

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.23674 of 2009

ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of 4th respondent in recovering an amount equivalent to 0.25% from the gross bills of the petitioner in Agreement No.7SE(T)/2008-09 dated 13.06.2008 in pursuance of G.O.Ms.No.98 (I & CAD) Department dated 05.07.2000 as arbitrary, illegal and contrary to the terms and conditions of the agreement entered into by the petitioner for executing the work relating to the rehabilitation and modernisation of 21st Main Branch Canal from KM 0.000 to KM 52.300 of Nagarjuna Sagar Lal Bahadur Canal in Khammam District (package No.LC-KMM-6) and set aside the same and consequently direct the 4th respondent to refund the amounts thus far recovered.

2) When the matter came up for hearing, learned counsel for petitioner while producing the common judgment dated 28.06.2011 passed by this Court in Writ Appeal Nos.279 of 2009 and batch, would submit that in the said common judgment, the Division Bench while dismissing the writ appeals upheld the order of the Single Judge whereby and whereunder G.O.Ms.Nos.61 TR & B Department dated 11.04.2000, G.O.Ms.No.98 (I&CAD) dated 05.07.2000 and G.O.Ms.No. 159 TR & B department dated 11.04.2000 were quashed. Learned counsel would submit that since in the instant case also, the petitioner is challenging the

validity of G.O.Ms.No.98 (I & CAD) dated 05.07.2000, the writ petition may be disposed of in terms of the said common judgment.

3) Learned Government Pleader for Irrigation and Command Area Development, reported no objection.

4) In the light of above submission, this writ petition is allowed in terms of the common judgment dated 28.06.2011 in Writ Appeal Nos.279 of 2009 and batch. No costs.

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

Date: 17.09.2018
scs

U. DURGA PRASAD RAO, J

