

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI
(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR



PRESENT
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 19666 OF 2023

Between:

P Anitha, W/o Ananda Reddy, aged about 44 years, Occ. Cultivation, R/o Kommaragunta Village, Karvetinagaram Mandal, Chittoor District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary (Irrigation Department), Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary (Finance Department), Secretariat Buildings, Velagapudi, Amaravathi, Chittoor District.
3. The Engineer-In-Chief (Irrigation), Water Resources Department, Vijayawada . Chittoor District.
4. The Superintendent Engineer, Water Resources Department, Irrigation Circle, Chittoor, Chittoor District.
5. The Executive Engineer, Water Resources Department, Tirupati Central Division, Tirupati, Tirupati District.
6. The Chairman, Comprehensive Financial Management System (CFMS) State of Andhra Pradesh, Ibrahimpatnam, Vijayawada.

...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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not releasing and not crediting the amounts even after finalizing the bills, payable to the petitioner in relation to the execution of works under the schem of Neeru Chettu i.e., Agreement L.S. Agreement No.399 DN/2017-18, dated 13.12.2018 as illegal, arbitrary, violation of Principles of Natural Justice, Violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the Official Respondents to pay an amount due to the petitioner in respect of execution of afore mentioned works forthwith.

IA NO: 1 OF 2023

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 forthwith release the bill amounts to the petitioner in relation to the execution of works i.e., Agreement L.S. Agreement No.399 DN/2017-18, dated 13.12.2018 pending disposal of the above writ petition.

Counsel for the Petitioner: SRI PASAPALA SUDHAKAR REDDY

Counsel for the Respondents: GP FOR IRRIGATION & CAD

Counsel for the Respondents: GP FOR FINANCE & PLANNING

The Court made the following order:



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

[3329]

FRIDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 19666/2023

Between:

P Anitha

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. PASAPALA SUDHAKAR REDDY

Counsel for the Respondent(S):

1. GP FOR IRRIGATION COMM AREA DEV

2. GP FOR FINANCE PLANNING

The Court made the following:

ORDER:

1. The petitioner had been awarded the contract of work(s) under the subject scheme in Chittoor District. After execution of the said contract, a final bill were prepared for sums of Rs.9,98,000/- as per the sanctioned orders. As the payment of the said amount has not

been made by the respondents, the petitioner has approached this Court by way of this writ petition.

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

3. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and batch had taken the view that such non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

4. On the other hand, learned Government Pleader for Irrigation would submit that the concerned authority is not cooperating to state that the factual aspect with regard to payment of the bill amount, as such, neither instructions could be obtained nor counter affidavit is filed.

5. Hence, in the absence of filing any counter affidavit/written instructions by the respondents, the right of the respondents to file counter affidavit is forfeited and this Court is left with no other option, except to proceed further without counter affidavit, despite granting

several adjournments to the respondents to file counter affidavit/written instructions.

6. In view of the facts and circumstances submitted in the affidavit, and the directions of this Court in various cases and after hearing the submissions of learned counsel for the petitioner, this Writ Petition is disposed of with a direction to the respondents to release an amount of Rs.9,98,000/- to the petitioner, along with the interest @ 6% per annum, in view of the judgment of the Hon'ble Division Bench of this Court in Writ Appeal No.724 of 2021 and batch dated 12.10.2023, within a period of six (06) weeks from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for higher rate of interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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

Sd/- M. PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Irrigation Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary (Finance Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The Engineer-In-Chief (Irrigation), Water Resources Department, Vijayawada.
4. The Superintendent Engineer, Water Resources Department, Irrigation Circle, Chittoor, Chittoor District.
5. The Executive Engineer, Water Resources Department, Tirupati Central Division, Tirupati, Tirupati District.
6. The Chairman, Comprehensive Financial Management System (CFMS) State of Andhra Pradesh, Ibrahimpatnam, Vijayawada.
7. One CC to Sri Pasapala Sudhakar Reddy, Advocate [OPUC]
8. Two CCs to GP for Irrigation & CAD, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
10. Two CD Copies

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HIGH COURT

DATED:23/02/2024

ORDER

WP.No.19666 of 2023

**DISPOSING OF THE WP
WITHOUT COSTS**

