



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

[3331]

THURSDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 2768/2025

Between:

1.M/S N.V.G CONSTRUCTIONS,, REP., BY ITS MANAGING PARTNER,
K. VISWANATH S/O HANUME GOWDU, AGED ABOUT 38 YEARS,
OCC- CONTRACTOR, HAVING ITS OFFICE AT D.NO.2-5, 2ND
FLOOR, ROOM NO. 1, THOTAKANUMA VILLAGE, VENKATAGIRI
KOTA MANDAL, CHITTOOR DISTRICT

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, GUNTUR DISTRICT

2.THE DISTRICT COLLECTOR, CHITTOOR DISTRICT AT CHITTOOR

3.THE EXECUTIVE ENGINEER, PRI DIVISION, CHITTOOR, CHITTOOR
DISTRICT

4.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT

...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 OF MANDAMUS declaring the action of the Respondents herein, in withholding the payment of bills Net Amount of

Rs.16,06,192/- (Gross Rs.17,64,589/-), under the CFMS.No.2024-173578 even after finalizing the bills payable to the petitioner in relation to the work i.e., Construction of CC Road from Jangala Agraharam to Nellipatla Main road at Mailage from 0/0 to 1/250 K.M of Chappidipalle GP in Baireddipalle Mandal vide Agreement No.453/2023-24, Dt.29.11.2023 is questioned, as the same is illegal and arbitrary apart from violative of Articles 14, 16, 19 8s 300-A of The Constitution of India and consequently direct the respondents to consider for payment of bills Net Amount of Rs. 16,06,192/- (Gross- Rs. 17,64,589/-), under the CFMS.No.2024-173578 with an interest @24percent per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work., forthwith and pass

IA NO: 1 OF 2025

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 may be pleased to DIRECT the respondents to consider for payment of bills Net Amount of Rs. 16,06,192/- (Gross: Rs. 17,64,589/-) under the CFMS.No.2024-173578, with regard to the completion of work i.e., "Construction of CC Road from Jangala Agraharam to Nellipatla Main road at Mailage from 0/0 to 1 /250 K.M of Chappidipalle GP in Baireddipalle Mandal vide Agreement No.453/2023- 24, Dt.29.11.2023" with an interest @24% per annum for the delayed amount to the petitioner, pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1.SURESH KUMAR REDDY KALAVA

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER

Heard Sri Suresh Kumar Reddy Kalava, learned counsel for the petitioner and Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development & Finance and Planning Department, for the respondents.

2. The above writ petition was filed to declare the action of the respondents in withholding the payment of bills Net Amount of Rs.16,06,192/- (Gross Rs.17,64,589/-), under the CFMS.No.2024-173578 even after finalizing the bills payable to the petitioner in relation to the work i.e., Construction of CC Road from Jangala Agraharam to Nellipatla Main road at Mailage from 0/0 to 1/250 K.M of Chappidipalle GP in Baireddipalle Mandal vide Agreement No.453/2023-24, Dt.29.11.2023, as illegal and arbitrary.

3. Today, when the matter is taken up for consideration, learned Assistant Government Pleader for Panchayat Raj, submitted the written instructions of the 3rd respondent.

4. A perusal of the said instructions would disclose that the petitioner has executed the aforementioned works and the net amount payable to the petitioner after statutory deductions is Rs.16,06,192/-. The written instructions are made as part of the record.

5. Thus, as seen from the instructions there is no dispute regarding the execution of works and the petitioner's entitlement for Rs.16,06,192/-. Since the amount payable is admitted and undisputed, the writ petition is maintainable. In **M/s Utkal Highways Engineers and Contractors Vs. 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

6. Given the instructions furnished by the 3rd respondent, the Writ Petition is disposed of directing the respondents to release an amount of Rs.16,06,192/- (Rupees Sixteen Lakhs Six Thousand One Hundred and Ninety Two only) payable to the petitioner regarding execution of the aforementioned work, within three (03) months from the date of receipt of the copy of this order. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

PVD