

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

MONDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 630 OF 2024

Between:

A.Sirish Kumar, S/o.R.Ananda Reddy, Aged about 48 years, R/o.D.No.1-509,
Varadarajulapalle, Thimmasanipalli, Chittoor District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation Department, Secretariat, Amaravathi, Guntur District.
2. The Chief Engineer, Irrigation Department, Vijayawada.
3. The Superintendent Engineer, Irrigation Circle, Chittoor, Chittoor District.
4. Executive Engineer, Irrigation Division, Chittoor, Chittoor District.
5. The Principal Secretary, Department of Finance and Planning, Secretariat, Amaravathi, Guntur District.
6. The District Collector, Chittoor District, Chittoor.

...RESPONDENTS

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** or any other appropriate writ or direction declaring the action of the Respondents in withholding the undisputed amount i.e. Rs.5,64,751/- payable to the petitioner in respect of work i.e., FDR (Temporary) to Gangineni Cheruvu, near Gremspet in Chittoor Town of Chittoor District, as illegal arbitrary and contrary to the Principles of natural justice and consequently direct the respondents to pay undisputed amount Rs.5,64,751/- payable to the petitioner in respect of execution of work with an interest @ 12% p.a. from the date of accepting the bills forthwith.

IA NO: 1 OF 2024

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 to direct ay undisputed amount i.e. Rs.5,64,751/- payable to the petitioner in respect of work i.e., FDR (Temporary) to Gangineni Cheruvu, near gremspet m Chittoor Town of Chittoor District, with an interest @ 12 % p.a. from the date of accepting the bills forthwith pending disposal of the Writ Petition.



Counsel for the Petitioner: SRI. GUNDALA SIVA PRASADA REDDY

**Counsel for the Respondent Nos. 1 to 4 & 6: GP FOR IRRIGATION AND
COMMAND AREA DEVELOPMENT**

Counsel for the Respondent No.5: GP FOR FINANCE & PLANNING

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.630 of 2024

ORDER:

1. The petitioner had been awarded the contract of work(s) under the subject scheme in Chittoor District. After execution of the said contract, a final bill was prepared for a sum of Rs.5,64,751/- as per the sanctioned orders. As the payment of the said amount has not been made by the respondents, the petitioner has approached this Court by way of this writ petition.
2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.
3. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.
4. On the other hand, learned Government Pleader for Irrigation while admitting about the claim of the petitioner placed on record instructions received from the Executive Engineer, Chittoor, dated

16.02.2024. He would submit that the work bills are uploaded in the CFMS website. Soon after bills will be submitted to payment.

5. In view of the aforesaid directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, learned Government Pleader for Irrigation this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.5,64,751/- to the petitioner, along with the interest @ 6% per annum, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023, within a period of six (06) weeks from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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Sd/- K. TATA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

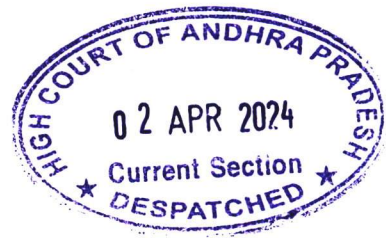
1. The Principal Secretary, Irrigation Department, State of Andhra Pradesh Secretariat, Amaravathi, Guntur District.
 2. The Chief Engineer, Irrigation Department, Vijayawada.
 3. The Superintendent Engineer, Irrigation circle, Chittoor, Chittoor District.
 4. The Executive Engineer, Irrigation Division, Chittoor, Chittoor District.
 5. The Principal Secretary, Department of Finance and Planning, Secretariat, Amaravathi, Guntur District.
 6. The District Collector, Chittoor District, Chittoor.
 7. One CC to Sri. Gundala Siva Prasada Reddy, Advocate [OPUC]
 8. Two CCs to GP for Irrigation & Command Area Development, High Court of Andhra Pradesh. [OUT]
 9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
 10. **Three CD Copies.**
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HIGH COURT

DATED:19/02/2024

ORDER

WP.No.630 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

14 Copies
PG
02/04/24