

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

TUESDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 17178 OF 2021

Between:

Water Users Association, rep.by.its President P. Madusudhana Rao S/o. satyanarayana aged about 58 years Occ President r/o Pavularigudam, D. Tirumula Madal West Godavari Dist

...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 Dist.
5. The Superintendent Engineer, Irrigation circle office, Eluru, West Godavari Dist.
6. The Executive Engineer, Irrigation Division, Eluru West Godavari Dist

...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 DwarakanTirumula Mandal of west godavari dist. 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 article 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 fourthwith as per the agreement and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.

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 the above writ petition and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.

Counsel for the Petitioner :SRI BOKKA SATYANARAYANA KAMLA

Counsel for the Respondent No.1: GP FOR FINANCE PLANNING

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondents Nos.4 to 6: GP FOR IRRIGATION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.17178 OF 2021

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 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 closed, granting liberty to the petitioner to claim the 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/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

for chsn
SECTION OFFICER

To,

1. One CC to SRI BOKKA SATYANARAYANA KAMLA Advocate [OPUC]
2. Two CCs to GP FOR FINANCE PLANNING ,High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
4. Two CCs to GP FOR IRRIGATION ,High Court Of Andhra Pradesh. [OUT]
5. Three CD Copies

GSR

Pujitha

HIGH COURT

GSR

DATED:29/08/2023

ORDER

WP.No.17178 of 2021

10 copies
TP
17/10/2023

CLOSED THE WRIT PETITION WITHOUT COSTS

