

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

FRIDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.8403 of 2022

Between:

N Anjaneyulu, S/o. N. Obireddy, Aged about 57 Years, Occ: Contractor,
R/o.D. 12/112, 12-Wardum, Mirzapuram Village, Kothacheruvu Mandal,
Anantapuramu 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, Guntur District.
3. The Engineer-In-Chief (Irrigation), Water Resources Department, Vijayawada, Krishna District.
4. The Superintendent Engineer, Water Resources Department, Irrigation Circle, Anantapur, Anantapur District.

5. The Executive Engineer, Water Resources Department, Nellore Central Division, Anantapur, Anantapur 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 withholding the payment of amounts payable to the petitioner in relation to the execution of works i.e., "Neeru Chettu such as Desilting work in feeder channels (Kolhapuramma vanka and kaluvamadi Vanka) to feed Ramas Cheruvu near Talamarla Village In Kothacheruvu Mandal, Anantapuramu District" 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 of Rs. 4,45,223/- due to the petitioner in respect of execution of afore mentioned works forthwith.

IA NO: 2 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 extend the time limit for implementation of the interim orders dated 06-04-2022 in IA No.1/2022 in WP No.8403/2022 for payment of amount for further period of four months from now onwards

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 forthwith release the bill amounts to the petitioner in relation to the execution of works i.e vide Agreement No. 244/2018-19 dated 29-10-2018 for an amount of Rs. 4,45,223/- pending disposal of the above writ petition.

Counsel for the Petitioner : Sri Bandi Srihari

Counsel for the Respondent Nos.1, 3, 4 & 5 : GP for Irrigation

Counsel for the Respondent Nos.2 & 6 : GP for Finance

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITON No.8403 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 and the contempt proceedings initiated in C.C.No.1799 of 2022 were also closed.
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, contempt proceedings were closed 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 dismissed as 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.

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

//TRUE COPY//

SD/- P.U.V.BHASKARA RAO
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. One CC to Sri Bandi Srihari, Advocate [OPUC]
2. Two CCs to GP for Irrigation, High Court of Andhra Pradesh. [OUT]
3. Two CCs to GP for Finance, High Court of Andhra Pradesh. [OUT]
- 4. Three CD Copies**

TK

HIGH COURT

DATED:09/02/2024

ORDER

WP.No.8403 of 2022



**DISMISSING THE WRIT PETITION AS INFRUCTUOUS
WITHOUT COSTS**