

APHC010170892026



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

[3328]

MONDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION Nos: 8883 & 8884 of 2026

W.P.No.8883 of 2026:

Between:

1. VALLEPU KOTAMMA, W/O. SEKHAR, AGED ABOUT 45 YEARS, OCC
HOUSEWIFE, R/O.8-29-361, GANESH NAGAR,
AGATHAVARAPPADU, GUNTUR, GUNTUR DISTRICT, PINCODE
522509.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND
URBAN DEVELOPMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT, PINCODE 522238.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT, PINCODE 522238.

3. THE MANGALAGIRI TADEPALLI MUNICIPAL CORPORATION, REP.
BY ITS COMMISSIONER, MANGALAGIRI, GUNTUR DISTRICT,
PINCODE 522503.

4. THE MUNICIPAL ENGINEER, MANGALAGIRI TADEPALLI MUNICIPAL
CORPORATION, MANGALAGIRI, GUNTUR DISTRICT, PINCODE
522503.

...RESPONDENT(S):

Counsel for the Petitioner:

1.MODAPOTHULA SUMALATHA

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

W.P.No.8884 of 2026:

Between:

1.VALLEPU KOTAMMA, , W/O. SEKHAR, AGED ABOUT 45 YEARS,
OCC. HOUSEWIFE, R/O.8-29-361, GANESH NAGAR,
AGATHAVARAPPADU, GUNTUR, GUNTUR DISTRICT, PINCODE.
522509.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND
URBAN DEVELOPMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT, PINCODE 522238.

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT, PINCODE. 522238.

3.THE MANGALAGIRI TADEPALLI MUNICIPAL CORPORATION, REP.
BY ITS COMMISSIONER, MANGALAGIRI, GUNTUR DISTRICT,
PINCODE.522503

4.THE MUNICIPAL ENGINEER, . MANGALAGIRI TADEPALLI
MUNICIPAL CORPORATION, MANGALAGIRI, GUNTUR DISTRICT,
PINCODE. 522503.

...RESPONDENT(S):

Counsel for the Petitioner:

1.MODAPOTHULA SUMALATHA

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

2.GP FOR FINANCE PLANNING

The Court made the following:**ORAL COMMON ORDER:**

Heard Ms. Devasri Roshan Kancharla, learned Counsel for the Writ Petitioner, Sri M. Srinu Babu, learned Assistant Government Pleader for Municipal Administration & Urban Development, Ms. D. Naga Chandrika, learned Assistant Government Pleader for Finance & Planning and S. Vijay Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Mangalagiri Tadepalli Municipal Corporation.

2. S. Vijay Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Mangalagiri Tadepalli Municipal Corporation, has submitted the Written Instructions furnished by the Commissioner, Mangalagiri Tadepalli Municipal Corporation dated 04.04.2026. Copy of it is supplied to the learned Counsel for the Writ Petitioner and the same is taken on record.

3. From the record, it appears that the works have commenced in the month of June, 2018 and the husband of the Writ Petitioner, who had undertaken contract works, had completed the same long time ago. Since he is no more, wife of the Contractor has filed the present Writ Petitions seeking release of EMD & FSD. Since the amounts deposited by the husband of the Writ Petitioner had been withheld by the Respondents since long time, there shall be a direction to the Respondent Nos.3 & 4 to release the EMD and FSD within a period of one week from today. It is a settled law that the Respondents cannot plead paucity of funds when it comes to return of the EMD and FSD deposits. (Please see (1) ***Surya Constructions vs. State of Uttar Pradesh and Others*** : (2019) 16 SCC 794 - Para Nos.2, 3 & 4, (2) ***Mr. S.C. Meena, EE (Project Narela) vs. Amit Tanwar*** : 2018 SCC OnLine Del 8035 - Para No.48, (3) ***Kashmir Wood Products vs Verinag Development Authority and Others*** : 2021 SCC OnLine J&K 814 - Para No.8, (4) ***Kattam Reddy Venkateswarlu Reddy Vs. State of Andhra Pradesh, Rep. by its***

Principal Secretary, Municipalities and Urban Development Department and three others : Order dated 23.01.2026 in W.P.No.34418 of 2025 of High Court of Andhra Pradesh)

4. Since the amount deposited by the Writ Petitioner had been withheld by the Corporation for a long time, any further delay on the part of the Respondent Nos.3 & 4 would be viewed seriously by this Court.

5. S. Vijay Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Mangalagiri Tadepalli Municipal Corporation, is directed to convey the gist of this Order to Respondent Nos.3 & 4 forthwith for effective compliance.

6. With these observations and directions, these Writ Petitions stand allowed. No order as to costs.

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

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt:06.04.2026

Note: Issue C.C today,
B/o,
Vns