APHC010154692025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3459]**
(Special Original Jurisdiction)

THURSDAY ,THE THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 8038/2025

Between:

T Karunakar Reddy **...PETITIONER**

AND

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

Counsel for the Petitioner:

1. RAMALAKSHMANA REDDY SANEPALLI

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD

This Court made the following:

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *"…a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in non payment of dues of Rs.3,19,410/- pertaining to the work of removal of Water Hyacinth and Shoals in the canal bed of PTS Channel Km 0.000 to KM 5.500 in Buchireddypalem Mandal executed under Agreement No.192 O&M DN/O&M/2017-18 even after submission of bill as illegal arbitrary and Violation of Articles 14, 15, 19(1)(g), 21, 23, and 300A of the Constitution of India and violation of clauses 68 and 69 of AP Standard Specifications and consequently to direct the respondents to pay the due amount along with 12% Interest from the date of expiry of one month from the date of submission of bill to till the date of payment and pass such other order or orders ……"*

2. In spite of adjourning the matter, the respondents have not filed their counter affidavit.

3. The case of the petitioner is that the petitioner was entrusted with the work of removal of water hyacinth and shoals in the canal bed of PTS Channel in Buchireddypalem Mandal by the 3rd respondent vide agreement No.192 O&M DN/O&M/2017-18. The petitioner has executed the work within the stipulated time. The Executive Engineer, I

& CAD, Nellore Central Division, Nellore, passed the bill in the year 2018 for an amount of Rs.3,19,410/-.

4. Learned counsel for the petitioner submits that the petitioner has borrowed amounts from third parties to execute the work and is paying huge interest. Though the bill was passed in 2018, the same is not yet processed even after lapse of six years. The learned counsel for the petitioner further submits that in similar circumstances, this Court in ***S. Srinivas Vs. State of Andhra Pradesh and others***[1] in which this Court held as extracted hereunder:

> *"21) In the considered opinion of this Court, withholding the amount for which the petitioner is legitimately entitled is nothing but depriving the petitioner. Due to illegal action of non-payment of the amounts promptly by clearing the bills submitted by the petitioner after execution of works, the petitioner could not feed and see the welfare of his family properly and he could not make payments to his employees/workers and he could not make payments to the material suppliers and he has to pay interests for the debts incurred by him for execution of works. Due to this situation, petitioner's respect and dignity in the society will be deteriorated.*
>
> *22) As such this Court holds that withholding the amount, for which the petitioner is legally entitled, is illegal, arbitrary, and unjust and violative of Article 21 of the Constitution of India.*

[1] 2021 Lawsuit (AP)390

24) A larger bench of the Hon'ble Apex Court in Secretary, Irrigation Department, Government of Orissa and others V. G.C.Roy opined as extracted hereunder:

> *"A person deprived of the use of money to which he is legitimately entitled has right to be compensated for the deprivation, call it by any name. It may be called interest, compensation or damages".*

25) The High Court of Andhra Pradesh in J.Devendra Reddy V Kakatiya University and another held that withholding of the amount payable to the petitioner for the contract works, constitutes patent arbitrariness on the part of the respondents."

6. This Court has observed that though the work was completed long back and the final bill was passed in 2018, the respondents have not released the amount so far on the ground of insufficiency of funds. Since there is no dispute with regard to the work and the bill amount, the respondents should pay the bill amount on "first done first paid" basis. Apart from that, priority or preference should be given to those whose works are below Rs.50.00 lakhs as they are the affected persons.

7. In view of the foregoing discussion and in the light of the law laid down by this Court in ***S. Srinivas*** case referred supra, the Writ Petition is disposed of, with the following directions:

i) The respondents are directed to clear the final bill submitted by the petitioner and release an amount of 3,19,410/- (Rupees three lakhs nineteen thousand four hundred ten only) within four (4) weeks from the date of receipt of a copy of this order with interest at 12% p.a.

ii) The interest shall be computed from the date of expiry of one month from the date of submission of the bill by the petitioner till the date of payment.

There shall be no order as to costs.

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

SMT JUSTICE SUMATHI JAGADAM

3rd April, 2025
spp/cbs

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO.8038 of 2025

Date : 03.04.2025

spp/cbs