

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: 5493 OF 2022**

**Between:**

Ravula Malleswara Rao, S/o. Peda Venkata Kotaiah Aged 51 Years,  
R/o. 1-87, Tellapadu Village Nuzendla Mandal, Guntur District

**...PETITIONER**

**AND**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation and CAD Department, Secretariat Velagapudi, Amaravati, Guntur District
2. The Principal Secretary, Finance and Planning Department Government of Andhra Pradesh, Secretariat Velagapudi, Amaravati, Guntur District.
3. The Secretary to the Government of Andhra Pradesh, Water Resources (CADA) Department, Secretariat Velagapudi, Amaravati, Guntur District
4. The Director of Works and Accounts Government of Andhra Pradesh, Finance Department Anjaneya towers, Ibrahimpatnam, Vijayawada
5. The District Collector, Guntur District, at Guntur
6. The Pay and Accounts Officer, Guntur, Guntur District

7. The Executive Engineer, Irrigation Division Guntur, Guntur District.

8. The Deputy Executive Engineer, Irrigation Department M.I. Sub-Division, Narasaraopeta, Guntur District

9. The Assistant Executive Engineer, Irrigation Department Vinukonda, Guntur 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 an order, writ or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the approved bill amount to the petitioner's husband in respect of Agreement Nos. 259/2018-19 Dated 17.01.2019 and 258/2018-19 dated 17.01.2019 in relation to the execution of works under Neeru Chettu Programme-Construction of Checkdams near a/c Bhamukunta Vagu near K. Pedda Venkateswarlu field in Inavolu (V) in Nuzendla Mandal of Guntur District and Construction of Checkdams near a/c Errabothula Vagu near Revella Venkaiah field in Inavolu (V) in Nuzendla Mandal of Guntur District respectively, in spite of approval of final bill and cancelling the Bill Nos. 2019-682309 and 2019-685440 without assigning any reason, as illegal, arbitrary, malafidy, against to the principles of natural justice, contrary to law and in violation of Article 14, 21 and 19(g) of the Constitution of India and consequently direct the respondents to pay the approve bill amount for the said work to the petitioner forthwith in the interest of justice.

### IA NO: 1 OF 2022

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 the respondents to take steps for payment of approved

billsto the petitioner in relation to the execution of works under "NeeruChettu" Program- Checkdams near a/c Bhamukunta Vagu near K. Pedda Venkateswarlu field in Inavolu (V) in Nuzendla Mandal of Guntur District and Construction of Checkdams near a/c Errabothula Vagu near Revella Venkaiah field in Inavolu (V) in Nuzendla Mandal of Guntur District respectively, pending disposal of the Writ Petition.

**Counsel for the Petitioner: SRI. KAMBHAMPATI RAMESH BABU**

**Counsel for the Respondent No.1, 3, 5, 7 to 9: GP FOR IRRIGATION  
COMM AREA DEV**

**Counsel for the Respondent No.2, 4, 6: GP FOR FINANCE AND  
PLANNING**

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION No.5493 Of 2022**

**ORDER:-**

1. The petitioner seeks writ of mandamus to declare the action of the respondents in withholding and not releasing an amount covered under Agreement Nos.259/2018-19 and 258/2018-19, dated 17.01.2019, even after execution of work, as illegal, arbitrary and violative of principles of natural justice and for a consequential direction.
2. The petitioner's case is that, the petitioner has undertaken certain repair works in East Godavari District and successfully completed those works. On completion of the agreed works, the respondent authorities did not pay the amount till date. Though the works were completed long back and the default liability period of two years was also completed, still, the respondent authorities have not returned the amount. Hence, the writ petition is preferred seeking a direction to the respondents to pay the amount with interest.
3. Heard. No counter is filed by the respondents.
4. As can be seen, the petitioner's case is a pitiable one. The petitioner has successfully completed the agreed works to the

satisfaction of the authorities. However, the bill amount was withheld and not returned, most importantly, without any reason.

5. Though this Court passed an interim order on 04.03.2022, directing the respondents to pay the finalized and approved bill amount as per the M-Book and Quality Control Certificate to the petitioner, within a period of six (06) weeks, the same was not paid. It is imperative for public authorities to recognize their responsibility and promptly fulfil contractual obligations by paying the agreed-upon amounts to contractors. Failing to do so not only jeopardizes future contractor engagement but also undermines the quality of work delivered. In the present case, the withholding of the bill amount lacks justification. Therefore, it is only fair for the petitioner to receive the payment owed to them, along with interest.

6. Hence, writ petition is disposed of, directing the respondent authorities to pay the amount covered under Agreement Nos.259/2018-19 and 258/2018-19, dated 17.01.2019, 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.

7. It would also be open to the petitioner to agitate his claim differential amount/higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

8. Consequently, miscellaneous applications pending, if any, shall stand closed.

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SD/- K. TATA RAO  
DEPUTY REGISTRAR

  
SECTION OFFICER

To,

1. The Principal Secretary, Irrigation and CAD Department, State of Andhra Pradesh, Secretariat Velagapudi, Amaravati, Guntur District
2. The Principal Secretary, Finance and Planning Department Government of Andhra Pradesh, Secretariat Velagapudi, Amaravati, Guntur District.
3. The Secretary to the Government of Andhra Pradesh, Water Resources (CADA) Department, Secretariat Velagapudi, Amaravati, Guntur District
4. The Director of Works and Accounts Government of Andhra Pradesh, Finance Department Anjaneya towers, Ibrahimpatnam, Vijayawada
5. The District Collector, Guntur District, at Guntur

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6. The Pay and Accounts Officer, Guntur, Guntur District
  7. The Executive Engineer, Irrigation Division Guntur, Guntur District.
  8. The Deputy Executive Engineer, Irrigation Department M.I. Sub-Division, Narasaraopeta, Guntur District
  9. The Assistant Executive Engineer, Irrigation Department Vinukonda, Guntur District
  10. One CC to SRI. KAMBHAMPATI RAMESH BABU Advocate [OPUC]
  11. Two CCs to GP FOR IRRIGATION COMM AREA DEV, High Court Of Andhra Pradesh. [OUT]
  12. Two CD Copies

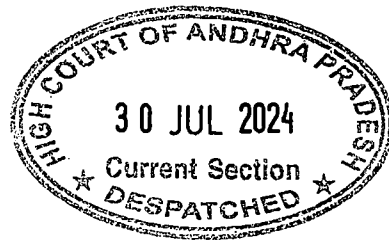
MBT

**HIGH COURT**

**DATED:19/02/2024**

**ORDER**

**WP.No.5493 of 2022**



**DISPOSING THE W.P  
WITHOUT COSTS**