



**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: 20042/2025

Between:

1. BIKKINA SAI RAM, S/O.GOPALAKRISHNA, AGED ABOUT 31 YEARS, OCC. CONTRACTOR, R/O.DOOR NO.3-210/3, TATIPAKA MATAM ROAD, RAZOLE VILLAGE AND MANDAL, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY PRINCIPAL SECRETARY, PANCHAYATRAJ AND RURAL DEVELOPMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF SECRETARY, HOUSING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT-522237.
3. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT-522237.
4. THE COMMISSIONER, PANCHAYATRAJ AND RURAL DEVELOPMENT, STATE OF ANDHRA PRADESH, NAKKAL ROAD, SURYAOPET, VIJAYWADA, KRISHNA DISTRICT.
5. THE DISTRICT COLLECTOR PANCHAYATRAJ WING, AMALAPURAM, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.

6. THE DISTRICT PROGRAMME COORDINATOR, AMALAPURAM, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.
7. THE EXECUTIVE ENGINEER, PRI DIVISION, MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE (MGNREG) SCHEME, AMALAPURAM, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.
8. THE DY EXECUTIVE ENGINEER, PRI DIVISION, MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE (MGNREG) SCHEME, P.GANNAVARAM, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.
9. THE MAKANAPALEM GRAM PANCHAYAT, REP. BY ITS SECRETARY, UNDER MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE(MGNREG) SCHEME, MAMIDIKUDURU MANDAL, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.
10. THE NAGARAM GRAM PANCHAYAT, REP. BY ITS SECRETARY, UNDER MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE(MGNREG) SCHEME, MAMIDIKUDURU MANDAL, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.
11. THE MANDAL ENGINEERING OFFICER, MANDAL PRAJAPARISHAD, MAMIDIKUDURU MANDAL, DR.B.R.AMBEDKAR KONASEEMA DISTRICT.
12. THE DIRECTOR, MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE (MGNREG) SCHEME, MINISTRY OF RURAL DEVELOPMENT, GOVERNMENT OF INDIA, KRISHI BHAVAN, NEW DELHI.
13. THE ANDHRA PRADESH STATE HOUSING CORPORATION, PLOT NO. 11 AND 12 BEHIND BSNL, TELEPHONE EXCHANGE, AUTO NAGAR, VIJAYAWADA - 520007. REP. BY ITS MANAGING DIRECTOR.

...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 admitted total an amount of Rs.52,31,515/- (Fifty Two Lakh

Thirty One Thousand Five Hundred Fifteen Rupees only) with regard to 3 works i.e., (1) ID No.040575607007170286 an amount sum of Rs.3,26,897/- (2) ID No. 040575611011170247 an amount of Rs. 15,70,099/- (3) ID No. 040575611011170252 an amount of Rs.35,34,519/- for Development of Housing Colonies at Locations in Nagaram Grama Panchyat and Makanavaripalem Grama Panchayat of Mamidikuduru Mandal erstwhile East Godavari (now Dr.B.R.Ambedkar Konaseema) District as illegal, arbitrary, violation of principles of natural justice, contrary to the Rules and Regulations of the Mahatma Gandhi National Rural Employment Guarantee Act and consequently direct the respondents to release the total an amount of Rs.52,31,515/- for the above said work IDs 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 release an amount of Rs.52,31,515/- ID Nos. 040575607007170286, of 3 works respectm 040575611011170247 and 040575611011170252 for Development of Housing Colonies, at Locations in Nagaram Grama Panchyat and Makanavaripalem Grama Panchayat of Mamidikuduru Mandal erstwhile East Godavari (now Dr.B.R.Ambedkar Konaseema) District through a proper channel or any other concerned to the Petitioner pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.B JAYA PRABHAKARA RAO

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.K MALLIKHARJUNA MOORTHY

3.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra

4.GP FOR HOUSING

5.GP FOR FINANCE PLANNING

The Court made the following:

ORDER

Heard Sri B.Jaya Prabhakara Rao, learned counsel for the petitioner and Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, for the respondents.

2. The above writ petition was filed to declare the action of the respondents in not releasing the admitted total an amount of Rs.52,31,515/- (Fifty Two Lakh Thirty One Thousand Five Hundred Fifteen Rupees only) with regard to 3 works i.e., (1) ID No.040575607007170286 an amount sum of Rs.3,26,897/- (2) ID No. 040575611011170247 an amount of Rs. 15,70,099/- (3) ID No. 040575611011170252 an amount of Rs.35,34,519/- for Development of Housing Colonies at Locations in Nagaram Grama Panchayat and Makanavaripalem Grama Panchayat of Mamidikuduru Mandal erstwhile East Godavari (now Dr.B.R.Ambedkar Konaseema) District, as illegal and arbitrary.

3. Counter affidavit is filed by the 4th respondent. It was contended that the total work done so far as per the Measurement Book is Rs.33,35,512/-, Rs.6,36,814/- & Rs.15,70,099/- respectively totaling Rs.55,41,425/-. The measurements are recorded by the Technical Assistant (TA), Checked by Engineering Consultant (EC). It was further contended that an amount of Rs.3,09,917/- was paid to the petitioner on 30.03.2020 and the remaining amount of Rs.51,50,609/- is pending for payment after deducting statutory recoveries. There is no willful delay on the part of the respondent and the pending bill amount will be paid to the petitioner after receipt of budget from the Housing Department.

4. A perusal of the counter affidavit would disclose that the petitioner has executed the aforementioned works and the net amount payable to the petitioner after statutory deductions is Rs.51,50,609/-.

5. Learned counsel for the petitioner also 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.51,50,609/-. Since the amount payable is admitted and undisputed, the writ petition is maintainable. In **M/s Utkal Highways Engineers and Contractors Vs. Chief General Manager & Ors¹**, 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 counter affidavit filed by the 4th respondent, the Writ Petition is Disposed of directing the respondents to release an amount of Rs.51,50,609/- (Rupees Fifty One Lakhs Fifty Thousand Six Hundred and Nine only) payable to the petitioner regarding execution of the aforementioned works, within four (04) 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