APHC010349472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3327]**
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION NO: 19198/2026

Between:

1. GOLI SARATH BABU @ SARATH REDDY, S/O. VENKAT REDDY, AGED ABOUT 48 YEARS, OIC. CIVIL CONTRACTOR, R/O. PLOT NO.C 4, HPRSHA CLASSIC, NEAR AMALODABHAVI SCHOOL, ASHOK NAGAR, ELURU, WEST GODAVARI DISTRICT - 534002.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, SECRETARIAT BUILDINGS, AT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522239.
2. THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, GUDIVADA, NTR DISTRICT ERSTWHILE KRISHNA DISTRICT - 521301.
3. THE DEPUTY EXECUTIVE ENGINEER, DRAINAGE SUB-DIVISION, MACHILIPATNAM, NTR DISTRICT ERSTWHILE KRISHNA DISTRICT - 521001.
4. THE DIRECTOR WORKS AND ACCOUNTS DEPARTMENT, ANJANEYA TOWERS, IBRAHIMPATNAM, VIJAYAWADA, NTR DISTRICT ERSTWHILE KRISHNA DISTRICT - 521456.

...RESPONDENT(S):

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 of a Writ of Mandamus or any other appropriate Wirt, Direction or Order questioning the action of the respondents in not returning the FSD and EMD amounts towards the work done by the petitioner O and M to Removal of weed growth in Bheemanadhi major drain, Ganjicalva medium drain and their infalling minor drains (in weed free condition) for the year 2021-22' Agreement No.3/2021-22 dated 15.06.2021 for vide an amount of Rs.1,41,464/- even though the competent authority given clearance certificate is illegal, arbitrary and violative of articles 14, 16 and 21 of constitution of India and pass

IA NO: 1 OF 2026

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 pleased to direct the respondents herein to return the deposit of FSD and EMD amount towards the works done by the petitioner for “O&M to Removal of weed growth in Bheemanadhi major drain, Ganjicalva medium drain and their infalling minor drains in weed free condition for the year 2021-22 vide Agreement No.29‘/2021-22 dated 15.06.2021 for an amount of Rs.1,41,464/- forthwith, pending disposal of Writ Petition and to pass

Counsel for the Petitioner:

1. S.N.MANI

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD

The Court made the following:

O R D E R

This Writ Petition is filed seeking the following relief:

> "….to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus or any other appropriate Wirt, Direction or Order questioning the action of the respondents in not returning the FSD and EMD amounts towards the work done by the petitioner O and M to Removal of weed growth in Bheemanadhi major drain, Ganjicalva medium drain and their infalling minor drains (in weed free condition) for the year 2021-22' Agreement No.3/2021-22 dated 15.06.2021 for vide an amount of Rs.1,41,464/- even though the competent authority given clearance certificate is illegal, arbitrary and violative of articles 14, 16 and 21 of constitution of India and pass such other order…"

2. Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Irrigation.

3. The petitioner claims to be engaged in execution of civil works and that he was entrusted with various works on a tender basis. It is the case of the petitioner that he was awarded a contract for execution of the work viz. "O & M to Removal of weed growth in Bheemanadhi major drain, Ganjicalva medium drain and their infalling minor drains (in weed free condition) for the year 2021-22'. It is the case of the petitioner that he executed the work to the satisfaction of the authorities concerned, and upon completion of the work, the respondent authorities measured the same and recorded the measurements in the Measurement Book.

4. It is the grievance of the petitioner that notwithstanding the completion of the work and its measurement by the competent authorities, the amount due towards the executed work has not been paid till date. According to the petitioner, although the work was completed long back, the respondent

authorities are not releasing the admitted amount payable to him. Aggrieved by the non-payment of the said amount, the petitioner filed the present Writ Petition.

5. Learned Assistant Government Pleader for Irrigation, on written instructions, from the Executive Engineer, Drainage Division, Gudivada-3rd respondent, submits that there is no dispute with regard to the execution of the subject work by the petitioner and balance amount payable to the petitioner is Rs.1,08,945/-, subject to statutory deductions, if any. He further submits that the contractor claimed an amount of Rs.1,41,464/-, but the eligible amount is Rs.1,08,945 (EMD Rs.30,064/-, FSD Rs.78,881/- total amount is Rs.1,08,945/-). He further submits that the Bill will be uploaded shortly in NIDHI portal. The written instructions are placed on record.

6. Since the amount payable is admitted and undisputed, Writ Petition is maintainable. In ***M/s.Utkal Highways Engineers and Contractors v. Chief General Manager & Ors***[1], it was held at Para No.8 as under:

> "Be that as it may, the High Court has not dealt with the merits of the Writ Petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a Writ Petition may lie. Further, throwing a Writ Petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence."

7. Having regard to the fact that there is no dispute with regard to the work executed by the petitioner and the amount payable to him, and in view of the submissions of the learned Assistant Government Pleader for Irrigation, the respondent authorities are directed to pay admitted amount of Rs.1,08,945/-

[1] 2025 SCC OnLine SC 1400

payable to the petitioner within a period of Six (6) weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the Interlocutory Applications, if any, pending in this Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

Date: 02.11.2026
MS / DS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No:19198 of 2026

Date: 02.11.2026

MS