

IN THE HIGH COURT OF JUDICATURE: AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.17315 of 2015

BETWEEN:

Munukuru Rama Seshu Reddy,
s/o. Ravi Kumar Reddy
and 2 others.

.. **Petitioners**

AND

State of A.P.,
rep.by its Principal Secretary,
Irrigation Department,
A.P. Secretariat, Hyderabad,
and 5 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 03.09.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.17315 of 2015

ORDER:

_____ Heard the learned counsel for the petitioners, the learned senior
counsel appearing for the sixth respondent and the learned Government
Pleader for Irrigation and Command Area Development appearing for

the respondents 1 to 5.

2. This writ petition is filed by three individual agriculturists challenging the award of work "improvements to Kagirella Vagu Minor Drain from Km 0.000 to Km 3.300 in Varakavipudi (V) in T.P. Gudur Mandal of SPSR Nellore District", in favour of the sixth respondent.

3. The main ground alleged against the award of work in favour of the sixth respondent is that the sixth respondent was black listed and the work should not have been awarded in favour of the sixth respondent.

4. When the matter was enquired by this Court through counter affidavit filed by the sixth respondent, it came to light that the Superintending Engineer, Somasila Project Circle, Dargamitta, Nellore issued proceedings in No.DB/JTO.5/T&A/ 68C, dated 30.09.2008 recommending for black listing the sixth respondent herein. Aggrieved by the same, the sixth respondent filed W.P.No.22171 of 2008 before this Court and the said writ petition was disposed of on 18.02.2010 directing the said Superintending Engineer to consider the representation dated 07.12.2009 made by him and pass appropriate orders. Thereafter, the Superintending Engineer, Somasila Project Circle considered the representation and passed orders rejecting the request of the petitioner therein, who is the sixth respondent herein, by order dated 18.03.2010. Challenging the said order, the sixth respondent filed another Writ Petition No.8231 of 2010 and the same is pending before this Court.

5. The sixth respondent also filed a separate counter affidavit in the present case stating that after the said proceedings, he was awarded nearly 38 works of huge value from the year 2011 to 2014 and as on the date of awarding of the work in the present case no order was passed black listing him and hence the award of the present work in his favour cannot be challenged by the petitioners.

6. When this case came up for consideration, an order was passed on 17.06.2015 granting interim stay of all further proceedings till the production of the record and consideration of the case by this Court. The counter affidavit of the sixth respondent shows that an agreement was entered on 22.06.2015, subsequent to the order passed by this Court. Till today the official respondents have not filed counter affidavit and for production of the record also, the learned Government Pleader for Irrigation has taken several adjournments. Today also he did not produce the entire record and he produced the partial record only.

7. Be that as it may, the petitioners are only farmers and as on the date of award of the work, the sixth respondent was not disqualified to execute the work, but the award of the work in favour of the sixth respondent was subsequent to the orders of this Court or not will be separately enquired into. In view of the nature of the work and public interest involved in execution of the work, this Court cannot entertain the present writ petition. But at this stage, the learned counsel for the petitioners submitted that in view of the past conduct of the sixth respondent, the sixth respondent may not properly execute the work and no reliance can be placed on the officers, but this is a matter that is left to the officers and to the petitioners who can supervise the work from time to time and bring it to the notice of the higher authorities.

8. In the circumstances, the writ petition is dismissed. However, the third respondent-Chief Engineer, NTR Telugu Ganga Project, Tirupati, Chittoor District, is directed to supervise the work periodically and see that the sixth respondent executes the work as per the quality standards and conditions of the agreement. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 03.09.2015

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