

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION Nos.24842, 24847, 24850, 24920 &
25495 of 2011

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Between: (WP.No.24842 of 2011)

Pataneni Krishna ... Petitioner

and

The District Panchayat Officer, Eluru and
four others.

... Respondents

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DATE OF JUDGMENT PRONOUNCED: 29.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| - | | |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| - | | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

**WRIT PETITION Nos.24842, 24847, 24850, 24920 &
25495 of 2011**

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COMMON ORDER:

In all these writ petitions the case of the petitioner is that he is the dealer of electrical goods and he supplies electrical, stationary and sanitary items to the Gram Panchayat in various mandals in the West Godavari District for the last several years. While so, when the petitioner submitted bills for payment of the amounts to the goods supplied, the Gram Panchayat has not taken steps in payment of the bill amount. Thereupon, the petitioner made several representations to the Gram Panchayat for payment of said amount marking a copy to respondents 1 to 3. In pursuance of the same, the 4th respondent Gram Panchayat paid certain amounts, only. As such, for payment of the balance amount the petitioner again made several representations to the 4th respondent marking a copy to the respondents 1 to 3. Thereafter, the 1st respondent issued memos to the Gram Panchayat directing it to take steps for payment of the bills raised by the petitioner. But, the Gram Panchayat neither complied the directions issued by the 1st respondent nor paid the bill amount to the petitioner. Aggrieved by the same, present writ petition is filed.

Counter is filed by the respondents stating that the bills which are filed before this Court are not available with the Gram Panchayat and the same were not recorded in the Stock Register of the Gram Panchayat; that so far as the amounts pertaining to 2004-2005 were recorded in the Stock Register and the amounts were already paid to petitioner; that the petitioner kept quiet for the last five years with

regard to the alleged payment by the Gram Panchayat; that the petitioner neither made a representation to the Committee of the Gram Panchayat nor approached this respondent seeking payment of the alleged dues. The respondents also disputed the alleged amounts. The respondents further stated that in pursuance to the Memo issued by the District Panchayat Officer, respondents have verified all the records available in the office of the Gram Panchayat and found that there is no mention in the stock register pertaining to the bills for the year 2005-2006; and that when there is no record available in the office of the Gram Panchayat and there is no substantial proof for payment of the alleged dues, it is not possible for payment of the dues, if any, after six long years; that the claim made by the petitioner is barred by limitation and sought for dismissal of the writ petition.

Learned counsel for the petitioner sought same relief as passed by the Division Bench of this Court in WA.No.1238 of 2008, wherein the respondents are directed to consider the representation of the petitioner.

On the other hand Sri Ravi Cheemalapati, learned Standing Counsel for 4th respondent-Gram Panchayat submits that the facts in the aforesaid writ appeal are altogether different from the present writ petitions and that in the present writ petitions the respondents are disputing the alleged amounts and also filed counter affidavit disputing the amounts. He also submits that the payment which the petitioner is seeking arises out of a contractual claim and the same is disputed by the respondents, as such, the writ petition is not maintainable for recovery of money in respect of disputed amounts. He further submits that the petitioner has to claim the amount by filing a suit, but, instead of doing so, they came up by filing the present writ petitions. As such, the claim made by the petitioner is barred by limitation.

In the present cases, the claim made by the petitioner is purely money claim arising out of a contractual obligation for supply of electrical goods to the respondent Gram Panchayat and that the petitioner made representations seeking release of the bill amounts. But the same is disputed by the respondent in the counter affidavit, as such, question of disposal of representations by the respondent may not arise. More so, these all are disputed questions of fact which cannot be gone into the writ petition. Further, when the respondents are disputing the claim made by the petitioners in the counter affidavit, once again directing the respondents to dispose of the representations does not arise. Even the representations made by the petitioner are only an empty formality and no purpose would be served. Further, normally, this Court also will not issue any direction in the writ petition for recovery of the amount, unless the amount is undisputed. Viewed from any angle there is no merits in the writ petitions. Accordingly, the writ petitions are dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY,

J

29.07.2015

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