APHC010365462026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

FRIDAY, THE 11th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 19682/2026

Between:

1. KALLURU NIRANJAN REDDY, S/O. K PRABHAKAR REDDY, AGED ABOUT 52 YEARS, OCC CONTRACTOR, R/O. D.NO.1-100, PENDLURU, VEMULAMANDAL, YSR KADAPA DISTRICT, AP-516349

...PETITIONER

A N D

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH- 522238
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT-522238.
3. THE DISTRICT COLLECTOR WRD, YSR KADAPA DISTRICT AND , CHAIRMAN, PADA, PULIVENDULA, YSR KADAPA DISTRICT,-516001.
4. THE EXECUTIVE ENGINEER, PBC DIVISION, WRD, PULIVENDULA, YSR KADAPA DISTRICT, ANDHRA PRADESH-516390.

...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 in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in not releasing payment of the bills to the Petitioner for the work executed, namely Construction of drain along the L/s bank of aqueduct at the rate of KM 52.640 of PBC to arrest erosion of bank and raise the aqueduct walls to maintain sufficient free board in the canal, for an amount of Rs. 12,59,406/- as illegal,

arbitrary, malafide, high-handed, and contrary to the procedure established by law, apart from being violative of Articles 14 and 19(1)(g) of the Constitution of India and Consequently direct the Respondents to pay an amount of Rs. 12,59,406/- along with interest from the date of execution of work to the Petitioner for the said work executed by the petitioner and pass

IA NO: 1 OF 2026

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 amount ofRs.12,59,406/- for the work executed by the Petitioner pursuant to the agreement vide Agreement No.71 EE/2021-22, dated 31.12.2021, for “Construction of drain along the L/s bank of aqueduct at the rate of KM 52.640 of PBC to arrest erosion of bank and raise the aqueduct walls to maintain sufficient free board in the canal”, pending disposal of the main writ petition and pass

Counsel for the Petitioner:

1. GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent(S):

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

The Court made the following:

O R D E R

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for the Irrigation and Command Area Development, and the learned Assistant Government Pleader for Finance and Planning.

2. This Writ Petition is filed seeking the following relief:

> *"….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 payment of bills to the petitioner for the work executed, namely construction of drain along the L/s bank of aqueduct @ KM 52.640 of PBC to arrest erosion of bank and raise the aqueduct walls to maintain sufficient free board in the canal, for an amount of Rs.12,59,406/-, as illegal, arbitrary, malafide, high-handed and consequently, direct the respondents to pay an amount of Rs.12,59,406/- along with interest from the date of execution of work to the petitioner for the said work executed by the petitioner and to pass such other order or orders…"*

3. The petitioner claims to be a Civil Contractor. The petitioner stood as successful bidder in the Tender called for, by the respondent No.4, for the work *viz.* construction of drain along the L/s bank of aqueduct @ KM 52.640 of PBC to arrest erosion of bank and raise the aqueduct walls to maintain sufficient free board in the canal; that the petitioner and respondent No.4 entered into an agreement *vide* No.71EE/2021-22, dated 31.12.2021. The petitioner executed

the aforesaid work and completed the same within the stipulated period, and the respondent No.4 and its subordinates inspected the work, recorded the same in M-Books and issued pass order for an amount of Rs.12,59,406/-.

(b) It is the grievance of the petitioner that though he executed the entire work within time, an amount of Rs.12,59,406/- was kept pending by the respondent authorities. Even though the petitioner approached the respondent authorities on multiple occasions, requesting for payment of aforesaid pending bill amount, they are not paying the said amount. According to petitioner, having executed the work satisfactorily, within the prescribed time, non-payment of the bill amount was arbitrary and unjustified. It was further contended that the delay in payment is causing severe financial hardship, necessitating the filing of the present Writ Petition seeking appropriate directions for release of the outstanding amount.

4. Today when the matter is taken up for hearing, the learned Assistant Government Pleader for Irrigation and CAD, on written instructions received from the Executive Engineer, PBC Division, Pulivendula-4th respondent, submits that the petitioner executed the work allotted as per the agreement, and the petitioner is entitled to amount as claimed by him. He further submits that the bill

could not be processed, due to lack of budget, and the same would be done upon release of the requisite budget by the Government. The written instructions are placed on record.

5. A perusal of the written instructions goes to show that there is no dispute with regard to execution of work and as per the respondents, they admitted that the petitioner is entitled to an amount as claimed by him. Therefore, since the amount payable to the petitioner, 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 as under: (Paragraph No.8)

> "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."

[1] 2025 SCC OnLine SC 1400.

6. A perusal of the material on record goes to show that the respondent authorities assigned the work, as mentioned supra, to the petitioner. It is the grievance of the petitioner that though he executed the said work within the stipulated time to the satisfaction of the respondent authorities, they are not releasing the payment covered under the bill that was submitted by the petitioner for the amount spent by him for executing the works. Therefore, having regard to the entire facts and circumstances of the case, since, the respondent No.4 admits the work executed by the petitioner and concedes that the petitioner is entitled to the amount as claimed by him, and since, it is stated that the bill amount would be processed soon after allocation of budget from the Government, the respondent authorities are directed to pay the admitted amount/net amount to the petitioner within a period of two (2) months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs of the Writ Petition.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

11th September, 2026.
DNB