APHC010062512026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 3742/2026

Between:

1. SANAPALA THAVITAYYA, S/O. LATE VENKAT, AGED ABOUT 55 YEARS, R/O. MATHALABUPETA VILLAGE, SARUBUJJILI MANDAL, SRIKAKULAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, A.P. SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT- 522237
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, IRRIGATION DEPARTMENT, A.P. SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522237
3. THE COMMISSIONER, CADA (COMMAND AREA DEVELOPMENT AUTHORITY), HANUMANPET, VIJAYAWADA - 520001
4. THE CHIEF ENGINEER, IRRIGATION CIRCLE, VIJAYAWADA, KRISHNA DISTRICT-520002.
5. THE SUPERINTENDING ENGINEER IRRIGATION CIRCLE, B.R.R. VAMSADHARA PROJECT MAINTENANCE DIVISION, NARASANNAPET -532421.

...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 not releasing the payments for the work executed by the petitioner under the Scheme O M (Operation and Maintenance) Repairs Providing Execution of Work De-silting of left main canal between chainages Km 1.60 to Km 3.50 and strengthening of canal banks between chainages Km 4.00 to Km 4.70 in Bhagiradhapuram colony village limits of Hiramandalam Mandal through the Agreement No.31 EE/2020-21 for an amount of Rs.6,89,222/- and with 18percent interest is illegal, arbitrary and contrary to law and un constitution and violation of Article 14 of Constitution of India and consequently direct the Respondent authorities to release an amount of Rs.6,89,222/- with 18percent Per annum to the petitioner in respect of the execution of aforementioned work forthwith 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 Respondent authorities to release an amount of Rs.6,89,222/- with interest at 18% for the works executed by the petitioner under the Scheme O&M (Operation and Maintenance) Providing Execution of Work De-silting of left main canal between chainages Km 1.60 to Km 3.50 and strengthening of canal banks between chainages Km 4.00 to Km 4.70 in Bhagiradhapuram colony village limits of Hiramandalam Mandal through the Agreement No.31 EE/2020-21 for an amount of Rs.6,89,222/- and to pass

Counsel for the Petitioner:

1. K.S.G. PADMAVATHI

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD
2. GP FOR FINANCE PLANNING

The Court made the following:

ORDER

The above writ petition was filed to declare the action of the respondent authorities in not releasing the amount of Rs.6,89,222/- payable to the

petitioner for execution of work in pursuance of agreement No.31EE/2020-2021, dated 01.07.2020, as illegal and arbitrary.

2. Heard Smt.K.S.G.Padmavathi, learned counsel for the petitioner and Sri S.Satish, learned Assistant Government Pleader for Irrigation and Finance & Planning Department, for the respondents.

3. Learned counsel for the petitioner would submit that pursuant to the aforementioned agreement, the petitioner has executed the work, 'Desilting Left Main Canal between Chainage from Km 1.60 to Km 3.50 and Strengthening of canal banks between chainages KM 4.00 to KM 4.70 in Bhagiradhipuram colony village limits of Hiramandlam", as per the timelines stipulated in the agreement and the same was verified by the respective authorities. However, the amount has not been paid so far.

4. Today, when the matter is taken up, Sri S. Satish, learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, submitted the written instructions furnished by the 6th respondent-Executive Engineer, W.R. Dept., B.R.R. Vamsadhara Project, Maintenance Division, Narasannapeta, *vide* Letter No.EE/MTC/N.Peta/AB/Supdt./Court Case/143M, dated 04.03.2026, wherein it is stated that the gross amount of bill is Rs.6,89,222/-. It was further stated that the bills are not uploaded in portal due to lack of LOC/Budget and soon after release of LOC, the bill will be processed uploaded in NIDHI Portal.

5. Learned Assistant Government Pleader submitted that the petitioner is not entitled to interest. He placed reliance on the order, dated 11.02.2025, in W.A.No.60 of 2025 passed by the Division Bench of this Court.

6. Thus, as seen from the instructions of the 6th respondent, there is no dispute regarding the execution of work and the petitioner's entitlement to the aforementioned amount. 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."

7. Given the instructions of the 6th respondent, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.6,89,222/- (Rupees Six Lakhs Eight Nine Thousand Two Hundred and Twenty Two only) payable to the petitioner regarding execution of the aforementioned works, subject to deductions, if any, within two (02) months from the receipt of the copy of this order. Insofar as the interest component is concerned, the petitioner is at liberty to approach the civil court or appropriate forum, given the directions in W.A.No.60 of 2025 dated 11.02.2025. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE SUBBA REDDY SATTI

PVD

[1] 2025 SCC OnLine SC 1400