



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

[3331]

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

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 31957/2025

Between:

1.M SIVA PARVATHI, W/O. RAMA RAO, AGED 55 YEARS, OCC ORGANIZER, INDIRA MAHILA GROUP, R/O. D.NO.1-31, MADDIRALA VILLAGE, CHILAKALURIPETA MANDAL, PALNADU DISTRICT, (EARLIER GUNTUR DISTRICT).

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2.STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

3.THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT GOVERNMENT OF ANDHRA PRADESH, NH-16, TADEPALLI, GUNTUR DISTRICT.

4.THE DISTRICT COLLECTOR, (PANCHAYAT WING), PALNADU DISTRICT, (EARLIER GUNTUR DISTRICT).

5.THE EXECUTIVE ENGINEER, PRI DIVISION, NARASARAOPETA, PALNADU DISTRICT (EARLIER GUNTUR DISTRICT).

6.THE CHIEF EXECUTIVE OFFICER, ZILLAPARISHAD, GUNTUR,

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 declaring the action of the respondents in not releasing the funds amounting to Rs.4,99,947/- and Rs.4,99,956/- totalling Rs.9,99,903/- to the petitioner for the works executed by him viz., Construction of compound wall South-West side at Burial ground in Maddirala Village of Chflakaluripet Mandal, and Construction of compound wall North-East side at Burial ground in Maddirala Village of Chilakaluripet Mandal in pursuance of the work orders issued by the 5th respondent under 23 percent Zilla Parishad grants as illegal, arbitrary, violative of principles of natural justice, provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and unconstitutional and consequently direct the respondents to release the undisputed amounts of Rs.4,99,947/- and Rs.4,99,956/- totalling Rs.9,99,903/- to the petitioner along with interest and to 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 release the undisputed amounts of Rs.4,99,947/- and Rs.4,99,956/- totalling Rs.9,99,903/- to the petitioner for the works executed by him under 23% Zilla Parishad grants along with interest at the rate of 18% per annum until payment is made, pending disposal of the main writ petition, and pass

Counsel for the Petitioner:

1.RAMESH BABU TALLURI

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

4.GP FOR FINANCE PLANNING

The Court made the following:

ORDER

Heard Sri Ramesh Babu Talluri, 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 not releasing the funds amounting to Rs.4,99,947/- and Rs.4,99,956/- totalling Rs.9,99,903/- to the petitioner for the works executed by him viz., Construction of compound wall South-West side at Burial ground in Maddirala Village of Chflakaluripet Mandal, and Construction of compound wall North-East side at Burial ground in Maddirala Village of Chilakaluripet Mandal in pursuance of the work orders issued by the 5th respondent under 23 percent Zilla Parishad grants as illegal, arbitrary, violative of principles of natural justice, provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and unconstitutional and consequently direct the respondents to release the undisputed amounts of Rs.4,99,947/- and Rs.4,99,956/- totalling Rs.9,99,903/- to the petitioner, 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 5th 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.7,94,316/- and an amount of Rs.2,05,587/- was withheld towards QC recovery. 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.7,94,316/-. 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 & Ors¹**, 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 5th respondent, the Writ Petition is Disposed of directing the respondents to release an amount of Rs.7,94,316/- (Rupees Seven Lakhs Ninety Four Thousand Three Hundred and Sixteen only) payable to the petitioner regarding execution of the aforementioned works, 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

PVD

¹ 2025 SCC online SC 1400