

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

THURSDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 24001 OF 2022



Between:

Pulagam Ramesh Kumar Reddy, S/o. Ramasubbareddy, Aged about 50 years, Occ: Cultivator, R/o. 2/138/1, Narasingarao Peta, Gudur, SPSR Nellore District, Pin Code. 524 101.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary, Panchayat Raj and Rural Development, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The District Collector, Nellore, SPSR Nellore District.
4. The Executive Engineer, PRI Division, Nellore, SPSR Nellore District.
5. The Panchayath Sarpanch, Kattuvapalli Gram Panchayath, Manubolu Mandal, SPSR Nellore District.
6. The Panchayath Secretary, Kattuvapalli Gram Panchayath, Manubolu Mandal, SPSR Nellore 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of net balance amount Rs.1,18,104/- vide M Book No.945-B/2017-18 and Rs.1,35,000/- vide M Book No.843/B/17-18, even after finalizing the bills, payable to the petitioner in relation to the works i.e., Construction of internal CC roads in Kattuvapalli B.C. Colony in Manubolu (M), under SDF and 14th Finance GP Grant, vide Work ID No.097073119018080014 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.1,18,104/- vide M Book No.945-B/2017-18 and Rs.1,35,000/- vide M Book No.843/B/17-18 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of above-mentioned works forthwith.

IA NO: 1 OF 2022

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 please to direct the respondents to consider for payment of amount of Rs.1,18,104/-

vide M Book No.945-B/2017-18 & Rs.1,35,000/- vide M Book No.843/B/17- 18 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. Construction of internal CC roads in Kattuvapalli B.C. Colony in Manubolu (M), under SDF and 14th Finance GP Grant, vide Work ID No.097073119018080014, forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner : SRI BATHALA RAMESH

Counsel for the Respondent Nos.1, 3 & 4: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

Counsel for the Respondent No.2 : GP FOR FINANCE & PLANNING

**Counsel for the Respondent No.s 5 & 6: SRI V. VINOD K. REDDY,
SC FOR GRAM PANCHAYAT**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE BATTU DEVANAND**WRIT PETITION No. 24001 of 2022****ORDER:-**

Heard learned counsel for the petitioner and the learned counsel appearing for the respondents. Perused the material available on record.

2) The issue raised in the present writ petition is squarely covered by the order of this Court in **Rayapureddy Srinivasa Rao and others vs. Government of Andhra Pradesh, rep. by its Principal Secretary to Government and others and batch¹** in which the writ petitions were allowed with the following directions:

- i) *The Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 issued by the Respondent No.1 are set aside to the extent of deduction of 21.02% for DCC works and 6.333% for MCC works while making payment to the petitioner.*
- ii) *The respondents are directed to clear the bills submitted by the petitioner and to release payment forthwith, in case no payment is made till date.*
- iii) *In case, any part payment is made as on date, the remaining amount shall be paid to the petitioner forthwith.*
- iv) *The respondents shall pay interest @ 12% per annum within a period of four (4) weeks from the date of receipt of a copy of this order.*

¹ 2021 SCC OnLine AP 3084

- v) *The interest shall be computed from the date of expiry of one month from the date of submission of the bill by the petitioner to till the date of final payment.*

3) Against the above said order, several writ appeals are filed and in one of the writ appeals (i.e.) W.A.No.724 of 2021, a Division Bench of this Court has passed an interim order, dated 18.11.2021 as extracted hereunder:

"The direction of the learned Single Judge regarding payment of interest to the respondent no.1 as also setting aside the provision in Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No. 1388361/RD.II/A1/2020, dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, while making payment, shall remained stayed.

*On a query of the Court, learned Advocate General submitted that the direction of the learned Single Judge as far as payment of the principal amount of the bills raised by the original writ petitioner, in terms of the order of the Division Bench in **Krishna District Grama Panchayathi Sarpanchla Sangam (supra)**, shall be made within four weeks, if already not done.*

The matter be listed for hearing in due course.

It is clarified that the appellants shall comply with the rest of the directions issued by the learned Single Judge in the judgment under appeal."

4) Subsequently, a Division Bench of this Court headed by the Hon'ble Chief Justice while hearing the Writ Appeal Nos.740 and 741 of 2021, having considered the order passed in W.A.No.724 of 2021, the following order is passed:

"Considering the facts and circumstances of the case and having regard to the interim order passed by the Coordinate Bench, we direct that the said interim order shall apply for the present writ appeals also, however, with a condition that the appellants shall pay the principal amount of the bill raised by the original writ petitioners, within a period of four weeks, failing which the present interim order shall stand vacated without reference to the bench."

5) The respective learned counsel appearing for the petitioner and the respondents have consented to dispose of the writ petition by following the order, dated 24.11.2021, passed by a Division Bench of this Court in W.A.Nos.740 and 741 of 2021.

6) The learned counsel appearing for the petitioner sought permission of this Court to grant liberty to the petitioner to renew his claim with regard to the interest part after disposal of the writ appeals.

7) The learned counsel for the petitioner requested the Court to clarify the applicability of the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021.

8) The learned Government Pleader for Panchayat submitted that the said Memos are issued for the works executed under "Mahatma Gandhi National Rural Employment Guarantee Scheme".

9) It is made clear that the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 are applicable to the works executed under "Mahatma Gandhi National Rural Employment Guarantee Scheme" only.

10) Accordingly, the writ petition is disposed of with the following direction:

The Respondents shall pay the principal amount of the bill raised by the writ petitioner within a period of four (4) weeks.

11) The writ petitioner is at liberty to renew/raise/agitate his right with regard to interest aspect, etc., after disposal of the writ appeals.

12) There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this case shall stand closed.

Sd/-V.SAVITHRI GOWRI
ASSISTANT REGISTRAR


//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The District Collector, Nellore, SPSR Nellore District.
4. The Executive Engineer, PRI Division, Nellore, SPSR Nellore District.
5. The Panchayath Sarpanch, Kattuvapalli Gram Panchayath, Manubolu Mandal, SPSR Nellore District.
6. The Panchayath Secretary, Kattuvapalli Gram Panchayath, Manubolu Mandal, SPSR Nellore District.
7. One CC to Sri Bathala Ramesh, Advocate [OPUC]
8. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
10. One CC to Sri V.Vinod K. Reddy, SC for Gram Panchayat (OPUC)
11. Two C.D. Copies.

Cnr

mmb 

HIGH COURT

DATED:18/08/2022

ORDER

WP.No.24001 of 2022



**DISPOSING OF THE W.P.
WITHOUT COSTS**

14
25/8/22
TF