



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

[3311]

MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 19273/2024

Between:

1.G.PENCHALAI AH, S/o. G.NARASIMHULU, AGED ABOUT 36 YEARS,
OCC CONTRACTOR, R/O. RAMALYAM TEMPLE, IRLAPADU,
MARRIPADU, IRLAPADU, NELLORE, ANDHRA PRADESH, PINCODE
524312.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF
SECRETARY, DEPARTMENT OF IRRIGATION (WATER
RESOURCES DEPARTMENT), 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 SUPERINTENDENT ENGINEER, IRRIGATION CIRCLE,
NELLORE, SPSR NELLORE DISTRICT.
- 4.THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ATMAKUR,
SPSR NELLORE DISTRICT.
- 5.THE CHIEF EXECUTIVE OFFICER, AP CFMS OFFICE, 6TH FLOOR,
C-BLOCK, ANJANEYA TOWERS, IBRAHIMPATNAM, KRISHNA
DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1. Bathala Ramesh

Counsel for the Respondent(s):

1. GP for Irrigation and CAD
2. GP for Finance Planning

The Court made the following:**ORDER:**

This writ petition is filed seeking the following relief:

“...to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the Respondents not releasing the payment of balance amount of Rs.7,02,998/- vide M Book No.198/ATM/F/2017-18 & CFMS No. 2018-1693517, even after finalizing the bills, payable to the petitioner in relation to the works i.e., Construction of Check Dam across Vepamanu vanka near Iskapalli Village in Marripadu Mandal of SPSR Nellore District, vide Agreement No.115/2017-18, dated 31.03.2018 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.7,02,998/- vide M Book No.198/ATM/F/2017-18 & CFMS No. 2018-1693517 with interest @ 24% per annum for the delayed amount to the petitioner in respect of execution of above mentioned work forthwith and pass....”

2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled to the aforesaid amount, no payment is made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

3. On the other hand, learned Government Pleader for Irrigation, while admitting about the claim of the petitioner, placed on record instructions received from the Executive Engineer, Irrigation Division, Atmakur vide Letter No.EE/ID/Atmakur/Neeru-Chettu/Court case, dated 18.09.2024. He submitted that budget is not released by the government yet, and that soon after the release of budget, payment will be made to the petitioner and prayed to pass appropriate orders.

4. In view of the submissions of the learned counsel for the petitioner and the learned Government Pleader for Irrigation, this Writ Petition is allowed with a direction to the respondents to release the amount of Rs.7,02,998/- to the petitioner, along with the interest as per the entitlement vide the judgment of the Division Bench of this Court in Writ Appeal No.724 of 2021 and batch of cases dated 12.10.2023, within a period of two (02) months from the date of receipt of a copy of this order.

5. It is open to the petitioner to agitate the claim for higher rate of interest, if any, payable by the respondents, before an appropriate forum. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE B.S. BHANUMATHI

Date: 23.09.2024
BSK

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THE HONOURABLE MS JUSTICE B S BHANUMATHI**WRIT PETITION NO:19273 of 2024**Date: 23.09.2024
BSK

HIGH COURT OF ANDHRA PRADESH**MAIN CASE NO : W.P.No.19273 of 2024****PROCEEDING SHEET**

| Sl. No. | Date | ORDER | OFFICE NOTE |
|--------------------|-------------|---|------------------------|
| 01. | 23.09.2024 | <p><u>BSB, J</u></p> <p>The Writ Petition is allowed. (vide separate order)</p> <p><u>B.S.BHANUMATHI,J</u></p> <p>BSK</p> | |