

[3209]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 32146 OF 2023**



Between:

Bhagam Constructions Private Limited, Rep. by its Director J.K.Chaitanya, S/o.Rama Rao, Aged about 50 years, Occ. contractor, R/o.D.No.5414-19-5, 4th Cross Road, Bharathi Nagar, Vijayawada, Krishna District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary, Panchayat Raj Ss Rural Development Department, Secretariat Buildings, Velagapudi, Amaravathi.
2. The District Collector, Chairman & Managing Trustee, DMF Trust, Vijayawada, Krishna District. The Superintending Engineer, PR Circle, Machilipatnam at Vijayawada, Krishna. District.
3. The Superintending Engineer, PR Circle, Machilipatnam at Vijayawada, Krishna. District.
4. The Director of Mines and Geology, Ibrahimpatnam, Krishna District.
5. The Executive Engineer, PRI Vijayawada, Krishna District.
6. The State of Andhra Pradesh, Rep. by Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi.

...Respondents

WHEREAS the Petitioner above named through his Advocate SRI SURESH KUMAR REDDY KALAVA presented this 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of amount of Rs.99,94,057/- (CFMS No.2023- 1799392) even after finalizing the bills payable to the petitioner in relation to the works i.e., "Improvements to the road from Chillakallu to Tirumalagiri (via) Takshasila school in Jaggaiahpetta (M), Krishna District" vide agreement No.19/2021-2022 dt.28.06.2021 is questioned, as the same is illegal. arbitrary and consequently direct the respondents to consider for payment of Rs.99,94,057/- (CFMS No.2023-1799392) with interest @24% per annum for the delayed amount to the petitioner in respect of execution of above mentioned work forthwith.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri SURESH KUMAR REDDY KALAVA Advocate for the Petitioner, and of Government Pleader for Finance & Planning for the Respondent No.6, and of Government Pleader for Panchayat Raj for the Respondent Nos.1 to 5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Panchayat Raj & Rural Development Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi.
2. The District Collector, Chairman & Managing Trustee, DMF Trust, Vijayawada, Krishna District. The Superintending Engineer, PR Circle, Machilipatnam at Vijayawada, Krishna District.
3. The Superintending Engineer, PR Circle, Machilipatnam at Vijayawada, Krishna District.
4. The Director of Mines and Geology, Ibrahimpatnam, Krishna District.
5. The Executive Engineer, PRI Vijayawada, Krishna District.
6. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 11.01.2024.

The Court made the following: ORDER

"Notice before admission.

List on 11.1.2024, to enable the learned Assistant Government Pleader for Panchayat Raj and learned Assistant Government Pleader for Finance & Planning to secure written instructions in the matter.

Office is directed to show the name of the Government Pleader for Finance & Planning on the respondents' side in the cause list".

//TRUE COPY//

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR
A
SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj & Rural Development Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi.
2. The District Collector, Chairman & Managing Trustee, DMF Trust, Vijayawada, Krishna District. The Superintending Engineer, PR Circle, Machilipatnam at Vijayawada, Krishna District.
3. The Superintending Engineer, PR Circle, Machilipatnam at Vijayawada, Krishna District.
4. The Director of Mines and Geology, Ibrahimpatnam, Krishna District.
5. The Executive Engineer, PRI Vijayawada, Krishna District.
6. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi. **(Addresses 1 to by RPAD- along with a copy of petition and Affidavit)**

7. One CC to SRI. SURESH KUMAR REDDY KALAVA, Advocate [OPUC]
8. Two CCs to GP for Panchayat Raj, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]

10. One spare copy

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HIGH COURT

NJS, J

DATED:14/12/2023

List on 11.1.2024

NOTICE BEFORE ADMISSION

WP.No.32146 of 2023

