

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 19273 OF 2024



Between:

G. Panchalaiah, 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.

...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 not releasing the payment of balance amount of Rs.7,02,998/- vide M Book No. 198/ ATM/F/2017-18

and 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 and 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.

IA NO: 1 OF 2024

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 consider for payment amount 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 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, forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI BATHALA RAMESH

Counsel for the Respondent Nos.1,3 & 4: GP FOR IRRIGATION AND CAD

Counsel for the Respondent Nos.2 & 5: GP FOR FINANCE & PLANNING

The Court made the following: ORDER



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.

//TRUE COPY//

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Special Chief Secretary, Department of Irrigation (Water Resources Department), 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 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.
6. One CC to Sri Bathala Ramesh, Advocate [OPUC]
7. Two CCs to GP for Irrigation and CAD, High Court of A.P. at Amaravati[OUT]
8. Two CC's to GP for Finance and Planning, High Court of A.P. at Amaravati[OUT]
9. Three CD Copies.

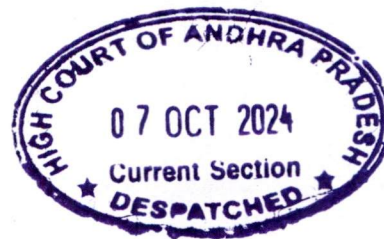
ssb

HIGH COURT

DATED:23/09/2024

ORDER

WP.No.19273 of 2024



ALLOWING THE W.P. WITHOUT COSTS