



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

[3331]

**MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 31815/2025

Between:

1. AYILA SRIRAMA CHANDRAMURTHY, S/O .A.ESWARAPAPARAO ,
AGED ABOUT 53 YEARS, OCC CONTRACTOR, R/O. D.NO.1-189,
KRISHNALAYAM STREET, KUNAVARAM, SEETHANAGARAM
MADALAM, EAST GODAVARI DISTRICT, AP

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.
3. THE DISTRICT COLLECTOR, RAJAMAHENDRAVARAM, EAST
GODAVARI DISTRICT, AP
4. THE EXECUTIVE ENGINEER, RWS AND S DIVISION,
RAJAMAHENDRAVARAM, AP
5. THE PAY AND ACCOUNTS OFFICER FINANCE DEPARTMENT,
WORKS AND PROJECTS, DOWLESWARAM, EAST GODAVARI
DISTRICT, ANDHRA PRADESH

...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 action of the respondents in non-payment of amount due even after finalizing the bills, payable to the petitioner after the successful completion of the execution of 4 works i.e 1.Construction of CC drain from BusiYesu(H) to Nandikoila Santha Kumari(H) in Kunavaram(V) of Seethanagaram (TWjunder Agreement No. /2023-24 dt 02-01-2024, II. Construction of CC drain from Madhireddy Krishna (H) to Nakka Jnana Raju (H) of Kunavaram(V) of Seethanagaram (TWjunder an Agreement no. /2023-24 dt 02-01-2024, ill. (01) Construction of CC drain from Kolli Srinivas (H) to Muppidi Chandra shekar(H), (02) Construction of CC drain from Koili Ratnam (H) to PrathipatiVeerraju(H) of Kunavaram(I) of Seethanagaram (TWJunder an agreement No. /2023-24 dt 02-01-2024 1V. (01) Construction of CC drain from SrikakuiapuVenkannaBabu(H) to SaUAnnaram(H) and (02) Construction of CC drain from Krishnalayam Temple to DunnaChanti(H) ofKunavaram(V) of Seethanagaram (M)under an agreement No. /2023-24 dt 02-01-2024, respectively for Gadapa Gadapaku Mana Prabhutvam programme and for consequential direction seeking direction to the respondents to release the final bill amounts forthwith along with the interest payable to the petitioner on the principal amount 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 the respondents to pay the amounts of Rs. 4,42,007/-, Rs. 377889/- Rs.4,44,994/- and Rs.4,46,900/-payable to the petitioner after the successful completion of the execution of 4 works i.e., i.Construction of CC drain from BusiYesu(H) to Nandikoia Santha Kumari(H) in Kunavaram(V) of Seethanagaram (M)under Agreement No. 2023-24 dt 02-01-2024 Construction of CC drain from Madhireddy Krishna (H) to Nakka Jnana Raju (H) of Kunavaram(V) of Seethanagaram CMjunder an Agreement no. 2023-24 dt: 02-01-2024, Hi. (01) Construction of CC drain from Koiii Srinivas (hi) to Muppidi Chandra shekar(H), (02) Construction of CC drain from Koiii Ratnam (H) to Prathipati Veerraju(H) of Kunavaram(V) of Seethanagaram fMJunder an agreement No. 2023-24 dt 02-01-2024. iV. (01) Construction of CC drain from SrikakuiapuVenkannaBabu(H) to SaiiAnnaram(H) and (02) Construction of CC drain from Krishnaiayam Tempie to DunnaChanti(H) of

Kunavaram(V) of Seethanagaram f/Wjunder -2023-24 dt 02-01-2024, respectively for Gadapa Gadapaku Mana Prabhutvam programme immediately, pending disposal of the main writ petition and pass

Counsel for the Petitioner:

1.YASWANTH GADE

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 P.Madhukar 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 of amount due even after finalizing the bills, payable to the petitioner i.e. an amount of Rs.4,42,007/-, Rs.3,77,889/- Rs.4,44,994/- and Rs.4,46,900/- even after the successful completion of the execution of aforementioned 4 works, as illegal and arbitrary.

3. Today, when the matter is taken up for consideration, learned Assistant Government Pleader for Panchayat Raj, submitted the written instructions of the 4th respondent.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned works and the net amount payable to the petitioner after statutory deductions is Rs.16,69,439/-. The written instructions are made as part of the record.

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.16,69,439/-. 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 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 instructions furnished by the 4th respondent, the Writ Petition is Disposed of directing the respondents to release an amount of Rs.16,69,439/- (Rupees Sixteen Lakhs Sixty Nine Thousand Four Hundred and Thirty Nine only) payable to the petitioner regarding execution of the aforementioned works, within four (04) 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

¹ 2025 SCC online SC 1400