APHC010551032026

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

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION NO: 30211/2026

Between:

1. SOMALA CHENNA KESAVA REDDY, S/O. SIVA NARAYANA REDDY, AGED ABOUT 47 YEARS, OCC CONTRACTOR, R/O. D NO. 6-40, SOMALA STREET, SIMHADRIPURAM VILLAGE AND MANDAL, YSR KADAPA DISTRICT, ANDHRA PRADESH - 516454.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES/IRRIGATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH- 522238.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT-522238.
3. THE DISTRICT COLLECTOR IRRIGATION, . YSR KADAPA DISTRICT AND CHAIRMAN, PADA, PULIVENDULA, YSR KADAPA DISTRICT- 516001.
4. THE EXECUTIVE ENGINEER, W.R.D, MINOR IRRIGATION DIVISION, KADAPA, YSR KADAPA DISTRICT, ANDHRA PRADESH-516001.
5. THE DEPUTY EXECUTIVE ENGINEER, W.R.D, MINOR IRRIGATION SUB-DIVISION, KADAPA, YSR KADAPA DISTRICT, ANDHRA PRADESH-516001.

...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 in the nature of Writ of Mandamus declaring the action of the Respondents in releasing payment of the bills to the Petitioner for the work executed by him, namely Excavation of Big Farm pond near A.Chandra Kalavathi fields in Gurijala Village, Simhadripuram Mandal, YSR Kadapa District under PADA Grants 2023-24, for an amount of Rs.10,39,629/- as illegal, arbitrary, malafide, high-handed, and contrary to the procedure established by law, apart from being violative of Articles 14 and 19(1)(g) of the Constitution of India and Consequently direct the Respondents to pay an amount of Rs. 10,39,629/- along with interest from the date of execution of work to the petitioner for the said work executed by the petitioner

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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 the Respondents to pay the amount of Rs. 10,39,629/- for the work executed by the Petitioner by work name "Excavation of Big Farm pond near A.Chandra Kalavathi fields in Gurijala Village, Simhadripuram Mandal, YSR Kadapa District under PADA Grants 2023-24", Pending disposal of the main writ petition

Counsel for the Petitioner:

1. GAJJALA MALLIKARJUNA REDDY

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 in the nature of Writ of Mandamus declaring the action of the Respondents in releasing payment of the bills to the Petitioner for the work executed by him, namely Excavation of Big Farm pond near A.Chandra Kalavathi fields in Gurijala Village, Simhadripuram Mandal, YSR Kadapa District under PADA Grants 2023-24, for an amount of Rs.10,39,629/- as illegal, arbitrary, malafide, high-handed, and contrary to the procedure established by law, apart from being violative of Articles 14 and 19(1)(g) of the Constitution of India and Consequently direct the Respondents to pay an amount of Rs. 10,39,629/- along with interest from the date of execution of work to the petitioner for the said work executed by the petitioner and pass such other order…"

2. Heard the 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 a registered contractor engaged in the execution of civil works and that he was entrusted with various works of the Irrigation Department on a tender basis. It is the case of the petitioner that he was awarded a contract for execution of the work viz. Excavation of Big Farm pond near A. Chandra Kalavathi fields in Gurijala Village, Simhadripuram Mandal, YSR Kadapa District under PADA Grants 2023-24. It is the case of the petitioner that he executed the wors 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. Today, when the matter is taken up for hearing, the learned Assistant Government Pleader for Irrigation, on written instructions received from the Executive Engineer, M.I. Division, Kadapa-4th respondent herein, submits that a Vigilance enquiry is pending to ascertain the quality of the works executed by the petitioner. He further submits that, in order to safeguard the Government exchequer against any further loss, a detailed enquiry, including physical inspection of the works, is being conducted. The written instructions are placed on record.

6. A perusal of the material on record goes to show that even according to the respondents, there is no dispute with regard to execution of the subject works by the petitioner, and the petitioner's entitlement for the net amount. On this aspect, it is pertinent to refer to a decision of the Hon'ble Apex Court in ***M/s. Utkal Highways Engineers and Contractors v. Chief General Manager & Ors.***[1], wherein it was held as under: (Paragraph No.8)

> "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

[1] 2025 SCC OnLine SC 1400.

there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence."

7. On this aspect, it is also pertinent to refer to a decision of the Hon'ble Apex Court in ***Hari Krishna Mandir Trust v. State of Maharashtra and Others***[2] wherein it is held as under: (paragraph Nos.100 and 101)

"100. The High Courts' exercising their jurisdiction under Article 226 of the Constitution of India, not only have the power to issue a Writ of Mandamus or in the nature of Mandamus, but are duty-bound to exercise such power, where the Government or a public authority has failed to exercise or has wrongly exercised discretion conferred upon it by a statute, or a rule, or a policy decision of the Government or has exercised such discretion mala fide, or on irrelevant consideration.

101. In all such cases, the High Court must issue a Writ of Mandamus and give directions to compel performance in an appropriate and lawful manner of the discretion conferred upon the Government or a public authority."

8. Further, in ***Kashmir Wood Products v. Verinag Development Authority and Others***[3]**,** the High Court of Jammu & Kashmir held as under: (paragraph No.8)

"8. It is astonishing to note that despite there being no dispute as regards the claim of the petitioners, the respondents have sit over the matter for the last more than six years and they have not released the payment in favour of the petitioner. If the requisite funds were not available with the respondents, they had no business to allot the work to the petitioner and if *in spite* of

[2] AIR 2020 Supreme Court 3969.
[3] 2021 SCC OnLine J&K 814.

> financial constraints, the respondents have made the petitioner to execute the work out of his own funds, it is their bounden duty to reimburse the petitioner at the earliest, that too with interest."

9. Since, in the case on hand, the amounts payable are admitted and undisputed, non-payment thereof amounts to arbitrary action on the part of the respondents, and hence, the Writ Petitions are maintainable.

10. The only contention of the learned Assistant Government Pleader is that a Vigilance Inquiry was initiated basing on the complaints received with regard to some irregularities that occurred in execution of the subject works, and that the Director General (Vigilance and Enforcement), Vijayawada is conducting inquiry and the Inquiry Report is awaited. In regard to pendency of Vigilance Inquiry, it is also pertinent to refer to a decision rendered by Coordinate Bench of this Court, in ***Katta Chinna Kotaiah v. The State of Andhra Pradesh***[4] wherein, this Court held as under:

> "The Apex Court and this Court in catena of decisions held that when there is non-payment of the undisputed bills, the same is violative of Articles 14 and 16 of the Constitution of India. The counsel for the petitioner rightly placed reliance on the decision of the Apex Court in M/s. Surya Constructions v. State of Uttar Pradesh and others [(2019) 16 SCC 794], following the judgment in ABL International Ltd. v. Export Credit Guarantee Corporation of India Ltd. [2004 (3) SCC 553]. In view of the Apex Court judgment, the contention of the learned Government Pleader that the Writ Petition is not maintainable before this Court could not be countenanced. The bills of the petitioner dated 13.03.2019 are admitted by the respondents and forwarded for payment after due measurements and obtaining quality control and the Vigilance report. Hence, the authorities are stopped from stating that the

[4] MANU/AP/0721/2022.

> bills are submitted without executing the works. On the mere ground of pendency of Vigilance report, payment cannot be stopped. Accordingly, there shall be a direction to the respondents to pay the bill amount of Rs.8,08,828/- to the petitioner within a period of six weeks from the date of receipt of copy of this order."

11. In the case on hand, the only ground for not releasing the amounts to the petitioner is that the authorities are awaiting Vigilance Inquiry Report. As held in the aforesaid decision, mere pending receipt of the Vigilance Inquiry Report is not a ground to withhold the payments. Pendency of a file before the Vigilance Department, without any incidence, cannot be a ground to indefinitely postpone or deny the payment for the works duly executed.

12. There cannot be any dispute that the vigilance inquiry is independent of the statutory and administrative functions of the executing Departments relating to the scrutiny, processing, and release of payments, and that the vigilance authorities are not competent to issue directions restraining the competent authorities from considering the claim of the contractors who executed the works or advise them to await completion of the vigilance inquiry before taking an appropriate decision in accordance with applicable Rules. It is also not disputed that the findings, if any, of the Vigilance and Enforcement Department, are only advisory and recommendatory in nature, and are placed before the competent authorities for such action as may be deemed appropriate in accordance with law. In the event any irregularity warranting recovery is noticed subsequently, it is always open to the competent authorities to initiate appropriate action in accordance with law.

13. The respondent-authorities cannot withhold the legitimate payments due to the contractors who admittedly and genuinely executed the works entrusted to them. Once the works have been duly executed and the amounts have become payable, the respondent-authorities are under an obligation to take a decision on the claims in accordance with law. The State

and its instrumentalities cannot withhold legitimate payments on extraneous considerations. Administrative inaction cannot be allowed to defeat a legitimate claim, particularly when the respondents do not dispute the execution of the works or demonstrate any lawful impediment to the release of the admitted dues.

14. The Hon'ble Apex Court in ***Surya Constructions v. State of Uttar Pradesh and Others***[5] held as under: (paragraph Nos.3 and 4)

> "3. It is clear, therefore, from the aforesaid Order dated 22.03.2014 that there is no dispute as to the amount that has to be paid to the appellant. Despite this, when the appellant knocked at the doors of the High Court in a Writ Petition being Writ Civil No.25216 of 2014, the *impugned* judgment dated 02.05.2014 [Surya Construction v. State of U.P., 2014 SCC OnLine All 6071] dismissed the Writ Petition stating that disputed questions of fact arise and that the amount due arises out of a contract. We are afraid the High court was wholly incorrect inasmuch as there was no disputed question of fact. On the contrary, the amount payable to the appellant is wholly undisputed. Equally, it is well settled that where the State behaves arbitrarily, even in the realm of contract, the High Court could interfere under Article 226 of the Constitution of India (ABL International Ltd. v. Export Credit Guarantee Corpn. Of India Ltd. [ABL International Ltd. v. Export Credit Guarantee Corpn. of India Ltd., (2004) 3 SCC 553]).
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> 4. This being the case and the work having been completed long back in 2009, we direct Uttar Pradesh Jal Nigam to make the necessary payment within a period of four weeks from today.

[5] (2019) 16 SCC 794.

Given the long period of delay, interest @ 6% p.s. may also be awarded."

15. Learned counsel for the writ petitioner relied on a decision of a Co-ordinate Bench of this Court dated 04.07.2025 in W.P.No.12525 of 2024, wherein it is held thus: (paragraphs 7 and 8)

"7. This Court after hearing the respective counsel is of the considered opinion that as there is no dispute to the execution of the works and the amounts due to the petitioner, as apparent from Paragraph No.5 of the Counter Affidavit, the petitioners in that scenario **cannot be called upon to wait peremptorily** for conclusion of vigilance enquiry to receive their rightful amounts. At the same time, this Court cannot foreclose the vigilance enquiry.

8. Therefore, a balance has to be maintained vis-à-vis the ongoing vigilance enquiry and petitioners, whose execution of works and amounts due are not in dispute. Therefore, it would be appropriate to dispose of the Writ Petition with the following directions:

(i) The petitioner shall submit a security bond undertaking to reimburse the amount to the Respondent-Corporation, if any on account of deficiency in the work or excess payment is made by the Respondent-Corporation pursuant to the ongoing vigilance enquiry;

(ii) On furnishing of security bond, the Respondent authorities are directed to pay the amounts due to the Petitioner within a period of six (6) months from today…"

16. The aforesaid order has been followed by another learned single Judge of this Court, in the Common Order dated 10.04.2026 in Writ Petition Nos. 1916 of 2026, 2111 of 2026 and 2116 of 2026,

17. The maxim 'Justice delayed is justice denied' is one of the most enduring principles of the administration of justice. It conveys a simple, yet

profound truth,- 'justice loses much of its meaning when it is delivered too late'. A remedy obtained after years of waiting may, in practical terms, ceases to be a remedy at all. The essence of justice is not merely deciding a dispute correctly, but in deciding it fairly, efficiently, and within a reasonable time.

18. For a successful litigant, a judgment that comes after years of struggle may offer little solace, and the relief would have lost much of its practical value. The maxim also reminds us that the right to speedy justice is an essential component of the rule of law. As Lord Hewart observed, "Justice should not only be done, but should manifestly and undoubtedly be seen to be done."

19. To this, I am of the opinion to further add that justice should also be done in time. Justice, therefore, is not complete when it is pronounced, but it is complete when it is delivered in time to make it remedy effective.

20. When an instrumentality of the State acts contrary to the public good and public interest, unfairly, unjustly and unreasonably, in its contractual, constitutional or statutory obligations, it really acts contrary to the constitutional guarantee under Article 14 of the Constitution of India. It is not the case of the respondents that the contracts in question were obtained either by fraud or misrepresentation. Therefore, there is no other reason for the respondent authorities for not releasing the amounts in favour of the petitioner. Apart from this, when State or State instrumentalities act in an arbitrary manner or fail to act within time, the Writ Court does have jurisdiction to entertain the matter. In the aforesaid circumstances, in the considered opinion of this Court, mere pending receipt of the Vigilance Inquiry Report is not a ground for withholding the amounts for the works which are admittedly executed by the petitioner.

21. In view of the foregoing discussion and having regard to all the facts and circumstances of the case, the respondent-authorities are directed to

verify and pay the respective admitted amounts due to the petitioner within a period of Eight (8) weeks from the date of receipt of this Order.

22. It is made clear that in the event of any irregularity noticed in the Vigilance Inquiry Report, warranting recovery, it is open to the authority concerned to initiate appropriate action in accordance with law. The petitioner shall execute an indemnity bond to the above effect that if it is found that the petitioner has not executed the subject contract works, he would repay the amount so paid.

23. 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: 29.10.2026
MS / DS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No:30211 of 2026

Date: 29.10.2026

MS