

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 2330 OF 2024

Between:

M/s. Basanthi Constructions, Rep. by its proprietor A.Anjaneyulu, S/o. A.Ramulu, Aged 53 years, Occ. Business, Office at 5-4-7/2, Venkateshwaranagar, Kukatpally, Hyderabad.

...PETITIONER

AND

1. Union of India, Rep. by its Principal Secretary, Department of Railways, New Delhi,
2. South Central Railway, Rep. by its Chief Engineer, Rail Nirman Bhavan, Secundrabad.
3. South Central Railway, Rep. by its Deputy Chief Engineer-III/SC, Office at Railway Bhavan, Secundrabad.

...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 a Writ, Order or direction more particularly one in the nature Writ of Mandamus, declaring the action of the 3rd respondent in issuing the recover notice dated 14.12.2023 for an amount of Rs.1,14,39,351.96 paise as illegal, arbitrary and against the principals of natural justice and consequently set aside the same by directing respondent authorities to record and release the bills in respect to the work completed by the petitioner at Chintalplalli, Yelgur, and Nekonda in pursuance of the agreement No.01Dy.CE/C/BZA/2020 date 10.02.2021 by considering the petitioner's letter dated 28.09.2023 and 04.01.2024.

IA NO: 1 OF 2024

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 to direct the respondent authorities to record and release the bills in respect to the work completed by the petitioner at Chintalplalli, Yelgur, and Nekonda in pursuance of the agreement No.01Dy.CE/C/BZA/2020 dated 10.02.2021 by considering the petitioner's letter dated 28.09.2023 and 04.01.2024, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI SESHADRI GOALLA

**Counsel for the Respondents: SRI GADI PRAVEEN KUMAR,
Dy. SOLICITOR GEN. OF INDIA**

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.2330 of 2024

ORDER:

Heard the learned counsel for the petitioner and also heard learned Counsel representing Dy. Solicitor General of India, appearing on behalf of respondent Nos. 1 to 3.

2. The petitioner approached the Court seeking prayer as under:

"to issue a Writ, Order or direction, more particularly, one in the nature Writ of Mandamus, declaring the action of the 3rd respondent in issuing the recover notice dated 14.12.2023 for an amount of Rs.1,14,39,351.96 paise as illegal, arbitrary and against the principals of natural justice and consequently set aside the same by directing respondent authorities to record and release the bills in respect to the work completed by me at Chintalplalli, Yelgur, and Nekonda in pursuance of the agreement No.01Dy.CE/C/BZA/2020 date 10.02.2021 by considering our letter dated 28.09.2023 and 04.01.2024, and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

PERUSED THE RECORD.

2A. The specific relief as sought for by the petitioner in the present Writ petition is to direct Respondent No.3 to consider

petitioner's representation dated 04.01.2024 addressed to the 3rd respondent wherein the petitioner requested the 3rd respondent for release of the payment bills towards SCR construction Organization work done for foot over bridges/shelters at Warangal, Chintapalli, Yelguru, Nekonda, Mustabada, Gunadala, VNC and Guntur stations in connection with third line/bypass/yard modification works, the said bills were pending with the respondents since July, 2023.

3. It is the main grievance of the petitioner that though representation dated 04.01.2024 has been received by Respondent No.3, yet no action has been initiated and the representation of the petitioner dated 04.01.2024 had not been considered till as on date. Hence, the present Writ petition.

4. The learned Counsel appearing on behalf of Respondents represents that, the Writ Petition could be disposed of directing the 3rd respondent to consider the petitioner's representation, dated 04.01.2024, in accordance to law, and pass appropriate orders within a reasonable period.

5. Taking into consideration the submissions of the learned counsel appearing on behalf of the Respondent Authority, the Writ petition is disposed of directing the Respondent No.3 to consider the petitioner's Representation, dated 04.01.2024, in accordance to law and pass appropriate orders, within a period of two (2) weeks from the date of receipt of the copy of this order and duly communicate the decision to the petitioner herein. Till appropriate orders are passed by the respondent No.3 by considering the petitioner's representation, dated 04.01.2024; the respondents shall not initiate any coercive steps against the petitioner in pursuance to the recovery Notice vide No.W.Con.Dy.CE/C-III/SC/KZJ-BZA/FOB, dated 14.12.2023. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall also stand closed.

//TRUE COPY//

SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Railways, New Delhi, Union of India.
2. The Chief Engineer, South Central Railway, Rail Nirman Bhavan, Secundrabad.
3. The Deputy Chief Engineer-III/SC, South Central Railway, Office at Railway Bhavan, Secundrabad.
4. One CC to SRI SESHADRI GOALLA, Advocate [OPUC]
5. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
6. Two CD Copies

BSR
GJP

HIGH COURT

DATED: 31/01/2024

ORDER

WP.No.2330 of 2024



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

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6/2/24
HKT