



**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: 16273/2024

Between:

1. PONNAPATI SRINIVAS REDDY, S/O. RAMI REDDY, AGED 50 YEARS, OCC CHAIRMAN, HABITATION WORKS COMMITTEE, R/O. RAMULAVEEDU VILLAGE, H/O. AMUDALAPALLI, PODILI MANDAL, PRAKASAM DISTRICT.

...PETITIONER

AND

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

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

3. THE COMMISSIONER, A.P., PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, NH -16, TADEPALLI, GUNTUR DISTRICT.

4. THE CHIEF EXECUTIVE OFFICER, ZILLA PRAJA PARISHAD, PRAKASAM DISTRICT, ONGOLE.

5.MANDAL PRAJA PARISHAD, REP. BY MANDAL PARISHAD
DEVELOPMENT OFFICER, PODILI MANDAL, PRAKASAM
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 appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not releasing the bill amounts of Rs. 7,81,915/- with interest at the rate of 24 percents p.a. for the execution of 5 road works as per the orders of the 5 th respondent with its general funds in Amudalapalli Gram Panchayat limits, Podili Mandal, Prakasam District, is illegal, arbitrary and violation of Article 19(1)(g) of Constitution of India 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 to direct the respondents to release the bill amounts of Rs. 7,81,915/- with interest at the rate of 24 percent p.a. for the execution of 5 road works as per the orders of the 5th respondent with its general funds in Amudalapalli Gram Panchayat limits, Podili Mandal, Prakasam District, pending disposal of the main writ petition and pass

Counsel for the Petitioner:

1.KOTI REDDY IDAMAKANTI

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.Mattegunta.Sudhir,Standing Counsel For Z.P.Ps,M.P.Ps,Gram
Panchayats

3.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER::

Heard Sri K. Ashok, learned counsel representing Sri I. Koti Reddy, learned counsel for the petitioner, Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, for respondents 1 to 3 and Sri Nithin, learned counsel representing Sri M. Sudhir, learned standing counsel for respondents 4 and 5.

2. The above writ petition was filed to declare the action of the respondents in not releasing an amount of Rs.7,81,915/-, payable to the petitioner for the works executed by him i.e. 1) Gravelling the road from Ramulaveedu village to Kothapalli of Amudalapalli Gram Panchayat of Podili Mandal, 2) Gravelling the road from Ramulaveedu village to Mallavaram of Amudalapalli Gram Panchayat of Podili Mandal (Reach-1), 3) Gravelling the road from Ramulaveedu village to Dasallapalli of Amudalapalli Gram Panchayat of Podili Mandal (Reach-1), 4) Gravelling the road from Ramulaveedu village to Dasallapalli of Amudalapalli Gram Panchayat, Podili Mandal (Reach-2) and 5) Gravelling the road from Ramulaveedu village to Mallavaram, Amudalapalli Gram Panchayat, Podili Mandal (Reach-2), as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that respondent No.5, by agreements dated 27.07.2019, entrusted the aforementioned five works to the petitioner, and the petitioner completed the works within the stipulated time. Respondent No.5 approved the bills. However, the amount has not paid been so far.

4. Today, when the matter is taken up for consideration, learned counsel for respondent No.5, submitted the written instructions furnished by respondent No.5, wherein it is stated as follows:

“5. The net pending bills payable in this case by Mandal Praja Parishad, Podili is Rs.7,91,673/- lakhs, whereas only Rs.2,41,652-00 is currently available under Mandal Parishad General Funds.

6. Payment will be made soon after receipt of grant adjustment from the Government from time to time”.

5. A perusal of the above instructions would disclose that the petitioner has executed the aforementioned works, and the net amount payable to the petitioner is 7,91,673/-. The written instructions are made as part of the record.

6. Thus, as seen from the instructions, there is no dispute regarding the execution of the aforementioned works and the petitioner's entitlement for Rs.7,91,673/-. 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 respondent No.5, though there is a small variation in the amount claimed by the petitioner and the amount determined by the official, payable to the petitioner, the Writ Petition is

¹ 2025 SCC online SC 1400

disposed of directing the respondents to release an amount of Rs.7,91,673/- (Rupees Seven Lakhs Ninety One Thousand Six Hundred and Seventy Three only) 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: 18.02.2026
IKN

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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IKN