirty Nine Lakhs Thirty Six Thousand Nine Hundred Eighty Eight and Eight Paise only) in spite of approval, pending disposal of the above writ petition, in the interests of justice and to pass

Counsel for the Petitioner:

1.C VENKAIAH

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.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 an amount of Rs.39,36,988/- relating to the work executed by the petitioner i.e. providing internal roads in SC locality of Dosapadu Village of Denduluru Mandal, as illegal and arbitrary.

2. Heard 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.

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, PR, PIU Division, Eluru – respondent No.6.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned works; the total value of the work done by the petitioner is Rs.45,38,784/-, and after statutory deductions i.e. Rs.4,60,568/-, the net amount payable to the petitioner is Rs.40,78,216/-. It would further indicate that an amount of Rs.38,02,587/- has already been paid on 12.01.2026, and the balance amount to be paid to the petitioner is Rs.2,75,629/-. 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.2,75,629/-. 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.6, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.2,75,629/- payable to the petitioner regarding execution of the aforementioned work, within two (02) 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

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