

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 21282 OF 2021



Between:

G Sudhakar, S/o late Purushotham Naidu, age 48 years, Occ. Contractor & Cultivation, R/o Diguvamaredupalle Village, Thavanampalle Mandal, Chittoor District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary, Panchayatraj and Rural Development, Secretariat Buildings, Velagapudi, Amaravathi.
2. The Commissioner, Panchayatraj and Rural Development, State of Andhra Pradesh, Nakkal Road, Suryaraopet, Vijayawada, Krishna District.
3. The District Collector (Panchayatraj wing), Chittoor District at Chittoor.
4. The Superintending Engineer, PRI Division, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Chittoor District at Chittoor.
5. The Executive Engineer, PRI Division, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Chittoor District at Chittoor.
6. The Union of India, Rep. by its Secretary, Rural Development Department, Government of India, Krishi Bhavan, Dr.Rajendra Prasad Road, New Delhi - 110001, INDIA.
7. The Director, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Ministry of Rural Development, Government of India, Krishi Bhavan, New Delhi.
8. The Divisional Accounts Officer (Works), PTU Division, Chittoor District, Chittoor.

...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 declaring the action of the respondents in non-compliance of M Book No.3423/B, dated 04-11-2019, for the works done by the petitioner by providing the B.T. renewals to road from MCB Road to Chittoor Tiruthani road via 197 Ramakuppam, Chittoor 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 the respondents to comply with the M Book No.3423/B, dated 04-11-2019.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 2nd respondent to release the funds through a proper channel, pending disposal of WP 21282 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 K V L Narasimha Rao, Advocate for the Petitioner, GP for Panchayat Raj for the Respondent Nos.1 to 5, Sri N. Harinath, Asst. Solicitor General for Respondent Nos.6 & 7 and GP for Finance & Planning for Respondent No.8, the Court made the following;

ORDER:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

Writ Petition No.21282 of 2021

ORDER:-

01. Heard learned counsel for the petitioner and the learned counsel appearing for the respondents.
02. 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 prior to 2019 pursuant to the agreement entered by him with the respondents and for non-payment of the amount for which the petitioner is legitimately entitled.
03. 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.
04. 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 amount 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 payment to the material suppliers and he could not 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.

5. 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.

6. Accordingly, there shall be interim direction to the respondents to clear the bills submitted by the petitioner for the contract works executed by him and make payment to the petitioner within a period of two weeks from today.

7. Post this Writ Petition along with W.P.No.11511 of 2021 and batch.

//TRUE COPY//

Sd/-B.Narsinga Rao
ASSISTANT REGISTRAR

SECTION OFFICER

For

To,

1. The State of Andhra Pradesh, Rep. by Principal Secretary, Panchayatraj and Rural Development, Secretariat Buildings, Velagapudi, Amaravathi.
2. The Commissioner, Panchayatraj and Rural Development, State of Andhra Pradesh, Nakkal Road, Suryaraopet, Vijayawada, Krishna District.
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6. The Union of India, Rep. by its Secretary, Rural Development Department, Government of India, Krishi Bhavan, Dr.Rajendra Prasad Road, New Delhi - 110001, INDIA.
7. The Director, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Ministry of Rural Development, Government of India, Krishi Bhavan, New Delhi.
8. The Divisional Accounts Officer (Works), PTU Division, Chittoor District, Chittoor.
- (1 to 8 by RPAD)
9. One CC to Sri. K V L Narasimha Rao, Advocate [OPUC]
10. One CC to Sri N. Harinath, Asst. Solicitor General [OPUC]
11. Two CCs to GP for Panchayat Raj, High Court of Andhra Pradesh. [OUT]
12. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
13. One spare copy.

MSB

HIGH COURT

DEV,J

DATED:24/09/2021

ORDER

WP.No.21282 of 2021

INTERIM DIRECTION

