

APHC010433472025



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

[3330]

TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 22510/2025

Between:

1.HARIGANGA CONSTRUCTIONS, REP. BY ITS MANAGING PARTNER,
SATHI SUBBA REDDY, S/O. HARI NARAYANA REDDY REDDY, AGED
ABOUT 55 YEARS, OCC CONTRACTOR, R/O. RAVULAPALEM, EAST
GODAVARI DISTRICT

...PETITIONER

AND

1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, ROADS AND
BUILDINGS DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI,
GUNTUR DISTRICT.

2.THE ENGINEERINCHIEF, ROADS AND BUILDINGS DEPARTMENT,
GOVERNMENT OF ANDRA PRADESH, R B BHAVAN VIJAYAWADA,
KRISHNA DISTRICT.

3.THE DISTRICT COLLECTOR R B, EAST GODAVARI DIST, KAKINADA.

4.THE SUPERINTENDING ENGINEER, ROADS AND BUILDING
DEPARTMENT, R B CIRCLE OFFICE, KAKINADA, EAST GODAVARI
DISTRICT.

5.THE EXECUTIVE ENGINEER, ROADS AND BUILDING DEPARTMENT,
AMALAPURAM DIVISION, EAST GODAVARI DISTRICT.

6.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, FINANCE DEPARTMENT SECRETARIAT BUILDINGS,
AMARAVATI, GUNTUR DISTRICT.

7.THE STATE OF ANDHRA PRADESH, REP.BY ITS CHIEF SECRETARY,
GENERAL ADMINISTRATION DEPARTMENT. SECRETARIAT BUILDINGS,

AMARAVATI, GUNTUR 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 or any other appropriate writ or direction declaring the action of the respondents in not releasing the total final bills amount worth of Rs. 21,82,692/- its Agreement C.R.No. /2018-19 dated 15.02.2019 vide M.Book.No. 3950AA for the work of Improvements to Gudapalli to Kesanapalli Road East Godavari District, under R B Department, through the Agreements ,as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release the pending bill amount of Rs. 21,82,692/- with interest for the pending bill forthwith for the above said works executed by the petitioner 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 respondents to consider for pending bills of Rs. 21,82,692/- with interest for the works executed by the petitioner for the various work "Improvements to gudapalli to Kesanapalli Road East Godavari District" under R&B Department through the Agreements forthwith, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner:

1.ANNAMNEEDI BALAKRISHNA

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2.GP FOR GENERAL ADMINISTRATION

3.GP FOR FINANCE PLANNING

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS or any other appropriate writ or direction declaring the action of the respondents in not releasing the total final bills amount worth of Rs. 21,82,692/- its Agreement C.R.No. /2018-19 dated 15.02.2019 vide M.Book.No. 3950AA for the work of Improvements to Gudapalli to Kesanapalli Road East Godavari District, under R B Department, through the Agreements ,as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release the pending bill amount of Rs. 21,82,692/- with interest for the pending bill forthwith for the above said works executed by the petitioner and pass such other reliefs...”

2. Heard Sri.Annamneedi Balakrishna, learned counsel for petitioner and learned Government Pleader for respondents.

3. The present writ petition is filed aggrieved by the action of the respondents in not releasing the balance amount worth of Rs.21,82,692/- its Agreement C.R.No.2018-19 dated 15.02.2019 vide M.Book.No.3950 AA for the work of “Improvements to Gudapalli to Kesanapalli Road, East Godavari District under R & B Department, through the agreements, as illegal, arbitrary and violative of Article 14 & 21 of Constitution of India.

4. Learned Government Pleader for Roads and Buildings place written instructions dated 05.02.2026 addressed by Executive Engineer (R & B), R&B Division, Amalapuram, asserting that the total payment of Rs.21,82,692/- was

not done due to LOC requirements. The bills will be release as and when the LOC from the Finance Department of the Government is released.

5. Insofar as the interest component, the respondents contended that the petitioner should approach the appropriate forum, relying on the order of the Division Bench in W.A.791 of 2022 dated 26.04.2022. The Division Bench affirmed the Single Judge's order, directing the petitioner to seek relief regarding interest from the appropriate forum. In a catena of cases this Court had held that where dispute revolves round questions of fact, the matter ought not be entertained under Article 226 of the Constitution of India.

6. In the present case, the respondents have not disputed the payment due to the petitioner for the work executed and the respondents have manifested in their counter that they will pay the amount to the petitioner and they are unable to pay, due to "Bill waiting for fund clearance", once the work executed by the petitioner to the respondents is admitted and the payment due to the petitioner is not disputed by the respondents, there was hardly no need for this Court to refer the matter to any forum or for arbitration for passing an arbitral award assuming that any condition in the agreement to that extent. Hence, this Court directs the respondents to pay the admitted amount to the petitioner.

7. In **The D.F.O., South Kheri And Ors. vs Ram Sanehi Singh**¹, the Hon'ble Apex Court held that when a State decides not to pay the dues with mala fide, with ulterior motives or arbitrarily or when the State avoids payment

¹ (1971) 3 SCC 864

of the dues with mala fide, with ulterior motives, arbitrarily or when the State discriminates, while making payment dues, such a decision of the State not to pay or such an act of the State of not paying its dues cannot be said to be wholly beyond the reach of Article 226, for asking the writ Court to do is to force the State to act in accordance with its constitutional obligation by adhering to the letter and spirit of Articles 14 and 21 of the Constitution of India.

8. In view of the above, the present Writ Petition is disposed of with following directions:

(a) The respondents are directed to clear the due amount to the petitioner within a period of Six (06) weeks from the date of receipt of a copy of this order.

(b) Sum due to the petitioner would mean, the sum arrived after statutory deductions. If there is any dispute regarding statutory recoveries, the petitioner is at liberty to communicate/interface with the respondents.

(c) With regard to interest, the petitioner is at liberty to approach appropriate forum.

There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 10.02.2026

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