IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION Nos: 23434, 23444, 23492 AND 23500 OF 2024

WRIT PETITION NO: 23434 OF 2024

Between:

Mora Srinivasula Reddy, S/o. Subba Reddy, Aged 50 years, Occ: Contractor, R/o. D.No.3-74, Kaluzuvvalapadu, Garladinne, Prakasam District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Chief Conservator of Forest, Aranya Bhavan, PVS Land Mark, Near APIIC Towers, Mangalagiri, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance and Planning Department Secretariat, Velagapudi, Amaravathi.
3. The Divisional Forest Officer, Guntur Circle, Guntur District.
4. The Forest Range Officer, Vinukonda Range, Guntur Division, Guntur District.
5. The Dy. Range Officer, Naidupalem Section, Vinukonda Range, Guntur District.
6. The Executive Engineer, Irrigation Circle, Guntur, Guntur 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 an appropriate writ or order or a direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents in not releasing the admitted first and part bill payment of Rs.2,51,493/-, even after finalized the bill long back for successful execution of work for 'Construction of Check Dam-IV near Kollavagu in

Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme' vide its Agmt. No. 10/2017-18, dated 10.06.2017, DSO No.08/17-18, which is illegal, arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to release the bill payment of Rs.2,51,493/- due to the petitioner in respect of execution of work forthwith interest of 24%.

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 bills amount of Rs.2,51,493/- for Construction of Check Dam-IV near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017- 18, under Neeru-Cheetu Scheme" vide its Agmt. No. 10/2017-18, dated 10.06.2017, DSO No.08/17-18, immediately, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI BATTULA SANJAIAH GANDHI

Counsel for the Respondent Nos.1, 3 to 5 : GP FOR FORESTS

Counsel for the Respondent No.2 : GP FOR FINANCE AND PLANNING

Counsel for the Respondent No.6 : GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT

WRIT PETITION NO: 23444 OF 2024

Between:

Sanikommu Siva Reddy, S/o. Tirupathi Reddy, Aged 55 years, Occ: Contractor, R/o. D.No.3-400, Ramalayam Street, Kaluzuvvalapadu, Kanakanamitia, Prakasam District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Chief Conservator of Forest, Aranya Bhavan, PVS Land Mark, Near APIIC Towers, Mangalagiri, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance and Planning Department Secretariat, Velagapudi, Amaravathi.
3. The Divisional Forest Officer, Guntur Circle, Guntur District.
4. The Forest Range Officer, Vinukonda Range, Guntur Division Guntur District.
5. The Dy. Range Officer, Naidupalem Section, Vinukonda Range, Guntur District.
6. The Executive Engineer, Irrigation Circle, Guntur, Guntur 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 an appropriate writ or order or a direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents, in not releasing the admitted First and Part bills payment of Rs.7,04,113/- (3,51,098 plus 3,53,015) in respect of 2 works, even after finalized the bills long back for successful execution of works for 1) 'Construction of Check Dam-V near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme' vide its Agmt. No.06/2017-18, dated 10.06.2017 and 2) 'Construction of Check Dam- VI near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru- Cheetu Scheme' vide its Agmt. No.07/2017-18, dated 10.06.2017, which is illegal, arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to release the bills payment of Rs.7,04,113/- (3,51,098 plus

3,53,015), due to the petitioner in respect of execution of 2 works forthwith interest of 24%.

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 bills amount of Rs.7,04,113/- (3,51,098+3,53,015) in respect of 2 works for 1) " Construction of Check Dam- V near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme" vide its Agmt. No.06/2017-18, dated 10.06.2017 and 2) "Construction of Check Dam-VI near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme" vide its Agmt. No.07/2017-18, dated 10.06.2017, immediately, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI BATTULA SANJAIAH GANDHI

Counsel for the Respondent Nos.1, 3 to 5 : GP FOR FORESTS

Counsel for the Respondent No.2 : GP FOR FINANCE AND PLANNING

Counsel for the Respondent No.6 : GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT

WRIT PETITION NO: 23492 OF 2024

Between:

Sanikommu Tirupati Reddy, S/o. Velugonda Reddy, Aged 63 years, Occ: Contractor, R/o. D.No.4-55, Garladinne, Prakasam District.

...PETITIONER

AND

1. The State of AP, Rep. by its Principal Chief Conservator of Forest, Aranya Bhavan, PVS Land Mark, Near APIIC Towers, Mangalagiri, Guntur District.

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance and Planning Department Secretariat, Velagapudi, Amaravathi.
3. The Divisional Forest Officer, Guntur Circle, Guntur District.
4. The Forest Range Officer, Vinukonda Range, Guntur Division. Guntur District.
5. The Dy. Range Officer, Naidupalem Section, Vinukonda Range. Guntur District
6. The Executive Engineer, Irrigation Circle, Guntur. Guntur 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 an appropriate writ or order or a direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents in not releasing the admitted First and Part bills payment of Rs.6,77,739/- (3,45,244 plus 3,32,495) in respect of 2 works, even after finalized the bills long back for successful execution of works for 1) Construction of Check Dam-III near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme vide its Agmt. No.08/2017-18, dated 10.06.2017 and 2) Construction of Check Dam- II near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme vide its Agmt. No.09/2017-18, dated 10.06.2017, which is illegal, arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to release the bills payment of Rs.6,77,739/- (3,45,244 plus 3,32,495) due to the petitioner in respect of execution of 2 works forthwith interest of 24%.

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 bills amount of Rs.6,77,739/- (3,45,244 plus 3,32,495) in respect of 2 works for 1) Construction of Check Dam- III near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru- Cheetu Scheme vide its Agmt. No.08/2017-18, dated 10.06.2017 and 2) Construction of Check Dam-II near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017- 18, under Neeru-Cheetu Scheme vide its Agmt. No.09/2017-18, dated 10.06.2017, immediately, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI BATTULA SANJAIAH GANDHI

Counsel for the Respondent Nos.1, 3 to 5 : GP FOR FORESTS

Counsel for the Respondent No.2 : GP FOR FINANCE AND PLANNING

Counsel for the Respondent No.6 : GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT

WRIT PETITION NO: 23500 OF 2024

Between:

Sanikommu Adinarayana Reddy, S/o. Tirupathi Reddy, Aged 33 years Occ: Contractor, R/o. D.No.4-55, Garladdinne, Prakasam District

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Chief Conservator of Forest, Aranya Bhavan, PVS Land Mark, Near APIIC Towers, Mangalagiri, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance and Planning Department Secretariat, Velagapudi, Amaravathi.
3. The Divisional Forest Officer, Guntur Circle, Guntur District.

4. The Forest Range Officer, Vinukonda Range, Guntur Division. Guntur District.
5. The Dy. Range Officer, Naidupalem Section, Vinukonda Range. Guntur District.
6. The Executive Engineer, Irrigation Circle, Guntur. Guntur 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 an appropriate writ or order or a direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents in not releasing the admitted first and part bills payment of Rs.5,83,911/- (3,43,740 plus 2,40,171) in respect of 2 works, even after finalized the bills long back for successful execution of works for 1) Construction of Check Dam-VII near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme vide its Agmt. No.04/2017-18, dated 10.06.2017 and 2) Construction of Check Dam- I near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru-Cheetu Scheme vide its Agmt. No.05/2017-18, dated 10.06.2017, which is illegal, arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to release the bills payment of Rs.5,83,911/-, due to the petitioner in respect of execution of 2 works forthwith interest of 24%.

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 bills amount of Rs.5,83,911/- (3,43,740+2,40,171) in respect of 2 works for 1) Construction of Check Dam- VII near Kollavagu in Bollapalli RF, Comp

No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-18, under Neeru- Cheetu Scheme vide its Agmt. No.04/2017-18, dated 10.06.2017 and 2) Construction of Check Dam-I near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017- 18, under Neeru-Cheetu Scheme vide its Agmt. No.05/2017-18, dated 10.06.2017, immediately, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI BATTULA SANJAIAH GANDHI

Counsel for the Respondent Nos.1, 3 to 5 : GP FOR FORESTS

Counsel for the Respondent No.2 : GP FOR FINANCE AND PLANNING

Counsel for the Respondent No.6 : GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT

The Court made the following: COMMON ORDER

GPI:C01015029024

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI [3330]

(Special Original Jurisdiction)

WEDNESDAY,THE TWENTY SECOND DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHARA RAO

WRIT PETITION NO: 23434/2024

Between:

Mora Srinivasula Reddy ...**PETITIONER**

AND

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

Counsel for the Petitioner:

1 BATTULA SANJAIAH GANDHI

Counsel for the Respondent(S):

1 GP FOR IRRI AND CAD

2 GP FOR FORESTS

3 GP FOR FINANCE PLANNING

WRIT PETITION NO: 23444/2024

Between:

Sanikommu Siva Reddy ...**PETITIONER**

AND

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

WRIT PETITION NO: 23492/2024

Between:

Sanikommu Tirupati Reddy ...**PETITIONER**

AND

The State Of AP and Others ...**RESPONDENT(S)**

WRIT PETITION NO: 23500/2024

Between:

Sanikommu Adinarayana Reddy, ...**PETITIONER**

AND

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

The Court made the following common order:-

Since the subject matter involved in all these Writ Petitions is one and the same, this Court deems it appropriate to dispose of all these cases by way of this common order.

2. The grievance of the petitioners in all the writ petitions is that the respondents are not releasing the admitted first and part bills payments, even after finalized the bill long back for successful execution of work for "Construction of Check Dam near Kollavagu in Bollapalli RF, Comp No.32 in Kandrika Beat in Naidupalem Section in Vinukonda Range during the year 2017-2018, under Neeru-Cheetu Scheme.

3. The 4th respondent filed counter in all the writ petitions and the relevant paragraphs are extracted hereunder, for disposal of the writ petition effectively:

> "..3.....it is a fact that the works were done by the petitioner and the payment is due. The works of the petitioner were taken up under "Neeru-Chettu Scheme" during the years 2017-18 and 2018-19 for construction of check dams in forest area of Vinukonda Range. The Executive Engineer, Irrigation Division, Guntur vide Rc.No.EE/ID/GNT/AB/EC, dated 18.02.2022 has informed that any pending work bills under Neeru-Chettu program of Forest Department will be processed by them after completion of verification by the verification team and the same will be uploaded along with vigilance report.
>
> The Superintendent Engineer, Irrigation Circle in his letter No.SE/IC/GNT/TS/T3/NC Vol.14/373M dated 06.04.2023 has informed that as per the instructions of the District Collector, Guntur 16 verification teams are formed to verify 582 number of Neeru-Chettu works for which payments are pending. The work of the petitioner is also included in the verification program to be taken up by team number 9 in Vinukonda Mandal.

> 4. It is submitted that in this respondent ref.no.Neeru-Chettu/2024/VNK dated 27.07.2024, the petitioner was informed through Registered Post to submit the required documents, to enable payment through CFMS portal. The Irrigation Department (respondent no. 6) requested the documents through Forest Department. The letter was received by the Petitioner and postal acknowledgement is also received with signature of the Petitioner. But the required documents are not yet furnished for claiming the due amounts.
>
> 5. It is submitted that, present case Forest Department role is whether concerned work is done or not and measure the work and work details are noted M. Book and further bills were forwarded to the Respondent No.6. This Respondent is not competent to release the bill amount to the petitioner and finally amount released by the Finance Department present case Finance Department is not made a party Respondent..."

4. On perusal of the counter it appears that the respondents neither disputed the execution of the work nor payment of the due amount the petitioners. The only contention raised in the counter is that the respondents have addressed a letter to the petitioners to file some required documents to the petitioners, but they have not furnished the documents in the way, as directed by the 4th respondent.

5. Learned counsel for the petitioners submits that already the petitioenrs have submitted relevant documents to the Executive Engineer, who is arrayed as 6th respondent.

6. Learned counsel for the 2nd respondent requested some time for filing counter.

7. The petitioners have executed the work as per the agreement entered by the 4th respondent. The 2nd respondent is only disbursing department and the respondents have not disputed the execution of

the work or payment of due amount to the petitioners. Therefore, the request of the learned counsel for the 2nd respondent for filing counter is hereby rejected.

8. Hence, these Writ Petitions are disposed of, directing the respondents to disburse the due amount to the petitioners within a period of six (06) weeks from the date of receipt of a copy of this order. Failing which, petitioners are entitled for interest at the rate of 6% per annum from the date of disposal of the writ petitions to till the date of realization of the amount. There shall be no order as to costs.

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

//TRUE COPY//

Sd/- B PRASADA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Chief Conservator of Forest, State of Andhra Pradesh, Aranya Bhavan, PVS Land Mark, Near APIIC Towers, Mangalagiri, Guntur District.
2. The Principal Secretary, Finance and Planning Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi.
3. The Divisional Forest Officer, Guntur Circle, Guntur District.
4. The Forest Range Officer, Vinukonda Range, Guntur Division. Guntur District.
5. The Dy. Range Officer, Naidupalem Section, Vinukonda Range. Guntur District.
6. The Executive Engineer, Irrigation Circle, Guntur, Guntur District.
7. One CC to Sri Battula Sanjaiah Gandhi, Advocate [OPUC]
8. Two CCs to GP for Forests, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Irrigation and Command Area Development, High Court of Andhra Pradesh. [OUT]
11. Three C.D. Copies.

Cnr

HIGH COURT

CNR

DATED:22/01/2025

COMMON ORDER

WP.Nos.23434, 23444, 23492 and 23500 of 2024



DISPOSING THE W.Ps
WITHOUT COSTS