



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

[3332]

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 22532/2025

Between:

1. SRI. POCHA VENKATA REDDY,, S/O. PUL LA REDDY, D.NO.2-150, BODEMMANUR VILLAGE, UYYALAWADA MANDAL, NANDYAL DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS SECRETARY, IRRIGATION AND CAD DEPARTMENT (WATER RESOURCES DEPARTMENT), SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.

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

3. THE DISTRICT COLLECTOR AND MAGISTRATE, NANDYAL

4. THE CHIEF ENGINEER PROJECTS, WATER RESOURCES DEPARTMENT, KURNOOL.

5. THE SUPERINTENDENT ENGINEER, TELUGU GANGA PROJECT CIRCLE, NANDYAL.

6. THE EXECUTIVE ENGINEER, T.G.P. DISTRIBUTORY DIVISION

NO.1 NANDYAL.

7.THE DEPUTY EXECUTIVE ENGINEER, TGP DISTRIBUTORY SUB DIVISION NO.2, GAJULAPALLI AT NANDYAL.

8.A V V KUMARI, ASSISTANT EXECUTIVE ENGINEER, TCP DISTRIBUTORY SUB DIVISION NO.2, GAJULAPALLI AT NANDYAL. PRESENT WORKING AT TGP SUB DIVISION NO.L, NANDYAL.

9.G JAGADESH, ASSISTANT EXECUTIVE ENGINEER, TGP DISTRIBUTORY SUB DIVISION NO.2, GAJULAPALLI AT NANDYAL.

...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 withholding the payments of pending amount of Rs.51,73,954/- (Fifty One lakhs Seventy three thousand Nine Hundred and fifty four Rupees) even after finalizing the bills, payable to the petitioner in relation to the work Construction of lining to Block No. 10 Major of TGP near Bukkapuram (v) Mahanandi (M) in Kurnool District to avoid water logging and supply water to 2L Minor as bad, illegal, arbitrary, improper, unjust and against the Article 21 of Constitution of India and consequently direct the Respondents to pay the amounts of Rs.51,73,954/- (Fifty One lakhs Seventy three thousand Nine Hundred and fifty four Rupees) forthwith release the payments of above bill amount along with 12percent interest

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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 and pay the amounts of Rs.51,73,954/- (Fifty One lakhs Seventy three thousand Nine Hundred and fifty four Rupees) release the payments of the bill amount along with 12% interest, pending disposal of the writ petition

Counsel for the Petitioner:

1.THATHIREDDY ASHOK SRIVASTAVA

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

The case of the petitioner herein is that he is a registered contractor engaged in civil works in Kurnool District and surrounding regions. The petitioner was awarded the work of Construction of lining to Block No.10 Major of Telugu Ganga Project near Bukkapuram Village, Mahanandi Mandal, Kurnool District, as per the executed agreement to avoid water logging and supply of water to 2L Minor. The petitioner has completed the work to a tune of Rs.15,08,843/- during the agreement period and the balance work to a tune of Rs.93,09,569/- is yet to be done.

It is his further case that the work is delayed due to the release of water in main canal and 10th block for the development of ayacut for the period and due to heavy rains. The 1st extension of time was granted up to 30.06.2018 and thereafter, the petitioner has applied for 2nd extension time up to 31.08.2019 and the same was recommended by the 6th respondent, however, the same was not granted. It is his further case that he has completed the casting of PCC slabs for a quantity of 2700 m² which is worth of Rs.31,11,123/- by the time the petitioner applied for the

2nd extension of time. However, the respondents had not considered this item in the value of work done as the fixing of the PCC slabs is still pending.

It is his further case that the total value of the work done is to a tune of Rs.51,73,954/-. The petitioner could not proceed and complete the balance work as the 2nd extension of time was not granted. Thereafter, the Government has stopped all payments under Neeru Chettu Head of Account in the year 2019 and recently, the Government has resumed the same. The petitioner made on representation dated 28.12.2024 & 31.01.2025 to respondent Nos.5 & 6 for release of the pending amounts. Non consideration of the same, the present writ petition is filed.

2. The 6th respondent filed his counter denying the allegations *inter alia* contending that the agreement period is for three months and the petitioner failed to complete any item of the work within the agreement period. Hence, the 1st extension of time was granted till 30.06.2018 *vide* memo dated 18.11.2017 and 2nd extension up to 31.08.2019 was recommended by his office. However, the petitioner again failed to complete any item of the work even though availability of more time. Further, the petitioner did not even start the work even after issuance of several reminders and did not complete any item of work in full shape as per the terms and conditions of the agreement and specifications. In the

said counter, it was further contended that the petitioner has not casted the item of PCC slabs. He never completed any of the works in its full shape, as such, the respondents are not ready to prepare the bills for payments. In view of the same, the petitioner bills cannot be uploaded, accordingly, prayed to dismiss the writ petition.

3. Heard Sri T.Ashok Srivastava, learned counsel for the petitioner, Sri Satish Kumar, learned Assistant Government Pleader for Irrigation and Ms. Siva Jyothi, learned Assistant Government Pleader for Finance.

4. Learned counsel for the petitioner while reiterating the contents of the affidavit submitted that even according to the respondents, the petitioner had completed part of the work and the petitioner is entitled for that amount. Despite making several representations, the authorities have not paid any amount. In support of his contention to show that the works have been completed, learned counsel for the petitioner drawn the attention of this Court to the photographs filed along with the writ affidavit. Non-payment of the legally entitled amount to the petitioner is illegal and arbitrary, as such, prayed to pass appropriate orders directing the authorities to release the entitled amounts to the petitioner.

5. On the other hand, learned Assistant Government Pleader in elaboration to what has been stated in the counter submitted that the petitioner has not done the work and has not completed as per the terms of the agreement. He further submitted that despite extension of time for

completing the work, the petitioner failed to complete the same within the stipulated period, therefore, he is not entitled to claim any amount. He further submitted that the authorities are disputing the amounts claimed by the petitioner, as he has not executed any work. The writ petition is devoid of merits and liable to be dismissed, accordingly, prayed to dismiss the writ petition.

6. Perused the record and considered the submissions made by the learned counsel for the parties.

7. As could be culled out from the facts and circumstances of the case, the petitioner has entered into an agreement with the respondents for conducting certain works. The contention of the petitioner is that, despite completion of part of works, the amounts due for the completed work have not been paid by the respondents. In the meantime, the Government has cancelled the work order issued to the petitioner. In order to show that the petitioner had completed part of the work, he relied on the photographs.

8. As could be seen from the facts and circumstances of the case and the submissions made by the learned counsel, it is evident that there is serious disputed question of facts involved regarding completion of work where the petitioner claims that the works were completed but the respondents are disputing the same. There is no material placed on

record to show that the works were in fact completed by the petitioner and that the authorities have recognized such completion through any documents (completion certificates or entries in the Measurement Book). In the absence of such documentary evidence, this Court cannot direct the authorities to make payment of the said amounts. However, this Court cannot come to any conclusion with regard to completion of works by relying on the photographs filed by the petitioner.

9. It is well settled that the High Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, does not ordinarily adjudicate disputed questions of fact. It is not within the province of this Court to undertake a detailed factual assessment or to determine the extent of work allegedly completed by the petitioner on the basis of disputed material. Though the jurisdiction of the High Court is wide, even in matters arising out of contractual obligations, such jurisdiction is normally not exercised where the dispute involves serious questions of fact requiring detailed evidence. In such circumstances, the appropriate remedy for the parties is to approach the competent civil court or other forum provided under law. Therefore, the dispute as to whether the petitioner has completed the works and is entitled to the claimed amounts must be adjudicated before the appropriate forum in accordance with law.

10. In view of the facts and circumstances of the case, when there exist serious disputed questions of fact, the settled legal position is that a writ petition under Article 226 of the Constitution of India is not an appropriate remedy for adjudication of such disputes.

11. Accordingly, the Writ Petition is ***disposed of***. However, the petitioner is not precluded to take steps before appropriate forum in accordance with law. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 13th February, 2026

RKS