IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 22765 OF 2024

Between:

Vemuri Sathya Sai Vara Prasad, S/o. Arjuna Rao, aged years R/o. D. No. 57-9-11/16, Venkat Enclave, New Postal Colony, Patamata, Vijayawada NTR District (earlier Krishna District).

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of Finance and Planning, Secretariat, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Represented by its Special Chief Secretary, Department of Irrigation and Water Resources Secretariat, Velagapudi, Guntur District.
3. The Commissioner, CADA and Secretary to Government, Vijayawada, Krishna District.
4. The Superintending Engineer, Irrigation Circle, Vijayawada, Krishna District.
5. The Executive Engineer, Drainage Division, Gudivada, Krishna District.
6. The Pay and Accounts Officer, Works and Accounts, D.No.29-2-52, Manasa Complex, Rama Mandiram Street, Governorpet, Vijayawada, Krishna District.

...RESPONDENTS

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 order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the final bills amount of Rs. 15,66,598/-, Rs.6,87,227/- and Rs.6,81,438/-, totaling Rs.30,94,450/- to the petitioner along with interest for the works executed in pursuance of the agreements entered into with the 5th respondent vide Agreements No. 60/2023-24 64/2023-24 and 65/2023-24 dated 09.10.2023 as illegal, arbitrary, violation of principles of natural justice and Unconstitutional and consequently direct the respondents to release undisputed final bill amount of Rs. 15,66,598/-, Rs.6,87,227/-, Rs.6,81,438/- totaling Rs.30,94,450/- to the petitioner along with interest for the works executed by him in pursuance of the agreements entered into with the 5th respondent.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release the final bills amount of Rs.15,66,598/-, Rs.6,87,227/- and Rs.6,81,438/-, totaling Rs.30,94,450/- to the petitioner along with interest for the works executed in pursuance of the agreements entered into with the 5th respondent vide Agreements No, 60/2023-24; 64/2023-24 and 65/2023-24 dated 09.10.2023, pending disposal of the writ petition.

Counsel for the Petitioner: SRI RAMESH BABU TALLURI

Counsel for the Respondents No.1, 6: GP FOR FINANCE PLANNING

Counsel for the Respondents No.2 to 5: GP FOR IRRIGATION AND COMMON AREA DEVELOPMENT

The Court made the following: ORDER

APHC010440592024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3311]**
(Special Original Jurisdiction)

MONDAY ,THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR
PRESENT
THE HONOURABLE MS JUSTICE B S BHANUMATHI
WRIT PETITION NO: 22765/2024

Between:
Vemuri Sathya Sai Vara Prasad, ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:
1.RAMESH BABU TALLURI
Counsel for the Respondent(S):
1.GP FOR IRRIGATION COMM AREA DEV
2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

This petition is filed under Article 226 of the Constitution of India praying as follows:

"to issue order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the final bills amount of Rs. 15,66,598/-, Rs.6,87,227/- and Rs.6,81,438/-, totaling Rs.29,35,263/- to the petitioner along with interest for the works executed in pursuance of the agreements entered into with the 5th respondent vide Agreements No. 60/2023-24, 64/2023-24 and 65/2023-24 dated 09.10.2023 as illegal, arbitrary, violation of principles of natural justice and unconstitutional and consequently direct the respondents to release undisputed final bill amount of Rs. 15,66,598/-, Rs.6,87,227/-, Rs.6,81,438/- totaling Rs.30,94,450/- to the petitioner along with interest for the works

executed by him in pursuance of the agreements entered into with the 5th respondent".

02. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled to the aforesaid amount, no payment is made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

03. On the other hand, learned Government Pleader for Irrigation, while admitting about the claim of the petitioner, placed on record instructions received from the Executive Engineer (FAC), Drainage Division, Gudivada, dated 20.10.2024. He submitted that the bill is not uploaded in CFMS as the bill was not received from Sub-Division office and prayed to pass appropriate orders.

04. In view of the submissions of the learned counsel for the petitioner and the learned Government Pleader for Irrigation, this Writ Petition is allowed with a direction to the respondents to release the total amount of Rs. 29,35,263/- to the petitioner, along with the interest as per the entitlement vide the judgment of the Division Bench of this Court in Writ Appeal No.724 of 2021 and batch of cases dated 12.10.2023, within a period of two (02) months from the date of receipt of a copy of this order.

05. It is open to the petitioner to agitate the claim for higher rate of interest, if any, payable by the respondents, before an appropriate forum. There shall be no order as to costs.

06. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Sd/- V SAVITHRI GOWRI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Department of Finance and Planning, Secretariat, Velagapudi, Guntur District
2. The Special Chief Secretary, State of Andhra Pradesh, Department of Irrigation and Water Resources Secretariat, Velagapudi, Guntur District.

3. The Commissioner, CADA and Secretary to Government, Vijayawada, Krishna District.
4. The Superintending Engineer, Irrigation Circle, Vijayawada, Krishna District.
5. The Executive Engineer, Drainage Division, Gudivada, Krishna District.
6. The Pay and Accounts Officer, Works and Accounts, D.No.29-2-52, Manasa Complex, Rama Mandiram Street, Governorpet, Vijayawada, Krishna District.
7. One CC to SRI. RAMESH BABU TALLURI, Advocate [OPUC]
8. Two CCs to GP FOR FINANCE AND PLANNING, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR IRRIGATION, High Court of Andhra Pradesh. [OUT]
10. Three C.D.Copies

nm

HIGH COURT

DATED:21/10/2024

ORDER

WP.No.22765 of 2024



ALLOWING THE WP WITHOUT COSTS