



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

[3331]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 16380/2025

Between:

- 1.VARIKUPPALA VENKATESH, S/O V LINGAIAH, AGED 46, R/O FLAT NO. 105, KRANTI PRASSANA APARTMENTS, ADITYA NAGAR, SECUNDERABAD.
- 2.ORSHU SHANKAR, S/O ORSHU KONDAIAH, AGED 47, R/ D.NO.1-12-101, YELLAREDDYGUDA, NEAR HANUMAN TEMPLE, ECIL, HYDERABAD.
- 3.ALLURI SURESH KUMAR RAJU, S/OALLURU SURYA NARAYANA RAJU, AGED 50, R/O FLAT NO.705, ADITYA SUNSHINE APARTMENTS, SHILPA HILLS, IZZAT NAGAR, KONDAPUR, RANGA REDDY DISTRICT.
- 4.GATTEM NAGESWARARAO, S/O GATTEM VENKATARAMANA, AGED 44, R/OD.NO.3-21/1, 10TH WARD, RAPAKA, K.MAILAVARAM, EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYAT RAJ RURAL DEVELOPMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
- 2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

3. THE ANDHRA PRADESH STATE HOUSING CORP LTD, REP. BY ITS MANAGING DIRECTOR, AUTO NAGAR, VIJAYAWADA.
4. THE COMMISSIONER, PANCHAYAT RAJ , RURAL DEVELOPMENT, TADEPALLI, GUNTUR DISTRICT.
5. THE COMMISSIONER, WEAKER SECTION HOUSING PROGRAMME, AP STATE HOUSING CORP. LTD. VIJAYAWADA.
6. THE DISTRICT COLLECTOR, DR. B.R AMBEDKAR KONASEEMA DISTRICT. .
7. THE DISTRICT WATER MANAGEMENT AGENCY, REP. BY ITS PROJECT DIRECTOR, DR. B.R AMBEDKAR KONASEEMA DISTRICT.
8. THE BHIMAKROSUPALEM GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, RAMACHANDRAPURAM, DR. B.R AMBEDKAR KONASEEMA DISTRICT.
9. THE PROJECT DIRECTOR, AP STATE HOUSING CORPORATION LTD., DR. B.R AMBEDKAR KONASEEMA 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 For the reasons stated in the accompanying affidavit, it is hereby prayed that this Writ of Mandamus declaring action of the Respondents in withholding the payment of bill amount of Rs. 1,33,03,509/- (Rupees One Crore Thirty Three lakh Three Thousand Five Hundred and Nine only) in relation to the work namely development of housing colony under land development project in community lands vide Work ID No. 040513920020170368 as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India apart from Principles of Natural Justice and consequently direct the respondents to forthwith release the bill amount of Rs. 1,33,03,509/- (Rupees One Crore Thirty Three lakh Three Thousand Five Hundred and Nine only) with interest 24 per annum to the petitioner in respect of execution of above-mentioned work and pass

IA NO: 1 OF 2025

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 the bill amount of Rs. 1,33,03,509/- (Rupees One Crore Thirty Three lakh Three Thousand Five Hundred and Nine only) with interest @24% per annum in respect of the work of namely a development of housing colony under land development project in community lands" vide Work ID No. 040513920020170368 forthAvith, pending disposal of the Writ Petition and pass

IA NO: 1 OF 2026

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 grant leave for filing of counter affidavit of the 7th respondent and pass

Counsel for the Petitioner(S):

- 1.P VIVEK

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.K MALLIKHARJUNA MOORTHY
- 3.GP FOR FINANCE PLANNING

The Court made the following:

ORDER

Heard Sri P.Vivek, learned counsel for the petitioners, Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj for the respondents 1, 2, 4, 6 & 7, Sri K.Mallikharjuna Moorthy, learned standing counsel for the respondents 3 & 9 and Sri Chaitanya, learned counsel representing Sri Y.Koteswara Rao, learned standing counsel for 8th respondent.

2. The above writ petition was filed to declare the action of respondents in withholding the payment of Rs.1,33,03,509/- in relation to the work i.e. "Development of housing colony under land development project in community lands" vide Work ID No.040513920020170368" as illegal and arbitrary.

3. Learned counsel for the petitioners would submit that the 8th respondent passed a resolution No.47 dated 07.01.2025 in the Grama Sabha creating vendor ID in relation to aforementioned work, in favour of the petitioners. but despite completion of work, no amount has been released to the petitioners.

4. The 7th respondent filed counter affidavit. In Paragraph-6 of the counter affidavit it was stated as follows:

(a) Name of the work (relevant copies are enclosed), Development of Housing Colony, which is sanctioned in Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) with the Work ID No.040513920020170368 and with an estimate cost of Rs.1,88,16,585/-.

(b) The work is administratively sanctioned vide Pro R.C.No.D1/17/EGS/DWMA/2020 (Planning Process) dated 29.12.2020 of the Collector & DPC, East Godavari District (Erstwhile) and Technically Sanctioned vide No.12/LDP_CL/005/2020-2021 by the Superintending Engineer, PR Circle, Kakinada, dated 03.04.2021.

(c) The total value of work done so far as per the Measurement Book is Rs.1,33,03,509/-. The measurements are recorded by the Technical Assistant (TA), Check Measured by Engineering Consultant (EC) and subsequently, amounts are released as per the pass orders which are recorded in the Measurement Book.

(d) Further it is submitted after deducting QC recovery an amount of Rs.1,32,44,750/- to be paid to the petitioner.

(e) Further it is submitted that the Quality Control Teams inspected the work on 25.02.2025 and proposed for recovery of an amount of Rs.69,229/-.

5. Thus, as seen from the counter affidavit filed by the 7th respondent, there is no dispute regarding the work executed by the petitioners and their entitlement for the amount. In fact, as seen from Paragraph-6 (e), an amount of Rs.69,229/- is proposed for QC recovery and thus, the amount payable to the petitioners comes to Rs.1,32,33,750/-.

6. Learned counsel for the petitioner also endorses the same.

7. Thus, as seen from the instructions there is no dispute regarding the execution of works and the petitioners' entitlement for Rs.1,32,33,750/-. 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.”.

8. Given the counter affidavit filed by the 7th respondent, the Writ Petition is disposed of directing the respondents to release an amount of Rs.1,32,33,750/- (Rupees One Crore Thirty Two Lakhs Thirty Three Thousand Seven Hundred and Fifty only) payable to the petitioners regarding execution of the aforementioned work, within six (06) 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

PVD

¹ 2025 SCC online SC 1400