



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

MONDAY, THE TWENTY THIRD DAY OF AUGUST  
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND  
WRIT PETITION No: 17374 OF 2021

Between:

Veerla Krishna, S/o.Peda Bapanna, Hindu, Male, Age- H.No.1-61, Akula Vari  
Veedhi, Prathipadu Village, Pentapadu Mandal, West Godavari District. 534 146.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principle Secretary to Government Panchayat Raj and Rural Development Department, A.P. Secretariat, Velagapudi, Amaravathi.
2. The Commissioner, Panchayat Raj and Rural Development Department, Office at Nakkal Road, Suryarao Peta, Vijayawada.
3. The District Collector, West Godavari District at Eluru.
4. The Project Director, District Rural Development Authority (D.R.D.A), West Godavari District at Eluru.
5. The District Programme Co-ordinator, M.G.N.R.E.G Scheme, West Godavari District at Eluru.
6. The Programme Officer, Under M.G.N.R.E.G Scheme, Pentapadu Mandal, West Godavari District.
7. The Executive Engineer, P.R.I. Division, M.G.N.R.E.G Scheme, West Godavari District at Eluru.
8. The Prathipadu Gramapanchayat, Pentapadu Mandal, West Godavari District., Rep by it Secretary.
9. The Director, M.G.N.R.E.G Scheme, Ministry of Rural Development, Government of India, Krushi Bhaavan, New Delhi.

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 declare the action of the respondents in Non-compliance of FTR.Nos 8050418100700, 8050418100701 8050418100702, 8050418011784 and 8050418011785 in respect of Work ID No.057042709008080020 for the material cost supplied by the petitioner for providing Pucca Internal Roads/Streets including Drianage System and culverts Constructed in Prathipadu Village, Pentapadu Mandal, West Godavari District., as illegal, arbitrary, Violation of principles of Natural justice, contrary to the Rules and Regulations of the National Rural Employment Guarantee Act, and consequently direct to the respondents to comply with the FTR Nos 8050418100700, 8050418100701, 8050418100702, 8050418011784 and 8050418011785 in respect of Work ID No.057042709008080020.

**IA NO: 1 OF 2021**

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 2<sup>nd</sup> respondent to release the funds through a proper channel into the account of Respondent No-8 or any other concern, pending disposal of WP 17374 of 2021, on the file of the High Court.



The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Y.Soma Raju, Advocate for the Petitioner, Government Pleader for Panchayat Raj and Rural Development for the Respondent Nos.1 to 3, Sri I. Koti Reddy, Standing Counsel for Grampanchayat for Respondent No. 8, Sri P. Ravi Teja, Standing Counsel for DRDA for Respondents 4 and 7 and Sri N.Harinath, Assistant Solicitor General of India for Respondent Nos.8 and 9, the Court made the following.

#### **ORDER**

Heard learned counsel for the petitioner and the learned counsel appearing for the respondents.

This Writ Petition has been filed against the action of the respondents in not clearing the bills submitted by the petitioner after execution of works pursuant to the agreement entered by him with the respondents and for non-payment of the amounts for which the petitioner is legitimately entitled.

It is brought to the notice of this Court by the learned counsel for the petitioner that the works executed by the petitioner under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)/Contract Works prior to 2019 and he submitted bills to the concerned officers, but till date payments are not made.

As per the scheme to make payments for material components, the Government of India has to contribute 75% and the State Government has to contribute 25%.

Sri N. Harinath, learned Assistant Solicitor General appearing on behalf of Government of India, filed an affidavit before this Court in which it is stated that they are releasing their share regularly to the State Government and the State Government has to make payments by adding 25% of State Government share to the works executed by the petitioner.

Learned Advocate General for the State submits that around 7,60,000 works executed during the period 2018-2019, the State Government is conducting enquiry and due to that reason, there is some delay in making payments. In all the cases, in which no enquiry is pending, they are taking steps to make payments.

Learned counsel for the petitioner submits that there is no dispute in respect of the work executed by the petitioner and the bill amount and no enquiry is pending against the petitioner.

Having regard to the rival contentions made by the respective counsel, this Court unable to understand why the petitioner is being deprived of without making payment for the works executed by him. After receipt of 75% of funds from the Government of India, it is the duty of the State Government to make payment for the execution of works after adding 25% of State share to the funds released by the Central Government as per the scheme.

In the considered opinion of this Court, withholding the amount for which the petitioner is legitimately entitled is nothing but depriving the petitioner. Due to illegal action of non-payment of the amounts promptly by clearing the bills submitted by the petitioner after execution of works, the petitioner could not feed and see the welfare of his family properly and he could not make payments to his employees/workers and he could not make



payments to the material suppliers and he has to pay interests for the debts incurred by him for execution of works. Due to this situation, petitioner's respect and dignity in the society will be deteriorated. As such, the petitioner's right to life with respect and dignity will be defeated which is violative of Article 21 of the Constitution of India.

This Court by Order dated 23.08.2021 in W.P.No.19216 of 2020 (in the case of S. Srinivas v State of Andhra Pradesh and others) held that withholding the amount for which the petitioner is legally entitled, is illegal, arbitrary and unjust and violative of Article 21 of the Constitution of India.

Accordingly, there shall be interim direction to the respondents to clear the bills submitted by the petitioner for the works executed by him under Mahatma Gandhi National Rural Employment Guarantee scheme/Contract Works and make payment to the petitioner within a period of two weeks from today.

**Post the Writ Petition after Two (02) Weeks.**

**SD/- K.SRINIVAS RAJU**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**For ASSISTANT REGISTRAR**

**To,**

1. The Principle Secretary to Government Panchayat Raj and Rural Development Department, A.P. Secretariat, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Commissioner, Panchayat Raj and Rural Development Department, Office at Nakkal Road, Suryarao Peta, Vijayawada.
3. The District Collector, West Godavari District at Eluru.
4. The Project Director, District Rural Development Authority (D.R.D.A), West Godavari District at Eluru.
5. The District Programme Co-ordinator, M.G.N.R.E.G Scheme, West Godavari District at Eluru.
6. The Programme Officer, Under M.G.N.R.E.G Scheme, Pentapadu Mandal, West Godavari District.
7. The Executive Engineer, P.R.I. Division, M.G.N.R.E.G Scheme, West Godavari District at Eluru.
8. The Prathipadu Gramapanchayat, Pentapadu Mandal, West Godavari District., Rep by it Secretary.
9. The Director, M.G.N.R.E.G Scheme, Ministry of Rural Development, Government of India, Krushi Bhaavan, New Delhi. ( RRs 1 to 9 by RPAD).
10. One CC to SRI. Y.SOMA RAJU, Advocate for the petitioner [OPUC]
11. Two CCs to Government Pleader for Panchayat Raj and Rural Development, High Court of Andhra Pradesh.[OUT]
12. One CC to Sri I. Koti Reddy, Standing Counsel for Grampanchayat, High Court of Andhra Pradesh.[OUT]
13. One CC to Sri P. Ravi Teja, Standing Counsel for DRDA, High Court of Andhra Pradesh.[OUT]
14. One CC to Sri N.Harinath, Assistant Solicitor General of India, High Court of Andhra Pradesh.[OUT]
15. One spare copy



HIGH COURT

DEV,J

DATED:23/08/2021

ORDER

Note: Post after two weeks.

WP.No.17374 of 2021

INTERIM DIRECTION

