

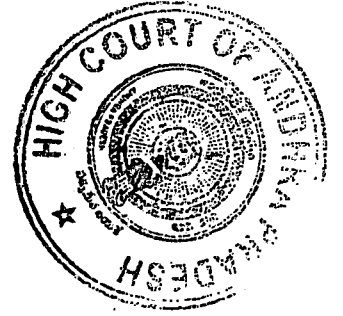
IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION NO: 976 OF 2023



Between:

D. Kiran Kumar Raju, S/o. Subba Rama Raju, Aged About 38 Years, R/o. VPR
Kandriga Village, Railway Kodur Mandal, YSR Kadapa Dist.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi Guntur District.
2. State of Andhra Pradesh, Represented by its, Special Chief Secretary, Department of Irrigation and Water Resources Secretariat, Velagapudi, Guntur District.
3. The District Collector, YSR Kadapa District.
4. The Deputy Executive Engineer, Water Resources Department, Irrigation Sub division, Kodur, YSR Kadapa District.
5. The Executive Engineer, Water Resources Department, Irrigation Division, YSR Kadapa District.
6. The Pay and Accounts Officer, Works and Accounts, D.No.29-2-52, Manasa Complex, Rama Mandiram Street, Governorpet, Vijayawada, YSR Kadapa District.

...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 order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the final bill amount of Rs 7,61,736/- to the petitioner including interest for the work 1) Restoration of Tirumalla Tank from km 0.076 to km 1.120 and repairs to surplus weir near VPR Kandriga village in Kodur Mandal of YSR Dist, in pursuance of Agreement with the 5th respondent Vide Agreement No. 566 Slit/2017-18 dated 30.08.2017, as being illegal, arbitrary, violation of principles of natural justice and Unconstitutional and consequently direct the respondents to pay undisputed final

bill amount of Rs 7,61,736/- to the petitioner including interest for the work 1) Restoration of Tirumalla Tank from km 0.076 to km 1.120 and repairs to surplus weir near VPR Kandriga village in Kodur Mandai of YSR Dist, in pursuance of Agreement with the 5th respondent Vide Agreement No. 566 Slit/2017-18 dated 30.08.2017.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release undisputed final bill amount of Rs 7,61,736/- to the petitioner including interest for the works in pursuance of Agreement with the 5th respondent Vide Agreement No. 566 Slit/2017-18 dated 30.08.2017, pending disposal of the writ petition.

**Counsel for the Petitioner : M/s. PRASANTHI GUDE
Counsel for the Respondent Nos.1, 3 & 6 : GP FOR FINANCE & PLANNING
Counsel for the Respondent Nos.2, 4 & 5 : GP FOR IRRIGATION & COMMON
AREA DEVELOPMENT**

The Court made the following: ORDER

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.976 of 2023

ORDER:

The petitioner had been awarded the contract for taking up "Neeru-Chettu" Programme for Restoration of Tirumalla Tank from Km 0.076 to Km 1.120 and repairs to surplus weir near VPR Kandriga Village, Kodur Mandal, YSR Kadapa District, vide Agreement No.566 Slit/2017-18 dated 30.08.2017. After execution of the said work, a final bill for Rs.7,61,736/- had been prepared and submitted to the concerned for payment. As the payment of the said amount has not been made by the respondents, the petitioner had 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 sums 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. The learned Government Pleader submits that the respondent authorities are verifying the claims of the petitioner and would be in a position to make payment only after such verification is completed.

5. In view of the aforesaid directions of this Court in various cases and after hearing the submissions of the learned counsel for the petitioner, learned Government Pleader for Irrigation, this writ petition is disposed of with a direction to the respondents to complete the verification process within a period of three weeks from the date of receipt of a copy of this order and thereafter to pay the amount due to the petitioner depending upon the outcome of the verification, within a period of six weeks. It is clarified that in the event of the verification process not being completed within the aforesaid period of three weeks, the respondents shall pay the amount due to the petitioner, without insisting upon any further time for verification. It

would also be open to the petitioner to agitate his/her/their claim for interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi Guntur District.
2. The Special Chief Secretary, Department of Irrigation and Water Resources State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
3. The District Collector, YSR Kadapa District.
4. The Deputy Executive Engineer, Water Resources Department, Irrigation Sub division, Kodur, YSR Kadapa District.
5. The Executive Engineer, Water Resources Department, Irrigation Division, YSR Kadapa District.
6. The Pay and Accounts Officer, Works and Accounts, D.No.29-2-52, Manasa Complex, Rama Mandiram Street, Governorpet, Vijayawada, YSR Kadapa District
7. One CC to M/s. Prasanthi Gude, Advocate [OPUC]
8. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Irrigation & Common Area Development, High Court of Andhra Pradesh. [OUT]
10. Two C.D. Copies

Cnr
 Sdkr

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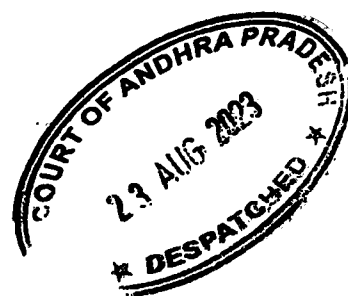
HIGH COURT

DATED:25/04/2023

ORDER

WP.No.976 of 2023

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**DISPOSING OF THE W.P.
WITHOUT COSTS**