APHC010547432026

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION NO: 29924/2026

Between:

1. B. KIREETA RAO, S/O. PADMANABHAM AGE 67 YEARS, OCC. CONTRACTOR, R/O. VELLEVALASA, H/O. GOVINDAPURAM (V), SANTHABOMMALI (M), SRIKAKULAM DISTRICT-532195.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, IRRIGATION AND CAD DEPARTMENT, SECRETARIAT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522238.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522238.
3. THE COMMISSIONER, CADA, ANDHRA PRADESH VIJAYAWADA, NTR DISTRICT-520003
4. THE EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT B.R.R. VAMSADHARA PROJECT, MAIN CANAL DIVISION, TAKKALI, SRIKAKULAM DISTRICT-532201.
5. THE DEPUTY EXECUTIVE ENGINEER, B.R.R. VAMSADHARA PROJECT MAINTANANCE SUB-DIVISION, TEKKALI-532201.

...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 Writ of MANDAMUS declaring the action of the respondents in not releasing payment for the bills to the petitioner for the works executed by him namely i.e (i) Removal of Jungle and Improvements to LMC from Km 74.40 to 77.00 near Naugam Village, Nandigam (M), Srikakulam District under agreement No. 276 0 and M/DN/2020-21 for an amount of Rs. 5,37,049/- (ii)

Removal of Jungle and Improvements to LMC Km 63.800 to Km 66.807 and 49R and 50R and 51R Distributories under Bannuwada WUA, Tekkali (M), Srikakulam District for an amount of Rs. 11,51,796/- (iii) Removal of Jungle and Improvements to 48R and 15R/48R under Ravivalasa WUA, Tekkali (M), Srikakulam District for an amount of Rs. 10,43,288/- and iv) Removal of Jungle and Improvements to LMC of BRR Vamsadhara Project from Km 59.400 to Km 60.700 near Polavaram Village under DC-Naupada, Tekkali (M), Srikakulam District for an amount of Rs. 13,25,050/- (Total amount of Rs. 40,57,183/-), as illegal, arbitrary, malafidy, high-handed, and contrary to the procedure established by law apart from being voilative of Articles 14 and 19 (1) (g) of the Constitution of India and consequentially direct the respondents to release the payment of above bill along with interest forthwith in the interest of justice

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 direct respondents in not releasing payment for the bills to the petitioner for the works executed by him namely i.e (i) Removal of Jungle and Improvements to LMC from Km 74.40 to 77.00 near Naugam Village, Nandigam (M), Srikakulam District under agreement No. 276 0 & M/DN/2020-21 for an amount of Rs. 5,37,049/-, (ii) Removal of Jungle and Improvements to LMC Km 63.800 to Km 66.807 and 49R and 50R and 51R Distributories under Bannuwada WUA, Tekkali (M), Srikakulam District for an amount of Rs. 11,51,796/-, (iii) Removal of Jungle and Improvements to 48R and 15R/48R under Ravivalasa WUA, Tekkali (M), Srikakulam District for an amount of Rs. 10,43,288/- and iv) Removal of Jungle and Improvements to LMC of BRR Vamsadhara Project from Km 59.400 to Km 60.700 near Polavaram Village under DC-Naupada, Tekkali (M), Srikakulam District for an amount of Rs. 13,25,050/- (Total amount of Rs. 40,57,183/-), pending disposal of the above writ petition in the interest of justice

Counsel for the Petitioner:

1. KAMBHAMPATI RAMESH BABU

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD
2. GP FOR FINANCE PLANNING

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 Writ of MANDAMUS declaring the action of the respondents in not releasing payment for the bills to the petitioner for the works executed by him namely i.e (i) Removal of Jungle and Improvements to LMC from Km 74.40 to 77.00 near Naugam Village, Nandigam (M), Srikakulam District under agreement No. 276 0 and M/DN/2020-21 for an amount of Rs. 5,37,049/- (ii) Removal of Jungle and Improvements to LMC Km 63.800 to Km 66.807 and 49R and 50R and 51R Distributories under Bannuwada WUA, Tekkali (M), Srikakulam District for an amount of Rs. 11,51,796/- (iii) Removal of Jungle and Improvements to 48R and 15R/48R under Ravivalasa WUA, Tekkali (M), Srikakulam District for an amount of Rs. 10,43,288/- and iv) Removal of Jungle and Improvements to LMC of BRR Vamsadhara Project from Km 59.400 to Km 60.700 near Polavaram Village under DC-Naupada, Tekkali (M), Srikakulam District for an amount of Rs. 13,25,050/- (Total amount of Rs.40,57,183/-), as illegal, arbitrary, malafidy, high-handed, and contrary to the procedure established by law apart from being voilative of Articles 14 and 19 (1) (g) of the Constitution of India and consequentially direct the respondents to release the payment of above bill along with interest forthwith in the interest of justice and pass such other order…"

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

3. The petitioner claims to be engaged in the 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 works as mentioned above. It is the case of the petitioner that he executed the works to

the satisfaction of the authorities concerned, and upon completion of the works, the respondent authorities measured the same and recorded the measurements in the Measurement Books.

4. It is the grievance of the petitioner that notwithstanding the completion of the works and its measurement by the competent authorities, the amount due towards the executed works has not been paid till date. According to the petitioner, although the works were 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, W.R.D., (FAC), B.R.R. Vamsadhara Project, Main Canal Division, Tekkali-4th respondent, submits that there is no dispute with regard to the execution of the subject works by the petitioner and the balance amount payable to the petitioner is Rs.40,57,183/-. He further submits that the amounts could not be paid due to non-release of LOC/Funds by the government. 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."

[1] 2025 SCC OnLine SC 1400

7. Having regard to the fact that there is no dispute with regard to the works 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.40,57,183/- payable to the petitioner within a period of three (3) months 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: 04.11.2026.
MS / DS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No:29924 of 2026

Date: 04.11.2026

MS