

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



MONDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 6883 OF 2023

Between:

M V Raja Ram, S/o M.Venkataswamy Naidu, age 51 years, Occ. Contractor, R/o Tiruvanampalli Village, Kanipakam Post, Irala Mandal, Chittoor District.

...PETITIONER

AND

1. The State Of Andhra Pradesh, Rep. by Principal Secretary, Panchayatraj and Rural Development, Secretariat Buildings, Velagapudi, Amaravathi.
2. The Commissioner, Panchayatraj and Rural Development, State of Andhra Pradesh, Nakkal Road, Suryaraopet, Vijayawada, Krishna District.
3. The District Collector (Panchayatraj wing), Chittoor District at Chittoor.
4. The Executive Engineer, PRI Division, Chittoor District at Chittoor.
5. The Vadrampalli Gram Panchayat, Rep. by its Secretary, (then Special Officer- cum-Extension Officer, under MGNREG)Vadrampalli Village, Irala Mandal, Chittoor District
6. The Union of India, Rep. by its Secretary, Rural Development Department, Government of India, Krishi Bhavan, Dr.Rajendra Prasad Road, New Delhi- 110001, INDIA.

...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 appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in non-payment of Rs.27,12,241/- under M.Book No.1788/A, for the material cost supplied by the petitioner for providing BT Surface to the Road from Karakampalli Road to Muturavari Indlu Reach-2 of Irala Mandal, Chittoor District, as illegal, arbitrary, violation of principles of natural justice, contrary to the Rules and Regulations contemplated there under and consequently direct the respondents to pay an amount of Rs.27,12,241/- including holdings amounts along with interest under M.Book No.1788/A.

IA NO: 1 OF 2023

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 initiate proceedings to issue pass order, upload the amounts enable to pay an amount of Rs.27,12,241/- including holdings amounts along with interest under M.Book No.1788/A, through proper channel, pending disposal of the Writ Petition.

Counsel for the Petitioner(s): SRI. K V L NARASIMHA RAO

Counsel for the Respondents 1 to 4 : GP FOR PANCHAYAT RAJ RURAL DEV

Counsel for the Respondent No.5 : SRI G VENKAT REDDY, SC FOR GRAM PANCHAYAT

Counsel for the Respondent No.6 : SRI HARINATH N, DEPUTY SOLICITOR GENERAL OF INDIA

The Court made the following: ORDER

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.6883 of 2023

ORDER:

The petitioner had been awarded the contract for providing BT Surface to the road from Karakampalli road to Mutturavari Indlu Reach-2 of Irala Mandal, Chittoor District, under an agreement dated 03.12.2018. After execution of the said work, a final bill for Rs.27,12,241/- 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 Panchayat Raj, 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/- U. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayatraj and Rural Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi.
2. The Commissioner, Panchayatraj and Rural Development, State of Andhra Pradesh, Nakkal Road, Suryaraopet, Vijayawada, Krishna District.
3. The District Collector (Panchayatraj wing), Chittoor District at Chittoor.
4. The Executive Engineer, PRI Division, Chittoor District at Chittoor.
5. The Secretary, (then Special Officer- cum-Extension Officer, under MGNREG), Vadrampalli Gram Panchayat, Vadrampalli Village, Irala Mandal, Chittoor District.
6. The Secretary, Union of India, Rural Development Department, Government of India, Krishi Bhavan, Dr.Rajendra Prasad Road, New Delhi- 110001, INDIA.
7. One CC to SRI. K V L NARASIMHA RAO Advocate [OPUC]
8. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court of Andhra Pradesh [OUT]
9. One CC to SRI G VENKAT REDDY, SC FOR GRAM PANCHAYAT [OPUC]
10. One CC to SRI HARINATH N, DEPUTY SOLICITOR GENERAL [OPUC]
11. Two CD Copies

MSR
PV

Vikram

HIGH COURT

DATED:01/05/2023

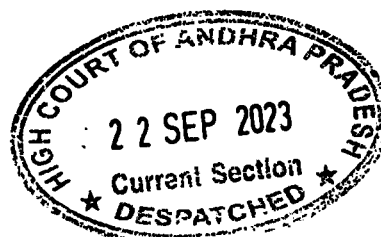
ORDER

WP.No.6883 of 2023

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WITHOUT COSTS**