



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

[3331]

**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 27331/2025

Between:

1.NARINA VENKATA NAGENDRA KUMAR,, S/O. NARINA SRIRAMA MURTHY, AGED ABOUT 52 YEARS, OCC CONTRACTOR, R/O. D.NO. 52-5-11/1, SOMESWARA AGRHARAM. NEAR RAILWAY GATE, PALAKOL MANDAL, AGARRU, WEST GODAVARI DISTRICT - 534 260.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, PANCHAYAT RAJ ENGINEERING DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

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

3.THE DIRECTOR OF WORKS AND ACCOUNT OFFICER, ANJANEYA TOWERS, IBRAHIMPATNAM, KRISHNA DISTRICT.

4.THE DISTRICT COLLECTOR, (PANCHAYAT RAJ WING), BHIMAVARAM, WEST GODAVARI DISTRICT.

5.THE SUPERINTENDING ENGINEER, PANCHAYAT RAJ DEPARTMENT, PRI CIRCLE, ELURU, ELURU DISTRICT.

6.THE EXECUTIVE ENGINEER, PRI DIVISION, NARSAPUR, WEST

GODAVARI DISTRICT.

7.THE MANDAL ENGINEERING OFFICER, MANDAL PARISHAD,
PEDUGONDA MANDAL WEST GODAVARI DISTRICT.

8.THE MANDAL ENGINEERING OFFICER, MANDAL PARISHAD,
ACHANTA MANDAL WEST GODAVARI 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 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 amounts of Rs. 53,29,802/- for the year 2023-24, even after finalizing the bills, payable to the petitioner in relation to the works 1) Rs. 16,67,372/-, vide its M.Book No. 35/B/PRI/2023-24, for the work Construction of SC Community hall in Pedapeta of Achanta Village of Achanta Mandal Rs.20.00 Lakhs, West Godavari District, 2) Rs. 16,59,735/-, vide its M.Book No. 50/B/PRI/2023-24, for the work Construction of Kapu Community hall in Kapulapalem of Achanta Village of Achanta Mandal, 3) Rs. 20,02,695/-, vide its M.Book No. 279/A/PRI/2022-23, for the work Completion of Incomplete of BC (Velama) Community hall in Vadali Village of Penugonda mandal Rs.24.00 Lakhs, vide CMDF grant for the year 2022-23 is illegal

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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 forthwith consider releasing the amounts i.e., Rs. 53,29,802/- payable to the petitioner herein, pending disposal of the writ petition

Counsel for the Petitioner:

1.ANNAMNEEDI BALAKRISHNA

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

::ORDER::

The above writ petition was filed to declare the action of the respondents in not releasing the amount of Rs.53,29,802/- payable to the petitioner in relation to the works executed by the petitioner i.e. (i) construction of SC community hall in Pedapeta, Achanta (V) & (M), (ii) construction of Kapu Community hall in Kapulapalem, Achanta (V) & (M) and (iii) completion of incomplete BC velama community hall in Vadali (V), Penugonda (M), as illegal and arbitrary.

2. Heard learned counsel for the petitioner and Sri Panuku Rajesh Kumar, the learned Assistant Government Pleader for the Panchayat Raj and Rural Development & Finance and Planning Department, appeared for the respondents.

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, Narsapur – respondent No.6.

4. A perusal of the said instructions indicates that the petitioner has executed the aforementioned works. It further indicates that the total value of the work done by the petitioner is Rs.63,20,863/-, and after QC recovery, i.e. Rs.5,71,084/-, the net amount payable to the petitioner is Rs.57,49,779/-. The amount already been paid to the petitioner is Rs.36,05,282/- and the balance amount to be paid is Rs.21,44,497/-. The written instructions are made as part of the record. Learned counsel for the petitioner endorses the amount payable to the petitioner as mentioned in the written instructions.

5. Thus, as seen from the instructions, there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.21,44,497/-. 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.6, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.21,44,497/- payable to the petitioner regarding execution of the aforementioned work, 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.

JUSTICE SUBBA REDDY SATTI

Date: 28.04.2026

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¹ 2025 SCC online SC 1400

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