



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

[3333]

WEDNESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 32908/2025

Between:

1. GURRAM VIJAYABASKARRAO, S/O LAKSHMAIAH, AGED 70 YEARS, OCC CONTRACTOR, R/O D.NO 2239 RANGANADHANAGAR, NAWABPET, NELLORE CITY, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, IRRIGATION AND COMMAND AREA DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT

2. THE DISTRICT COLLECTOR W R D WING, NELLORE SPSR NELLORE DISTRICT

3. THE EXECUTIVE ENGINEER, IRRIGATION DIVISION W R D, NELLORE, CENTRAL DIVISION, NELLORE SPSR DISTRICT

4. THE DEPUTY EXECUTIVE ENGINEER, IRRIGATION, SUB-DIVISION, KOVUR MANDAL, IRRIGATION DIVISION. NELLORE, SPSR NELLORE DISTRICT

5. THE ASSISTANT EXECUTIVE ENGINEER, TGP KALUVOYA MANDAL, SPSR NELLORE DISTRICT.

6. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY DEPARTMENT OF FINANCE AND PLANNING SECRETARIAT VELAGAPUDI 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 toPleased to issue a Writ of Mandamus declaring the action of the respondents in not implementing the order dated 01.11.2023 in W.P. No.17126 of 2023 as illegal, arbitrary, unconstitutional , and direct the respondents to forthwith release the amount of Rs.6,72,404/- to the petitioner together with 6 percentage interest, as directed by this Honble Court, within a time frame fixed by this Court and to pass

IA NO: 1 OF 2025

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 pleased to direct the respondents to forthwith release the amount of Rs.6,72,404/- to the petitioner together with 6percentage interest, as directed by this Honble Court, within a time frame fixed by this Court pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.C VAMSI KRISHNA

Counsel for the Respondent(S):

1.GP FOR IRRIGATION COMM AREA DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“....to issue a Writ of Mandamus declaring the action of the respondents in not implementing the order dated 01.11.2023 in W.P. No.17126 of 2023 as illegal, arbitrary, unconstitutional , and direct the respondents to forthwith release the amount of Rs.6,72,404/- to the petitioner together with 6 percentage interest, as directed by this Honble Court, within a time frame fixed by this Court and to pass....”

2. The petitioner had been awarded the contract to execute the works under ‘Neeru Chettu’ scheme by the Irrigation Department. After execution of the said contract, the respondents also issued quality control certificate dated 09.03.2022 to a tune of Rs.6,72,404/-. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.

3. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

4. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had

taken the view that such non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

5. On the other hand, learned Assistant Government Pleader for Irrigation on oral instructions has admitted the amounts payable to the petitioner as per the quality control certificate dated 09.03.2022 but has submitted that since the budget was not released by the Government, the bills were not paid to the petitioner and soon after release of the budget by the Government, the bills will be paid to the petitioner.

6. In view of the same, instead of keeping the writ petition pending, this writ petition is disposed of and the respondents are directed to pay the admitted amounts, payable to the petitioner as per the quality control certificate dated 09.03.2022, within a period of two (2) months from the date of receipt of a copy of this order.

7. As far as interest component is concerned, if there is any subsisting clause in the agreement/work order envisaging payment of interest upon any amount which is due and payable, the same is binding upon both the parties.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

10.12.2025
Gss