

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

[3207]

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 19499 OF 2021



Between:

K.V.V. Chowdry, S/o Sita Ramakrishna aged about 40 years R/o 3-64, Neeladriraopeta,
Gandepalle Mandal, East Godavari District

Petitioner

AND

1. The Government of Andhra Pradesh, rep. by its Principal Secretary Panchayat and Rural Development Department Secretariat buildings Amaravati.
2. The Commissioner of Panchayat Raj and Rural development, Government of Andhra Pradesh, Amaravathi
3. The District Collector, East Godavari District, Kakinada.
4. The Superintendent Engineer Panchayat Raj Circle Office, Kakinada, East Godavari District.
5. The Executive Engineer, Panchayat Raj Division Rajamahendrapuram, East Godavari District
6. The Government of Andhra Pradesh, Rep. by its Principal Secretary, Finance Department, Secretariat buildings Amaravati.
7. The Union of India, Rep. by its Secretary, Central Secretariat, Secretariat buildings New Delhi, India.
8. The Neeladriraopeta, Grampanchayat rep. by its Secretary, Gandepalle Mandal East 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 herein not releasing the bill amounts worth of rupees 11,58,000/- with interest under MGNREGS with G.P. to the petitioner till today after completion of Execution of works of laying the internal CC Roads, in the area of Respondent No.8 grampanchyats and causing heavy loss with interest even though total works were completed with in time as illegal arbitrary and violative of article 14,16,21 of constitution of India and consequentially direct the respondents to release and pay the amounts of worth of rupees 11,58,000/- with interest under MGNREGS with G.P. forthwith to the petitioner

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 respondents to release and pay the amounts of worth of rupees 11,58,000/-with interest under MGNREGS with G.P. forthwith to the petitioner, pending disposal of WP 19499 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 SRI BOKKA SATYANARAYANA Advocate for the Petitioner, and of GP FOR PANCHAYAT RAJ for the Respondents 1 to 5, GP FOR FINANCE for Respondent No.6, SRI I KOTI REDDY Standing Counsel for Respondent No.8, the Court made the following.

ORDER:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND**Writ Petition No.19499 of 2021****ORDER:-**

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

- 2) 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.
- 3) 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.
- 4) 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%.
- 5) 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.

6) 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.

7) 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.

8) 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.

9) 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.

10) 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.

11) 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 this Writ Petition after two(2) weeks.

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISATNT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary Panchayat and Rural Development Department, Government of Andhra Pradesh, Secretariat buildings Amaravati.
2. The Commissioner of Panchayat Raj and Rural Development, Government of Andhra Pradesh, Amaravathi
3. The District Collector, East Godavari District, Kakinada.
4. The Superintendent Engineer Panchayat Raj Circle Office, Kakinada, East Godavari District.
5. The Executive Engineer, Panchayat Raj Division Rajahmahendrapuram, East Godavari District
6. The Principal Secretary, Finance Department, Government of Andhra Pradesh, Secretariat buildings Amaravati.
7. The Secretary, Union of India, Central Secretariat, Secretariat buildings New Delhi, India.
8. The Secretary, Neeladriraopeta, Grampanchayat, Gandepalle Mandal East Godavari District (Addresses 1 to 8 by RPAD)
9. One CC to SRI BOKKA SATYANARAYANA Advocate [OPUC]
10. Two CCs to GP FOR PANCHAYAT RAJ, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP FOR FINANCE, High Court of Andhra Pradesh [OUT]
12. One CC to SRI I KOTI REDDY, Standing Counsel [OPUC]
13. One CC to SRI N HARINATH, Assistant Solicitor [OPUC]
14. Two CCs to Advocate General, High Court of AP [OUT]
15. One spare copy

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ORDER

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