

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE M.VENKATA RAMANA

WRIT PETITION NO: 17178 OF 2021

Between:

Water Users Association, rep. by its present P.Madusudhana Rao, S/o. Satyanarayana
aged about 58 years, Occ President, R/o Pavularigudam, D. Tirumula Madal, West
Godavari District

...Petitioner

AND

1. The Government of Andhra Pradesh, rep. by its Principal Secretary, Finance Department, Secretariat buildings, Amaravati.
2. The Government of Andhra Pradesh, rep. by its Principal Secretary, Irrigation and Water Resources department, Secretariat buildings Amaravati.
3. The District Collector, West Godavari District, Eluru
4. The Engineer in Chief, Minor/Major, Irrigation Department, Irrigation Bhavan, Vijayawada, Krishna District.
5. The Superintendent Engineer, Irrigation Circle Office, Eluru, West Godavari District.
6. The Executive Engineer, Irrigation Division, Eluru, West Godavari 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, Order or direction more particularly one in the nature of Writ of Mandamus to declaring the inaction on the part of the respondents here in not releasing the bills amount worth of Rupees 7,47,963 with interest of Execution and completion of works for Desilting of Narappa Tank of Tirumulapalem Village of Dwarakan Tirumula Mandal of West Godavari District under Neeru Chettu Programme works as per the agreement No.34/2018-19 dt:25-6-2018 to the petitioner till today and causing heavy loss with interest even though total works were completed as illegal arbitrary and violative of Articles 14,16,21 of constitution of India and consequentially to direct the respondents to release and pay the bills worth of Rupees 7,47,963/-with interest to the petitioner forthwith as per the agreement;

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 For the reasons stated in the affidavit filed in support of the above Writ Petition it is hereby prayed that this Hon'ble Court may be pleased to direct the respondents to release and pay the bills worth of Rupees 7,47,963/-with interest to the petitioner forthwith as per the agreement, pending disposal of WP.No.17178 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and the order of the High Court, dated 05.10.2021 made herein and upon hearing the arguments of Sri Bokka Satyanarayana, Advocate for the Petitioner, GP for Irrigation and Command Area Development for the Respondents, the Court made the following.

ORDER:

Heard Sri C.Sumon, learned Special Government Pleader, Office of the Advocate General and learned Government Pleader for Irrigation and Command Area Development.

The learned Special Government Pleader now informs that steps are initiated by issuing necessary orders today by the Principal Secretary, Irrigation and Water Resources Department (2nd respondent) to carry out investigation in all the cases. By the order, dated 05.10.2021, the respondents were directed to file counter affidavits with a rider that no further time would be granted in default.

It was further directed that this Court would be forced to pass an interim order in all the pending interlocutory applications directing the respondents to meet the prayer sought therein. The Engineer-in-Chief was also directed by the same order to get a statement prepared in respect of the instances where processing the matters without any difficulty is seen without any complaint and also the instances where there is requirement of vigilance enquiry on account of the nature of works carried out.

No such statement is forthcoming till now. Very action of the 2nd respondent in initiating investigation this day demonstrates the seriousness they have attached to the order of this Court, dated 05.10.2021.

Sri C.Sumon, learned Special Government Pleader and the learned Government Pleader for Irrigation and Command Area Development have tried to persuade this Court requesting time for filing counter affidavits and not to pass interim orders. Though their entreaties required consideration in all seriousness since the Court has to trust and believe them, the same yardstick cannot be applied to the respondents/public servants in view of sheer indifference demonstrated by them in respect of the order, dated 05.10.2021.

Therefore, the following interim order. The respondents are directed to release and pay bills for the amount claimed by the petitioner, within a period of four (04) weeks from now.

//TRUE COPY//

Sd/-K.TataRao
ASSISTANT REGISTRAR
SECTION OFFICER
FOR ASSISTANT REGISTRAR

2. The Principal Secretary, Finance Department, Government of Andhra Pradesh, Secretariat buildings Amaravati.
3. The District Collector, West Godavari District, Eluru
4. The Engineer in Chief, Minor/Major Irrigation Department Irrigation Bhavan, Vijayawada, Krishna District.
5. The Superintendent Engineer, Irrigation circle office, Eluru, West Godavari District.
6. The Executive Engineer, Irrigation Division, Eluru West Godavari District.
(Addressee Nos 1 to 6 by RPAD)
7. One CC to Sri. Bokka Satyanarayana, Advocate [OPUC]
8. Two CCs to GP for Irrigation and Command Area Development, High Court Of Andhra Pradesh. [OUT]
9. One spare copy

SRL

HIGH COURT

MVR,J

DATED:28/10/2021

**NOTE: LIST THIS MATTER FOUR (04) WEEKS LATER FOR FILING COUNTER
AFFIDAVITS BY THE RESPONDENTS**

ORDER

WP.No.17178 of 2021

DIRECTION

