



**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: 16011/2024

Between:

1.CHEJARLA BRAHMAIAH, S/O. CHEJARLA YANADI, AGED 56 YEARS, CONTRACTOR, R/O. D. NO. 2-112/1, PRASANGULAPADU VILLAGE, KORISAPADU MANDAL, PRAKASAM DISTRICT-523183.

...PETITIONER

AND

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

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

3.THE ENGINEERINCHIEF, PANCHAYAT RAJ DEPARTMENT, OPP. P.W.D. GROUNDS, VIJAYAWADA, KRISHNA DISTRICT.

4.THE COLLECTOR AND DISTRICT MAGISTRATE, BAPATLA DISTRICT, BAPATLA.

5.THE EXECUTIVE ENGINEER, PRI PLUS PIU DIVISION, BAPATLA.

6.THE ASSISTANT PAY AND ACCOUNTS OFFICER, WORKS AND ACCOUNTS, LINGAMGUNTIA, NARSARAOPETA, GUNTUR 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 action of the respondents in withholding the payment of Rs. 1,92,063/- (Rupees One Lakh Ninety-Two Thousand and Sixty-Three Only) for the work done pertaining to Upgradation of CC Road from CPM Party Office to Church in Prasangulapadu (V) of Korisapadu (M) Reach-1 of Estimate Amount Rs. 2.00 Lakhs as bad, illegal, arbitrary, improper, unjust and against the Article 21 of Constitution of India and consequently direct the respondents to pay the amount of Rs.1,92,063/- (Rupees One Lakh Ninety-Two Thousand and Sixty-Three Only) for the works executed by the petitioner 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 consider the representation of the petitioner, dated 26/06/2024, for releasing the amounts payable to the petitioner, pending disposal of the writ petition and pass

Counsel for the Petitioner:

- 1.BANDLA PAVAN

Counsel for the Respondent(S):

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

The Court made the following order:

Heard, Sri Bandla Pavan, learned counsel for the petitioner and Sri P.Rajesh Kumar, learned Assistant Government Pleader for the Panchayat Raj and Rural Development and Finance and Planning for the respondents.

2. The above writ petition was filed to declare the action of the respondents in withholding an amount of Rs.1,92,063/- payable to the petitioner in relation to the work executed i.e., Upgradation of CC Road from CPM Party Office to Church in Prasangulapadu Village, Korisapadu Mandal, as illegal and arbitrary.

3. Today, when the matter is taken up, the learned Assistant Government Pleader for Panchayat Raj, submitted instructions of the Executive Engineer, PRI PIU Division, Bapatla – 5th respondent dated 21.04.2026.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned work for a total value of Rs.1,92,063/- and the net amount payable to the petitioner after QC recovery and statutory deductions of Rs.4,301/- and Rs.21,839/-, is Rs.1,65,923/-. The written instructions are made as part of the record.

5. Learned counsel for the petitioner endorses the same.

6. Thus, as seen from the instructions, there is no dispute regarding the execution of the aforementioned work and the petitioner's entitlement for Rs.1,65,923/-. 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.”

7. Given the instructions furnished by the Executive Engineer, PRI PIU Division, Bapatla – 5th respondent, the Writ Petition is disposed of directing the respondents to release the amount of Rs.1,65,923/- (Rupees One Lakh Sixty Five Thousand Nine Hundred and Twenty Three only) payable to the

¹ 2025 SCC online SC 1400

petitioner regarding execution of 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: 28.04.2026
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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