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

TUESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 30784 OF 2024

Between:

Nutheti Obaiah, Age- 70 years, padamara street, Nagulavellaturu, Nellore, SPSR Nellore District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance Department, Secretariat, Velagapudi, Amaravati, Guntur District.
3. The District Panchayat Officer, SPSR Nellore District
4. The Project Director, MGNREGS Scheme, SPSR Nellore District
5. The Mandal Praja Parishad Development Officer, Chejerla Mandal, Nellore District.
6. The nagulaveliaturu Gram Panchyat, Rep. by its Panchayat Secretary, Chejerla Mandal, Nellore District.
7. The Commissioner and Director of A.P., State Housing Corporation, Vijayawada.
8. The project Director (P.D), housing corporation, SPSR Nellore District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of mandamus declaring the action of the respondent authorities in not releasing the amount of Rs. 4,68,710/- (Four Lakh Sixty eight Thousand seven hundred and ten only) for the work executed by the petitioner under work I.D. no. F.T.R Nos. 9092020003112, 9092020003110, 9092020002122, 9092020003111, 9092020002186, 9092020000609, 9092020000281, 9092019100080, 9092020003109, 9092020002221 dated 18.03.2021, as arbitrary, illegal, contrary to Law and against the Principles of Natural Justice and to issue a consequential direction directing the respondent authorities to release the amounts payable to the petitioner with an interest at the rate of 24% per annum.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the respondent authorities to forthwith release the amount of Rs. 4,68,710/- (Four Lakh Sixty Eight Thousand Seven hundred and ten rupees Only) for the work executed by the petitioner vide FTR No. 9092020003112, 9092020003110, 9092020002122, 9092020003111, 9092020002186, 9092020000609, 9092020000281, 9092019100080 9092020003109, 9092020002221, dated 18.03.2023, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI DEVASRI ROSHAN KANCHARLA

Counsel for the Respondent Nos. 1 & 3: GP FOR PANCHAYAT RAJ RURAL DEV

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

Counsel for the Respondent Nos. 4 to 6: SRI P A K YADAV REPRESENTING SRI M SUDHIR (SC FOR ZPPS, MPPS & GRAM PANCHAYAT)

Counsel for the Respondent Nos. 7 & 8: SRI E V JAGANNADHA RAO (SC FOR APSHCL)

The Court made the following: ORDER

APHC010589162024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3328]
(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 30784/2024

Between:

1. NUTHETI OBAIAH, AGE- 70 YEARS,PADAMARA STREET, NAGULAVELLATURU,NELLORE, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
3. THE DISTRICT PANCHAYAT OFFICER, SPSR NELLORE DISTRICT
4. THE PROJECT DIRECTOR, MGNREGS SCHEME, SPSR NELLORE DISTRICT
5. THE MANDAL PRAJA PARISHAD DEVELOPMENT OFFICER, CHEJERLA MANDAL, NELLORE DISTRICT.
6. THE NAGULAVELIATURU GRAM PANCHYAT, REP. BY ITS PANCHAYAT SECRETARY, CHEJERLA MANDAL, NELLORE DISTRICT.
7. THE COMMISSIONER AND DIRECTOR OF A P, STATE HOUSING CORPORATION , VIJAYAWADA.

8. THE PROJECT DIRECTOR P D, HOUSING CORPORATION, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1. DEVASRI ROSHAN KANCHARLA

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. MATTEGUNTA.SUDHIR,STANDING COUNSEL FOR Z.P.PS,M.P.PS.GRAM PANCHAYATS
3. GP FOR FINANCE PLANNING

The Court made the following:

ORAL ORDER:

Heard Sri K. Devasri Roshan, learned Counsel for the Writ Petitioner, Sri Panku Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Sri P.A.K Yadav, learned Counsel appearing on behalf of Sri Sudhir Mattegunta, learned Standing Counsel for Gram Panchayat.

2. The present Writ Petition is filed seeking recovery of the amount of Rs.4,68,710/-.

3. Counter-Affidavit has been filed by Respondent No.6, namely, Panchayat Secretary of the Nagulavellaturu Gram Panchayat, confirming the fact that the Petitioner has executed the works and the remaining balance amount is Rs.4,68,135/- after receiving the amounts from the State Government.

4. Para No.3 of the grounds is usefully extracted here under:

> *"It is humbly submitted that the Petitioner has executed work in the Nagualavellaturu Gram Panchayat under MGNREGS (Mahatma Gandhi*

National Rural Employment Guarantee Scheme) with Work ID sNo's. 091292021016170619, 091282021016170653 and 09707202101609009 for levelling and development of Housing Colony, This Grama Panchayat paid Rs.20,64,713/- through FTO.No.9092020002122, FTO.No.9092020000609, FTO.No.9092020002221, FTO.No.9092020002186, FTO.No.9092020000281, FTO.No.9092019100080, FTO.No.8090721H00492, FTO. No. 8090721H00571 to the Petitioner. The Remaining balance amount of Rs.4,67.135/- (Four lakhs Sixty Seven thousand One hundred and Thirty Five rupees only) is to be paid after receiving the amount from the State Government"

5. Having considered the above averments, this Court deems it appropriate to allow this Writ Petition with a direction to the Respondent No.1, 2 and 6 to complete the entire administrative process within a period of six weeks from today and make the payment within two weeks thereafter to the Writ Petitioner by depositing the same into his bank account.

6. Learned counsel for the Petitioner is directed to submit his bank details to Respondent Nos.1, 2 and 6 within one week from today for effective compliance.

7. With these observations and directions, the Writ Petition stands allowed. No order as to costs.

8. Interlocutory Applications, if any, stand closed in terms of this order.

Sd/-B.PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary, Finance Department, Secretariat, Velagapudi, Amaravati, Guntur District.

3. The District Panchayat Officer, SPSR Nellore District
4. The Project Director, MGNREGS Scheme, SPSR Nellore District
5. The Mandal Praja Parishad Development Officer, Chejerla Mandal, Nellore District.
6. The Panchayat Secretary, Nagulaveliaturu Gram Panchyat, Chejerla Mandal, Nellore District.
7. The Commissioner and Director of A.P., State Housing Corporation, Vijayawada.
8. The project Director (P.D), housing corporation, SPSR Nellore District.
9. One CC to Sri Devasri Roshan Kancharla Advocate [OPUC]
10. One CC to Sri M Sudhir, SC for ZPPS, MPPS & GP, Advocate [OPUC]
11. One CC to Sri E V Jagannadha Rao, SC for APSHCL Advocate [OPUC]
12. Two CCs to GP for Panchayat Raj Rural Dev, High Court of Andhra Pradesh. [OUT]
13. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh, [OUT]
14. Three CD Copies

TF

HIGH COURT

DATED:01/04/2025

ORDER

WP.No.30784 of 2024



ALLOWING THE W.P., WITHOUT COSTS