



**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: 20499/2024

Between:

1.V PRABHAKAR REDDY, S/O SUBBAREDDY, AGED ABOUT 60 YEARS, R/O D.NO. 23-4-49, 1B, TAMARA HEIGHTS, LECTURERS COLONY, MAGUNTA LAYOUT, NELLORE, SPSR NELLORE DISTRICT.

...PETITIONER

AND

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

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

3.THE SUPERINTENDENT ENGINEER, PANCHAYAT RAJ CIRCLE, NELLORE, SPSR NELLORE DISTRICT.

4.THE EXECUTIVE ENGINEER, PR, QA AND QC DIVISION, NELLORE, SPSR NELLORE DISTRICT

5.THE DEPUTY EXECUTIVE ENGINEER, PR, QA AND QC SUB-DIVISION, NELLORE, SPSR NELLORE DISTRICT.

6.THE ASSISTANT EXECUTIVE ENGINEER, PR, QA AND QC SUB-DIVISION, NELLORE, SPSR NELLORE 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 a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in non-payment an amount of Rs. 3,84,00,000/- in total due for the last three years even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e. 1. Urgent repairs to the road from Nellore- Podalakur road to Thoderu in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 110.00 Lakhs, 2. Urgent repairs to the road from PS road to Vavintaparathi (via) Mogallur in Poadalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 113.00 Lakhs, 3. Urgent repairs to the road from P.S road to Ammavaripalem via., Nandivoya in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 141.00 Lakhs and 4. Urgent repairs to the road from Ammavaripalem road to Ayyavaripalem in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 141.00 Lakhs, vide Agreement No. 12 /2023-24, Dated-10.08.2023, vide Package No. APAM/NLR/Surveyypalli/18 consisting of 15 works in Surveyypalli Constituency- Est Cost Rs. 1048.00 Lakhs duly approved by the respondents, as illegal, arbitrary, unjust, unreasonable and violative of fundamental rights guaranteed to the Petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the respondents to release an amount of Rs.3,84,00,000/- towards the works executed by the petitioner along with 12percent interest per annum and to 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 may be pleased to direct the respondents to pay the amount of Rs. 3,84,00,000/- in total due for the last three years even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e., 1. Urgent repairs to the road from Nellore-Podalakur road to Thoderu in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 110.00 Lakhs, 2. Urgent repairs to the road from PS road to Vavintaparathi (via) Mogallur in Poadalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 113.00 Lakhs, 3. Urgent repairs to the road from P.S road to Ammavaripalem via., Nandivoya in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 141.00 Lakhs and 4. Urgent repairs to the road from Ammavaripalem road to Ayyavaripalem in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 141.00 Lakhs, vide Agreement No. 12 /2023-24, Dated: 10.08.2023, vide Package No. APAM/NLR/Surveyypalli/18

consisting of 15 works in Surveypalli Constituency- Est Cost Rs. 1048.00 Lakhs, forthwith, pending disposal of the main 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 May be pleased to receive the counter affidavit copies on record by allowing the leave petition in the writ petition in the interest of justice and to pass

Counsel for the Petitioner:

1.V VINOD K REDDY

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER

Heard Sri V.Vinod K. Reddy, 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 non-payment an amount of Rs. 3,84,00,000/- in total due for the last three years even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e. 1. Urgent repairs to the road from Nellore- Podalakur road to Thoderu in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 110.00 Lakhs, 2. Urgent repairs to the road from PS road to Vavintaparthi (via) Mogallur in Poadalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 113.00 Lakhs, 3. Urgent repairs to the road from P.S road to Ammavaripalem via., Nandivoya in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 141.00 Lakhs and 4. Urgent repairs to the road from Ammavaripalem road to

Ayyavaripalem in Podalakur Mandal of SPSR Nellore District, Estimate Cost of Rs. 141.00 Lakhs, vide Agreement No. 12 /2023-24, Dated-10.08.2023, vide Package No. APAM/NLR/Surveypalli/18 consisting of 15 works in Surveypalli Constituency- Est Cost Rs. 1048.00 Lakhs duly approved by the respondents, as illegal and arbitrary.

3. Counter affidavit is filed by the 3rd respondent. It was contended that as per the Agreement No.12/2023-24 dated 10.08.2023, the gross amount of bill is Rs.3,91,44,860/- and after statutory deductions, the net amount payable to the petitioner comes to Rs.3,58,79,658/-. It was further contended that as and when the budget is released by the concerned higher authorities, the pending bill will be processed in e-Nidhi portal and the same will be paid to the petitioner.

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.3,58,79,658/-.

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.3,58,79,658/-. 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 & 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

¹ 2025 SCC online SC 1400

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 3rd respondent, the Writ Petition is Disposed of directing the respondents to release an amount of Rs.3,58,79,658/- (Rupees Three Crores Fifty Eight Lakhs Seventy Nine Thousand Six Hundred and Fifty Eight only) payable to the petitioner regarding execution of the aforementioned works, 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