



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

[3331]

MONDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 19933/2024

Between:

1. DHADI SIVA KUMAR, S/O. VEERRAJU, AGED ABOUT 28 YEARS,
R/O. D. NO. 5-189, MAIN ROAD, KOTHAPALLI VILLAGE,
GOKAVARAM MANDAL, EAST GODAVARI DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SPECIAL SECRETARY, A.P. STATE HOUSING DEPARTMENT,
PLOT NO 11 AND 12 BEHIND BSNL TELEPHONE EXCHANGE.
AUTO NAGAR, VIJAYAWADA, ANDHRA PRADESH.
2. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR
DISTRICT.
3. THE COMMISSIONER OF PANCHAYAT RAJ AND RURAL
DEVELOPMENT, STATE OF ANDHRA PRADESH, D. NO.12-47,
PVS ICON, PATHURU CROSS ROAD, TADEPALLI, AMARAVATHI,
ANDHRA PRADESH.
4. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, FINANCE DEPARTMENT, SECRETARIAT,
VELAGAPUDI, GUNTUR DISTRICT.

5. THE DISTRICT COLLECTOR, KAKINADA, EAST GODAVARI DISTRICT.
6. THE SUPERINTENDENT ENGINEER, PANCHAYAT RAJ AND RURAL DEVELOPMENT, KAKINADA, EAST GODAVARI DISTRICT.
7. THE ADDITIONAL PROGRAMME OFFICER, MGNREGS, GOKAVARAM MANDAL EAST GODAVARI DISTRICT.
8. THE MANDAL PARISHAD DEVELOPMENT OFFICER, MGNREGS A.P.E.G.DT GOKAVARAM MANDAL, EAST GODAVARI DISTRICT.
9. THE PANCHAYAT SECRETARY, KAMARAJUPETA GRAMAPANCHAYAT, GOKAVARAM MANDAL, EAST GODAVARI DISTRICT.
10. THE PANCHAYAT SECRETARY, KRISHNUNIPALEM GRAMAPANCHAYAT, GOKAVARAM MANDAL, EAST GODAVARI DISTRICT.
11. A P STATE HOUSING CORPORATION LIMITED, REP. BY THE MANAGING DIRECTOR, NIRMAL BHAVAN, PLOT. NO. 11 AND 12, BACKSIDE OF BSNL EXCHANGE, NEAR APIIC COLONY, AUTONAGAR, VIJAYAWADA, N.T.R. DISTRICT, A.P.-520007. R11 IS IMPEALED AS PER COURTS ORDER DT.23.02.2026 IN I.A.NO.1 OF 2026

...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 inaction on the part of the respondents herein not releasing the total bills amount worth of Rs.7,40,093/-(Rupees Seven lakhs forty thousand and ninety three only) with interest @ 12PERCENT p.a., as per the Judgment of this Hon'ble Court In W.P. No.19525/2021 (W.P. No. 10038/2021 AND Batch) dated 05.10.2021 under grant of MGNREGS to the petitioner till today after execution of 5 works and on causing heavy loss

with Interest even though the works were completed within time as illegal, arbitrary and violative of Article 14, 16 and 21 of the Constitution of India and consequentially direct the Respondents to release and pay the total bills amount worth of Rs.7,40,093/-(Rupees Seven lakhs forty thousand and ninety three only) with Interest under grant of MGNREGS forthwith to the petitioner and pass

IA NO: 1 OF 2024

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

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 May be pleased to implead the Proposed Respondent as Respondent No. 11 in the main Writ Petition and pass

Counsel for the Petitioner:

- 1.SRINIVASA RAO NARRA

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.GP FOR FINANCE PLANNING
- 3.GP FOR REVENUE
- 4.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra
- 5.MALLIKHARJUNA MOORTHY K (SC FOR A.P HOUSING CORPORATION LIMITED)

The Court made the following order :

Heard M. Narendra Babu, learned counsel representing Sri Narra Srinivasa Rao, 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 2 to 4, 6 and 7; Ms. P. Usha, learned Assistant Government Pleader for Revenue, for respondent No.5; Sri Y. Koteswara Rao, learned standing counsel for respondents 8 to 10 and Sri K. Mallikarjuna Moorthy, learned standing counsel for respondent No.11 .

2. The above writ petition was filed to declare the action of the respondents in not releasing the amount of Rs.7,40,093/- payable to the petitioner in relation to the work executed i.e. 'Development of Housing Colonies in Kamarajupeta and Krishnunipalem Gram Panchayats of Gokavaram Mandal, as illegal and arbitrary.

3. Today when the matter is taken up, learned Assistant Government Pleader for Panchayat Raj, submitted instructions of the Project director, DWMA, East Godavari District, Rajamahendravaram.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned work for a total value of Rs.70,62,783/- and the net amount payable to the petitioner after QC recovery/withheld amount of Rs.5,31,229/-, is Rs.65,31,554/- out of which an amount of rs.53,11,931/- was also paid and the balance amount payable to the petitioner is Rs.12,19,623/-. 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 works and the petitioner's entitlement for Rs.12,19,623/-. 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:

¹ 2025 SCC online SC 1400

“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 Project director, DWMA, East Godavari District, Rajamahendravaram, the Writ Petition is disposed of directing the respondents to release the amount of Rs.12,19,623/- (Rupees Twelve Lakhs Nineteen Thousand Six Hundred and Twenty Three only) payable to the 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: 23.03.2026
IKN/JLSR