

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



WEDNESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 4263 OF 2023

Between:

Smt. M. Kanakamma, S/o M. Viswanadha Naidu, aged about 47 years, Occ:
Cultivation, R/o Meduwada Village, S.R. Puram Mandal, Chittoor District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary (Irrigation Department), Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary (Finance Department), Secretariat Buildings, Velagapudi, Amaravathi, Chittoor District.
3. The Engineer-In-Chief (Irrigation) Water Resources Department, Chittoor District.
4. The Superintendent Engineer, Water Resources Department, Irrigation Circle, Chittoor, Chittoor District.
5. The Executive Engineer, Water Resources Department, Chittoor Central Division, Chittoor, Chittoor District.
6. The Chairman, Comprehensive Financial Management System (CFMS) State of Andhra Pradesh, Ibrahimpatnam, Vijayawada.

...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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not releasing and not crediting the amounts even after finalizing the bills, payable to the petitioner in relation to the execution of works under the scheme of Neeru Chettu i.e., L.S. Agreement No.864DN/2017-18, dt.28.1.2017 Part bill for the amount of Rs.210661/- and Agt.No. No.865DN/2017-18, dt.11.6.2018, L.S. Supplemental Agt. No.111DN/2018-19, Dt.15.09.2019 and Part bill 1,73,942/- total 384603/- (Three lacks eighty four thousands six hundred three rupees only) as illegal, arbitrary, violation of Principles of Natural Justice, Violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the Official Respondents to pay an amount due to the petitioner in respect of execution of afore mentioned works forthwith.

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 forthwith release the bill amounts to the petitioner in relation to the execution of works i.e., L.S. Agreement No.864DN/2017-18, dt.28.1.2017 Part bill for the amount of Rs.210661/- and Agt.No. No.865DN/2017-18, dt.11.6.2018 , L.S. Supplemental Agt. No.111DN/2018-19, Dt.15.09.2019 and Part bill 1,73,942/- total 384603/- (Three lacks eighty four thousands six hundred three rupees only) pending disposal of the above writ petition.

Counsel for the Petitioner : SRI. PASAPALA SUDHAKAR REDDY

Counsel for the Respondent Nos. 1,3 to 5 : GP FOR IRRIGATION & CAD

Counsel for the Respondent Nos. 2 & 6 : GP FOR FINANCE & PLANNING

The Court made the following : ORDER

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.4263 of 2023

ORDER:

The petitioner had been awarded the various contracts for taking up the "Neeru-Chettu" programme for construction of various Check dams, under various agreements. After execution of the said works, a final bill for Rs.3,84,603/- 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 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. 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/- B PRABHAKAR RAO
ASSISTANT REGISTER

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Irrigation Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary (Finance Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Chittoor District.
3. The Engineer-In-Chief (Irrigation) Water Resources Department, Chittoor District.
4. The Superintendent Engineer, Water Resources Department, Irrigation Circle, Chittoor, Chittoor District.
5. The Executive Engineer, Water Resources Department, Chittoor Central Division, Chittoor, Chittoor District.
6. The Chairman, Comprehensive Financial Management System (CFMS), State of Andhra Pradesh, Ibrahimpatnam, Vijayawada.
7. One CC to Sri. Pasāpala Sudhakar Reddy Advocate [OPUC]
8. Two CCs to GP for Irrigation & CAD, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
10. Two CD Copies

PV

MSR

K. Ch. Chowdary

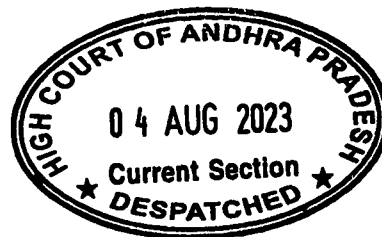
HIGH COURT

DATED:12/04/2023

ORDER

WP.No.4263 of 2023

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DISPOSING THE WP WITHOUT COSTS