



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

[3331]

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21335/2025

Between:

1.U. VENKATA RAJA REDDY,, S/O. VENKATARAMI REDDY AGED ABOUT 71 YEARS, OCC- CONTRACTOR, R/O. PULAKURTHY VILLAGE, KODUMUR MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, , REP. BY ITS PRINCIPAL SECRETARY, PANCHAYATI RAJ AND RURAL DEVELOPMENTDEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.

2.THE DISTRICT COLLECTOR, KURNOOL DISTRICT.

3.THE EXECUTIVE ENGINEER, PANCHAYATI RAJ (PRI) DIVISION, KURNOOL DISTRICT.

4.THE MANDAL PARISHAD DEVELOPMENT OFFICER, KODUMUR MANDAL, KURNOOL DISTRICT.

5.THE MANDAL ENGINEERING OFFICER, MANDAL PRAJA PARISHAD, KODUMUR MANDAL, KURNOOL 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 of mandamus or any appropriate writ, order or direction declaring the action of the Respondents in withholding the 50percent

amount from gross amount of Rs.9,90,000/- (Rupees Nine Lakhs Ninety Thousand only) payable towards execution of pucca internal roads, culverts, and drainage works within Kallapari (HB) and (GP) of Kodumur Mandal, Kurnool District, under convergence funds, despite full completion of the sanctioned work as per specifications and measurement book entries under Wok ID No.137061902001080016 is illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents to release the balance amount payable to the petitioner along with interest at 12percent per annum from the date of completion of work till the date of actual payment and to pass

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 balance amount payable to the petitioner along with interest at 12% per annum from the date of completion of work till the date of actual payment, pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.G SEKHAR REDDY

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

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

The Court made the following:

::ORDER::

The above writ petition was filed to declare the action of the respondents in withholding 50% of the gross amount of Rs.9,90,000/- relating to the works executed by the petitioner i.e. pucca internal roads, culverts and drainage works within a village under convergence funds in Kallaparri (V), Kodumur (M), Kurnool District and pucca internal roads, culverts and drainage works within a village under convergence funds from Mini Transformer to

Chandranna (H) in Kallaparri (V), Kodumur (M), Kurnool District, as illegal and arbitrary.

2. Heard Sri G. Sekhar Reddy, learned counsel for the petitioner; Sri P. Rajesh Kumar, the learned Assistant Government Pleader for the Panchayat Raj and Rural Development & Finance and Planning Department, appeared for the respondents 1 to 3 and Sri Hruthik, learned counsel representing Sri M. Sudhir, learned Standing Counsel appeared for respondents 4 & 5.

3. Today, when the matter is taken up for consideration, the learned Assistant Government Pleader for Panchayat Raj, submitted the written instructions of the Executive Engineer, PRI Division, Kurnool – respondent No.3.

4. Thus, as seen from the instructions, there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.3,93,647/-. 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.”

6. Given the instructions furnished by respondent No.3, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.3,93,647/- payable to the petitioner regarding execution of the aforementioned works,

¹ 2025 SCC online SC 1400

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.

Date: 17.02.2026
TVN

JUSTICE SUBBA REDDY SATTI

309

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21335 of 2025

Date: 17.02.2026
TVN