

APHC010320692025



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



THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16379 OF 2025

Between:

Katta Ashok Babu, S/o late Narayana Murthy, aged 33, R/o D.No.4-52,
Chinna Tallapolam, Ramachandrapuram, Dr. B.R Ambedkar Konaseema
District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Panchayat Raj and Rural Development, Secretariat Buildings, 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 Andhra Pradesh State Housing Corp Ltd, Rep. by its Managing Director, Auto Nagar, Vijayawada.
4. The Commissioner, Panchayat Raj And 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 Hasanbada Gram Panchayat, Rep. by its Panchayat Secretary, Ramachandrapuram, Dr. B.R Ambedkar Konaseema District.
9. The Project Director, A.P State Housing Corporation Limited, Dr. B.R Ambedkar Konaseema 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, order or direction more particularly one in the nature of Writ of Mandamus declaring action of the Respondents in withholding the payment of bill amount of The Hon'ble Court Rs.22,42,134/-(Rupees Twenty Two Lakh Forty Two Thousand One Hundred and Thirty Four only) in relation to the work namely material supply for development of housing colony under the project named land development project in community lands' vide work ID No. 040513918018170321 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.22,42,134/-(Rupees Twenty Two Lakh Forty Two Thousand One Hundred and Thirty Four only) with interest @24% per annum to the petitioner in respect of execution of above- mentioned work.

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.22,42,134/-(Rupees Twenty Two Lakh Forty Two Thousand One Hundred and Thirty Four only) with interest @24% per annum in respect of the work of namely material supply for development of housing colony under the project named "land development project in community lands" vide work ID No. 040513918018170321 forthwith. pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI P. VIVEK

**Counsel for the Respondent Nos.1,4 & 7: GP FOR PANCHAYAT RAJ &
RURAL DEVELOPMENT**

Counsel for the Respondent No.2:GP FOR FINANCE AND PLANNING

**Counsel for the Respondent Nos.3,5 & 9:SRI K. MALLIKHARJUNA
MOORTHY, SC FOR APSHCL**

Counsel for the Respondent No.6: GP FOR REVENUE

**Counsel for the Respondent No.8: SRI Y. KOTESWARA RAO, SC FOR
ZPP, MPP & GRAM PANCHAYAT**

The Court made the following order:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 16379/2025

ORDER:

1. The petitioner had been awarded the contract of work(s) under the subject scheme in East Godavari District. After execution of the said contract, a final bill was prepared for a sum of Rs.22,42,134/- 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 Rs.22,42,134/-, 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 for Panchayat Raj, while admitting about the claim of the petitioner, placed on record written instructions received from the Executive Engineer vide Letter U.O.

No.624/APSHCL/E&P/Critical infra/2024, General/ Court cases, dated 08.10.2025, wherein it is stated that as follows:-

- (i) The Commissioner, PR&RD will send necessary proposals to the MD, APSHCL for transfer of required funds.*
- (ii) The MD, APSHCL, will send proposals to the Housing Department*
- (iii) The Housing Department will send to the Finance Department for release of BRO by the Finance Department.*
- (vi) After, release of BRO by the Finance Department, the Housing Department will make accorded administration sanction.*
- (v) After, according administration sanction by the Housing Department, the Managing Director, APSHCL will send proceedings to the Commissioner, Weaker Section Housing who will distribute budget to the Commissioner, PR&RD (DDO code: 27032207001)*
- (vi) Further, the Commissioner, PR&RD, will adjust funds to respective PD, Further, DWMA and uploading of bills in Nidhi Portal and submit the compliance report to the Hon'ble Court through the Government Pleader concerned*

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.22,42,134/- 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 four (04) months from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for higher rate of interest and due amount, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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

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**Sd/- M SRINIVAS
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The Principal Secretary, Department of Panchayat Raj and Rural Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The Managing Director, Andhra Pradesh State Housing Corp Ltd, Auto Nagar, Vijayawada.
4. The Commissioner, Panchayat Raj And 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 Project Director, District Water Management Agency, Dr. B.R Ambedkar Konaseema District.
8. The Panchayat Secretary, Hasanbada Gram Panchayat, Ramachandrapuram, Dr. B.R Ambedkar Konaseema District.
9. The Project Director, A.P State Housing Corporation Limited, Dr. B.R Ambedkar Konaseema District.
10. One CC to Sri P. Vivek, Advocate [OPUC]
11. One CC to Sri K. Mallikharjuna Moorthy, SC for APSHCL[OPUC]
12. One CC to Sri Y. Koteswara Rao, SC for ZPP, MPP & Gram Panchayat[OPUC]
13. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh [OUT]
14. Two CCs to GP for Revenue, High Court of Andhra Pradesh [OUT]
15. Two CCs to GP for Finance and Planning, High Court of Andhra Pradesh [OUT]
16. Two CD Copies.

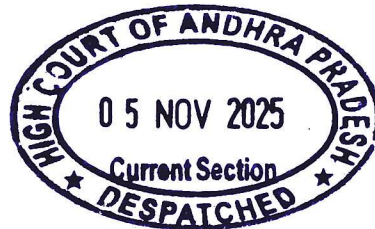
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HIGH COURT

DATED:23/10/2025

ORDER

WP No. 16379 OF 2025



DISPOSING OF THE W.P. WITHOUT COSTS