Date of reserved for orders :
Date of pronouncement :
Date of uploading :

APHC010434522023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3457]
(Special Original Jurisdiction)

WEDNESDAY, THE 24th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 22604/2023

Between:

1. V PENCHALAIAH, S/O PULLAIAH, AGED ABOUT 47 YEARS, OCC CONTRACTOR, R/O 9-190, ASHRAM STREET, TEACHERS COLONY, VENKATAGIRI, SPSR NELLORE DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF FINANCE AND PLANNING, AP SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
3. THE NELLORE MUNICIPAL CORPORATION, REP. BY ITS MUNICIPAL COMMISSIONER, NELLORE, SPSR NELLORE DISTRICT.
4. THE EXECUTIVE ENGINEER, MUNICIPAL CORPORATION, NELLORE.

...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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in non-payment an amount of Rs. 45,93,094/- in total due even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e., .1. Laying of CC Road in Tailors Colony 6th street in Division No.31 of Nellore Municipal Corporation Under General Funds, Vide Agreement No. 461/EE 111/2022-23, dated 08.02.2023, 2. Laying of CC Road

in Tailors Colony 7th street in Division No.31 of Nellore Municipal Corporation Under General Funds, Vide Agreement No. 462/EE 111/2022-23, dated 08.02.2023, 3. Laying of CC Road in Tailors Colony 8th street in Division No.31 of Nellore Municipal Corporation Under General Funds, Vide Agreement No. 463/EE 111/2022-23, dated 08.02.2023.., duly approved by the respondents, as illegal, arbitrary, unjust, unreasonable and violative of fundamental rights guaranteed to the Petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the respondents to release an amount of Rs. 45,93,094/- towards the works executed by the petitioner along with 12percent interest per annum 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 pleased to direct the respondents to pay the amount of Rs. 45,93,094/- in total due for the last three years even after finalizing the bills, payable to the petitioner after the successful completion of the execution of works i.e., .1. Laying of CC Road in Tailors Colony 6th street in Division No.31 of Nellore Municipal Corporation. Under General Funds, Vide Agreement No. 461/EE 111/2022-23, dated 08.02.2023, 2. Laying of CC Road in Tailors Colony 7th street in Division No.31 of Nellore Municipal Corporation Under General Funds, Vide Agreement No. 462/EE 111/2022-23, dated 08.02.2023, 3. Laying of CC Road in Tailors Colony 8th street in Division No.31 of Nellore Municipal Corporation Under General Funds, Vide Agreement No. 463/EE 111/2022-23, dated 08.02.2023.., forthwith, pending disposal of the math writ petition and pass such other

Counsel for the Petitioner:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. GP FOR FINANCE PLANNING
2. GP FOR MUNCIPAL ADMN URBAN DEV
3. KALAVA SURESH KUMAR REDDY (SC FOR MC RAYAL REGION, NELLORE)

ORDER:

1. The petitioner is aggrieved by the action of the respondents in non-payment of an amount of Rs. 45,93,094/-, being the total amount due payable to the petitioner, even after finalization of the bills, towards the successful execution of the following works, duly approved by the respondents, (1) Laying of CC Road in Tailors Colony 6th street in Division No.31 of Nellore Municipal Corporation Under General Funds, *vide* Agreement No. 461/EE 111/2022-23, dated 08.02.2023; (2) Laying of CC Road in Tailors Colony 7th street in Division No.31 of Nellore Municipal Corporation Under General Funds, *vide* Agreement No. 462/EE 111/2022-23, dated 08.02.2023, (3) Laying of CC Road in Tailors Colony 8th street in Division No.31 of Nellore Municipal Corporation Under General Funds, *vide* Agreement No. 463/EE 111/2022-23, dated 08.02.2023.
2. The learned counsel further submits that the petitioner duly executed all the works and thereafter submitted final bills, which were duly endorsed, and a Quality Control Certificate was also issued by the competent authority. A statement detailing the works executed by the petitioner was prepared, and the progress of the work was recorded in the M-book. However, in spite of the completion of all procedural formalities, the payment towards the completed works has not been released till date.
3. Heard the submissions of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration & Urban

Development, Sri A.S.C.Bose, learned Standing Counsel for the Municipality and the learned Assistant Government Pleader for Finance and Planning.

4. Respondent Nos.3 and 4, in their counter, have admitted the dues payable to the petitioner. However, it is stated that the General Body ratification of the said works was placed before the General Body on 24.04.2023. However, since the agenda items, which included the petitioner's bills, were suspended by the District Collector vide proceedings dated 13.06.2023, the same could not be processed further. It is also admitted in the counter that, after ratification of the bills, the payments would be released. The said counter was filed in the month of September, 2023, and it has now been nearly three years. However, there has been no development regarding the release of the amounts due payable to the petitioner.

5. On these considerations, the present writ petition is disposed off, directing the respondents to verify the outstanding dues payable to the petitioner, preferable within a period of six weeks from the date of the receipt of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:24.06.2026
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THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 22604 of 2023

Date: 24.06.2026

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