

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

WEDNESDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR
PRESENT



THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10563 OF 2022

Between:

D. Veeranjanyulu, S/o. D Eswaraiah, Aged about 35 years, Occ: Contractor,
R/ o. 5-102, Taduru, Chanugondla, Kurnool District, Pincode- 518464.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary,
Department of Irrigation (Water Resources Department), Secretariat
Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Finance and Planning, Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District.
3. The Superintendent Engineer, Irrigation Circle, Kurnool, Kurnool
District.
4. The Executive Engineer, M.I.Works Division, Kurnool, Kurnool District.
5. The Chief Executive Officer, AP CFMS Office, 6th Floor, C-Block,
Anjaneya Towers, Ibrahimpatnam, Krishna 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 a **WRIT OF MANDAMUS** or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of net balance amount Rs.5,97,559/- vide M Book number 969, even after finalizing the bills, payable to the petitioner in relation to the

works i.e., Desilting and jungle clearance of Gaddavanka(Vagu-1) (from ch.Km.0.00 to Km 2.100) near Kothaburju (v) Dhone (M) of Kurnool District, Vide Agreement No.1845 /2018-19, dated 03.11.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider f payment of amounts of Rs.5,97,559/- vide M Book number 969 wit interest @24% per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith.

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 to direct the respondents to consider for payment of amount of Rs.5,97,559/- vide M Book number 969 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Desilting and jungle clearance of Gaddavanka(Vagu-1) (from ch.Km.0.00 to Km 2.100) near Kothaburju (v) Dhone (M) of Kurnool District, Vide Agreement No.1845 /2018-19, dated 03.11.2018, forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. BATHALA RAMESH

**Counsel for the Respondent Nos. 1, 3 & 4: GP FOR IRRIGATION & COMM
AREA DEVELOPMENT**

Counsel for the Respondent Nos. 2 & 5: GP FOR FINANCE & PLANNING

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.10563 OF 2022

ORDER:

1. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.
2. When the matter is taken up for hearing, learned Government Pleader for Finance and Planning, on oral instructions submitted that respondent authorities paid the total due amount claimed by the petitioner.
3. On the other hand, learned counsel for the petitioner submits that the respondents paid the principal amount, but not paid the interest as claimed by the petitioner.
4. In view of the submissions made by the learned counsel for the petitioner and learned Government Pleader that the principal amount was already paid as claimed by the petitioner and also the contention of the learned Government Pleader that the further claim of interest for delayed payment can be agitated by way of initiation of separate/fresh legal proceedings is also valid and sustainable.
5. In view of the facts and circumstances and for the reasons stated above, the present Writ Petition is infructuous, granting liberty to the petitioner to claim differential amount/withheld amount or interest amount, if any, by way of initiation of fresh/separate legal proceedings in accordance with law. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

**Sd/- K. KASI RAO ACHARI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri. Bathala Ramesh, Advocate [OPUC]
2. Two CCs to GP for Irrigation & Command Area Development, High Court of Andhra Pradesh. [OUT]
3. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
4. **Three CD Copies.**

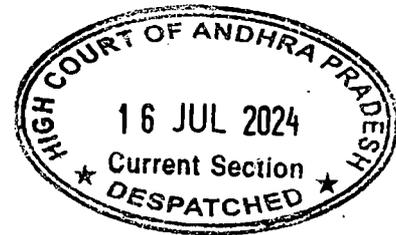
gl

HIGH COURT

DATED:07/02/2024

ORDER

WP.No.10563 of 2022



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**