



**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: 19327/2024

Between:

1. PASUPULETI SAMBASIVA RAO, S/O PASUPULETI JAGANNADHSIM.
AGE 58 YEARS, OCC: CONTRACTOR, R/O.1-15, CHEJARLA, OPP
ELEMENTARY SCHOOL, NAKARIKALLU MANDAL, CHEJARLA,
PALNADU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, WATER RESOURCE DEPARTMENT, SECRETARIAT
BUILDINGS, AT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,
SECRETEIRIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR
DISTRICT.

3. THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, GUNTUR,
GUNTUR DISTRICT.

4. THE DIRECTOR, PAY AND ACCOUNTS, FINANCE DEPARTMENT,
ANJANEYA TOWERS, IBRAHIMPATNAM, VIJAYAWADA, KRISHNA
DISTRICT.

5. PAY AND ACCOUNT OFFICER PAO, WORKS AND ACCOUNTS,
VIJAYAWADA, KRISHNA DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.GOUTHAMI SURAPAREDDY

Counsel for the Respondent(S):

1.GP FOR IRRI 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, order or direction more particularly one in the nature of a Writ of Mandamus or any other appropriate writ, direction or order questioning the action of the respondents in not paying admitted bills an amount of Rs.12,59,461/- to the petitioner towards the work O and M - Repairs and Removal of weed from Km 22.625 to Km 31.000 of Guntur Channel and its distributaries in between Km 23.400 to Km 31.000 and Vejendla Major of Guntur Channel for the year 2020-21 under the agreement 2/2020-21, dated 18.06.2020 even after finalizing the bill, as illegal, arbitrary and violative of articles 14, 16 and 21 of constitution of India and consequentially direct the respondents to pay above said bills to petitioner forthwith...”

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, Guntur, dated

09.09.2024. He submitted that necessary LOC was requisitioned by the Office of the Executive Engineer, Irrigation Division, Guntur and that the bill of the petitioner will be processed in CFMS immediately after the release of LOC by the government, based on seniority and availability of State budget provisions 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.12,59,461/- 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
DSV

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THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO:19327 of 2024

Date: 23.09.2024
DSV

HIGH COURT OF ANDHRA PRADESH**MAIN CASE NO : W.P.No.19327 of 2024****PROCEEDING SHEET**

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