APHC010324532025

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

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 16492/2025

Between:

1. GOLLA SUBHAKARA REDDI, S/O. NARENDRA VARMA, AGED ABOUT 54 YEARS, R/O. D.NO. 2-276/1, MAIN ROAD, RAMARAJULANKA VTC AND PO, MALIKIPURAM (M) EAST GODAVARI DISTRICT -533253.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOUSING DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATI, THULLUR MANDAL, GUNTUR DISTRICT.
2. STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY FINANCE DEPARTMENT, SECRETARIAT VELAGAPUDI, AMARAVATI, THULLUR MANDAL, GUNTUR DISTRICT.
3. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
4. A P STATE HOUSING CORPORATION LTD, 2ND FLOOR, SP RIVER VIEW BUILDING, TADEPALLI, AMARAVATI, REP. BY ITS MANAGING DIRECTOR.
5. THE DISTRICT COLLECTOR AND DISTRICT PROGRAMME COORDINATOR, NREGS-AP, EAST GODAVARI DISTRICT, KAKINADA.
6. ADDITIONAL PROGRAMME / PROGRAMME OFFICER / PROGRAMME OFFICER E G S, MALIKAPURAM MANDAL, EAST GODAVARI DISTRICT.
7. MANDAL ENGINEERING OFFICER, MANDAL PRAJA PARISHAD, MALIKIPURAM MANDAL, EAST GODAVARI DISTRICT.
8. THE DEPUTY EXECUTIVE ENGINEER, (MGNREGS) PRI SUB-DIVISION, MALIKIPURAM, EAST GODAVARI DISTRICT.
9. MANDAL PARISHAD DEVELOPMENT OFFICERS/ PROJECT OFFICER, (MPDO AND PO) MGNREGS, MALIKIPURAM (M),

EAST GODAVARI DISTRICT.

10. THE KESANAPALLI GRAM PANCHAYT, REP BY ITS SECRETARY, KESANAPALLI VILLAGE, MALIKIPURAM MANDAL, EAST GODAVARI DISTRICT
11. THE GUDAPALI GRAM PANCHAYT, REP BY ITS SECRETARY, GUDAPALI VILLAGE, MALIKIPURAM MANDAL, EAST GODAVARI DISTRICT.
12. THE GUBBALAPALEM GRAM PANCHAYT, REP BY ITS SECRETARY, GUBBALAPALEM VILLAGE MALIKIPURAM MANDAL, EAST GODAVARI DISTRICT
13. THE GUDIMELLANKA GRAM PANCHAYT, REP BY ITS SECRETARY, GUDIMELLANKA VILLAGE, MALIKIPURAM MANDAL, EAST GODAVARI DISTRICT
14. THE DIRECTOR, M.G.N.R.E.G PROJECT, MINISTRY OF RURAL DEVELOPMENT, GOVERNMENT OF INDIA KRUSHI BHAVAN, NEW DELHI.

...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 or any other appropriate writ or direction declaring the action of the respondents in not releasing the pending payments of Rs.31,57,721/-, even after finalizing the bills, payable to the petitioner in relation to the (6) works i.e., 1) M.Book No.50435 in Amount of Rs.29,062/-, for the work Development of Housing Colony, at Location New housing colony in Kesanapalli , 2) M.Book No. 50021 in Amount of Rs. 17,44,634/-, for the work Development of Housing Colorry, at Location New housing colony in Gollamandalavari pelem in Gollamandalavari Pa(H) of Gudapali(GP) of Malkipuram(M), 3) M.Book No. 50481 AND 26102 in Amount of Rs.1,64,833/-, for the work Development of Housing Colony, at Location New housing colony in Gubbalapalem in Gubbalapalem(H) of Gubbalapalem(GP) of Malikipuram(M), 4) M.Book No. 26116 AND 50455 in Amount of Rs.4,36,328/-, for the work Development of Housing Colony, at Location New housing colony in Gudimellanka GP in Gudimellanka(H) of Gudimellanka(GP) of Malikipuram(M), 5) M.Book No. 59436 in Amount of Rs.17,44,634/-, for the work Development of Housing Colony, at Location New housing colony in Gudimellanka GP in Gudimellanka(H) of Gudimellanka(GP) of Malikipuram(M), 6) M.Book No. 64742 in Amount of Rs.6,97,591/-, for the work Development of Housing Colony, at Location New housing colony in Gudimellanka GP in Gudimellanka(H) of Gudimellanka(GP) of Malikipuram(M), vide all works are done, under Scheme EGS Development Project In Community Lands, is as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the respondent authorities to release Rs. 31,57,721/- forthwith for the above said works executed by the petitioner and pass

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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 pleased to direct respondents to consider for pending payments of amount of Rs. 31,57,721/- for the works executed by the petitioners for the works i.e., Agreement No. 46/Road/Nsp/2022, Dated;05.06.2023, under Scheme EGS Development Project In Community Lands., pending disposal of the main Writ Petition and pass

Counsel for the Petitioner:

1. ANNAMNEEDI BALAKRISHNA

Counsel for the Respondent(S):

1. K MALLIKHARJUNA MOORTHY
2. GP FOR PANCHAYAT RAJ RURAL DEV
3. GP FOR HOUSING
4. 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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not releasing the pending payments of Rs.31,57,721/-, even after finalizing the bills, payable to the petitioner in relation to the (6) works i.e. (1) M-Book No.50435 an amount of Rs.29,062/- for the work "Development of Housing Colony, at Location New Housing Colony in Kesanapalli", (2) M-Book No.50021 an amount of Rs.17,44,634/-, for the work "Development of Housing Colony, at Location New Housing Colony in Gollamandalavari Pelem in Gollamandalavari Pa(H) of Gudapalli (GP) of Malkipuram (M)", (3) M-Book No.50481 & 26102 an amount of Rs.1,64,833/-, for the work "Development of Housing Colony, at Location New Housing Colony in Gubbalapalem in Gubbalapalem(H) of Gubbalapalem(GP) of Malikipuram (M)", (4) M-Book No.26116 & 50455 an amount of Rs.4,36,328/- for the work "Development of Housing Colony, at Location New Housing Colony in Gudimellanka GP in Gudimellanka (H) of Gudimellanka (GP) of Malikipuram (M)", (5) M-Book No.59436 an amount of Rs.17,44,634/- for the work "Development of Housing Colony, at Location New Housing Colony in Gudimellanka GP in Gudimellanka (H) of Gudimellanka (GP) of Malikipuram (M)", (6) M-Book No.64742 an amount of Rs.6,97,592/- for the work "Development of Housing Colony at Location New Housing Colony in Gudimellanka GP in Gudimellanka (H) of Gudimellanka (GP) of Malikipuram (M)", vide all works are done, under the Scheme EGS Development Project in Community Lands, as illegal and arbitrary, and consequently direct the respondent authorities to release Rs.31,57,72/- forthwith for the above said works executed by the petitioner and pass such other order or orders …"*

2. Heard learned counsel for the Writ Petitioner, learned Assistant Government Pleader for the Housing Department

Secretariat representing respondent No.1, learned Assistant Government Pleader for the Finance representing respondent No.2, learned Assistant Government Pleader for the Panchayat Raj and Rural Development representing respondent Nos.3, 5, 6 to 8, learned Standing Counsel for the Andhra Pradesh State Housing Corporation representing respondent No.4, learned Standing Counsel for Gram Pancahyat representing respondent Nos.9 to 13, and the learned Government Pleader for the Central Government representing respondent No.14.

3. The Writ Petitioner claims to be a Registered Civil Contractor. The Writ Petitioner was entrusted with the works of Development of Housing Colony in Kesanapalli (G), Gudapalli (G), Gubbalapalem (G) and Gudimellanka (G) of Malikipuram (M) under the EGS Scheme in the Development Project Community Lands. The Writ Petitioner carried out the works and completed the same within the prescribed time. The respondent Nos.4 to 13 inspected and measured the works in (1) M-Book No.50435 for an amount of Rs.29,062/- for the work of Development of Housing Colony at Kesanapalli, (2) M-Book No.50021 for an amount of Rs.17,44,634/-, for the work of Development of Housing Colony at Gollamandalavari Palem in Gollamandalavari (H) of Gudapalli (GP) of Malkipuram (M),

(3) M-Book Nos.50481 & 26102 for an amount of Rs.1,64,833/-, for the work of Development of Housing Colony at Gubbalapalem in Gubbalapalem(H) of Gubbalapalem(GP) of Malikipuram (M), (4) M-Book Nos.26116 & 50455 for an amount of Rs.4,36,328/- for the work of Development of Housing Colony at Gudimellanka GP in Gudimellanka (H) of Gudimellanka (GP) of Malikipuram (M), (5) M-Book No.59436 for an amount of Rs.17,44,634/- for the work of Development of Housing Colony at Gudimellanka GP in Gudimellanka (H) of Malikipuram (M), and (6) M-Book No.64742 for an amount of Rs.6,97,592/- for the work of Development of Housing Colony at Gudimellanka GP in Gudimellanka (H) of Malikipuram (M).

(b) Though the Writ Petitioner executed the entire works within time, an amount of Rs.31,57,721/- was kept pending by the respondent authorities. Even the Writ Petitioner approached the respondent authorities on multiple occasions, requesting for payment of pending bill amount of Rs.31,57,721/-, they are not doing so. According to Writ Petitioner, having executed the work satisfactorily, within the prescribed time, non-payment of the bill amount was arbitrary and unjustified. It was further contended that the delay in payment is causing severe financial hardship, necessitating the filing

of the present Writ Petition seeking appropriate directions for release of the outstanding amount.

4. Today when the matter is taken up for hearing, learned Standing Counsel for the Andhra Pradesh Housing Corporation, representing respondent No.4, on written instructions received from the General Manager (Admin-FAC), APSHCL, Vijayawada, submits that the Writ Petitioner executed the works, and he is entitled to an amount of Rs.30,16,338/- after statutory deductions such as Income Tax, QC Recovery etc. Learned Standing Counsel further submits that the Commissioner, PR&RD furnished proposals for release of Budget for an amount of Rs.30,16,338/-, and the same was released to the Panchayat Raj Department on 13.05.2026, and the Panchayat Raj Department has to upload the bills in Nidhi Portal. The written instructions are placed on record.

5. The issue raised in the present Writ Petition is squarely covered by the Order of this Court in **Rayapureddy Srinivasa Rao and others v. Government of Andhra Pradesh, rep. by its Principal Secretary to Government and others and others**[1] and batch in which the Writ Petitions are allowed with the following directions:

[1] 2021 SCC Online AP 3084.

(i) The Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 issued by the Respondent NO.1 are set aside to the extent of deduction of 21.02% for DCC works and 6.333% for MCC works while making payment to the petitioner.

(ii) The respondents are directed to clear the bills submitted by the petitioner and to release payment forthwith, in case no payment is made till date.

(iii) In case, any part payment is made as on date, the remaining amount shall be paid to the petitioner forthwith.

(iv) The respondents shall pay interest @ 12% per annum within a period of four (4) weeks from the date of receipt of a copy of this order.

(v) The interest shall be compound from the date of expiry of one month from the date of submission of the bill by the petitioner to till the date of final payment.

6. Against the above said order, several Writ Appeals are filed and in one of the Writ Appeals (*i.e.*) Writ Appeal No.724 of 2021, a Division Bench of this Court has passed an *interim* Order, dated 18.11.2021 as extracted hereunder:

"The direction of the learned Single Judge regarding payment of interest to the respondent No.1 as also setting aside the provision in Memo No.1263069/RD.II/A1/ 2020, dated 05.11.2020 and the Memo No.138861/RD.II/A1/ 2020, dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, while making payment, shall remained stayed.

> *On a query of the Court, learned Advocate General submitted that the direction of the learned Single Judge as far as payment of the principal amount of the bills raised by the original writ petitioner, in terms of the order of the Division Bench in* ***Krishna District Grama Panchayathi Sarpanchla Sangam (supra)****, shall be made within four weeks, if already not done.*
>
> *The matter be listed for hearing in due course.*
>
> *It is clarified that the appellants shall comply with the rest of the directions issued by the learned Single Judge in the judgment under appeal."*

7. Subsequently, a Division Bench of this Court headed by the Hon'ble The Chief Justice while hearing the Writ Appeal Nos.740 and 741 of 2021, having considered the Order passed in Writ Appeal No.724 of 2021, passed the following Order:

> *"Considering the facts and circumstances of the case and having regard to the interim order passed by the Coordinate Bench, we direct that the said interim order shall apply for the present Writ Appeals also, however, with a condition that the appellants shall pay the principal amount of the bill raised by the original Writ Petitioners, within a period of four weeks, failing which the present interim order shall stand vacated without reference to the bench."*

8. The learned counsel for the Writ Petitioner requested the Court to clarify the applicability of the Memo No.1263069/RD.II/A1/

2020, dated 05.11.2020 and the Memo No.138861/RD.II/A1/2020, dated 12.05.2021.

9. The learned Assistant Government Pleader for Panchayat Raj submitted that the said Memos are issued for the works executed under 'Mahatma Gandhi National Rural Employment Guarantee Scheme'. Therefore, it is made clear that the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 are applicable to the works executed under 'Mahatma Gandhi National Rural Employment Guarantee Scheme' only.

10. There is no dispute with regard to the execution of the works by the Writ Petitioner under the Mahatma Gandhi National Rural Employment Guarantee Scheme. Having regard to the submission made by the learned Standing Counsel for the Andhra Pradesh State Housing Corporation that the Budget for an amount of Rs.30,16,338/- was already released to the Panchayat Raj Department on 13.05.2026, and the Panchayat Raj Department has to upload the bills in Nidhi Portal, the respondent authorities are directed to pay the net amount/admitted amount of Rs.30,16,338/- (Rupees Thirty Lakhs Sixteen Thousand Three Hundred and Thirty

Eight Only) to the Writ Petitioner within a period of Eight (8) weeks from the date of receipt of a copy of this order.

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

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

JUSTICE K. SREENIVASA REDDY

21st July, 2026.

DNB

Whether the Order is:

Speaking	✓	Reasoned	
Reportable		Non-reportable	✓