

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 24667 OF 2022

Between:

N Srinivasulu, S/o. N Kallaiah, Aged about 47 years, Occ. Cultivator, R/o. Chinna Pattapu Palem, Chennayapalem, Kavali, SPSR Nellore District

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, Kavali, SPSR Nellore District.
5. The Panchayath Secretary, Peddapattapupalem Gram Panchayath, Kavali Mandal, SPSR Nellore District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri BATHALA RAMESH presented this 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.41,666/- vide MB No.19-C/18-19, Rs.63,303/- vide MB No.265-B/16-17, Rs.40,975/- vide MB No.15-C/18-19, Rs.63,810/- vide MB No.45-C/18-19, Rs.62,337/- vide MB No.36-C/18-19, Rs.63,810/- vide MB No.267-B/16-17, Rs.59,117/- vide MB No.23-C/17-18, Rs.63,810/- vide MB No.39-C/18-19, Rs.59,118/- vide MB No.44-C/18-19, Rs.63,810/- vide MB No.269-B/16-17, Rs.59,117/- vide MB No.49-C/18-19, Rs.63,349/- vide MB No.35-C/18-19, Rs.50,977/- vide MB No.38-C/18-19, Rs.40,975/- vide MB No.24-C/18-19, and Deposits (EMD, FSD, .. etc), even after finalizing the bills, payable to the petitioner in relation to the work ID numbers i.e., 097060509006080036, 097060509006080022, 097060509006080033, 097060509006080023, 097060509006080024, 097060509006080018, 097060509006080026, 097060509006080025, 097060509006080019, 097060509006080021, 097060509006080027, 097060509006080028, 097060509006080020 & 097060509006080034, under SDF Convergence funds is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amounts of Rs.41,666/- vide MB No.19-C/18-19, Rs.63,303/- vide MB No.265-B/16-17, Rs.40,975/- vide MB No.15-C/18-19, Rs.63,810/- vide MB No.45-C/18-19, Rs.62,337/- vide MB No.36-C/18-19, Rs.63,810/- vide MB No.267-B/16-17, Rs.59,117/- vide MB No.23-C/17-18, Rs.63,810/- vide MB No.39-C/18-19, Rs.59,118/- vide MB No.44-C/18-19, Rs.63,810/- vide MB No.269-B/16-17, Rs.59,117/- vide MB No.49-C/18-19, Rs.63,349/- vide MB No.35-C/18-19, Rs.50,977/- vide MB No.38-C/18-19, Rs.40,975/- vide MB No.24-C/18-19 with interest @24 % per annum for the delayed amount to the petitioner in respect of execution of above-mentioned works .

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri BATHALA RAMESH Advocate for the Petitioner, learned GP FOR PANCHAYAT RAJ RURAL DEV for the Respondent Nos. 1, 3 & 4, learned GP FOR FINANCE for the Respondent No.2, Sri,V. Vinod K. Reddy, learned standing counsel for Gram Panchayat for the Respondent No.5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

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, Kavali, SPSR Nellore District.
5. The Panchayath Secretary, Peddapattapupalem Gram Panchayath, Kavali Mandal, SPSR Nellore District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WRIT PETITION should not be admitted on or before 22.08.2022, on which date the case stands posted for hearing.

The Court made the following order :

Notice before admission.

Learned Government Pleader for Panchayat Raj takes notice on behalf of respondent Nos. 1, 3 and 4.

Learned Government Pleader for Finance takes notice on behalf of respondent No.2.

Sri V.Vinod K. Reddy, learned standing counsel for Gram Panchayat takes notice on behalf of respondent No.5.

Post the matter on 22.08.2022 for filing counters.

Sd/- SK. MD. RAFI
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, Kavali, SPSR Nellore District.
5. The Panchayath Secretary, Peddapattapupalem Gram Panchayath, Kavali Mandal, SPSR Nellore District. (1 to 5 by RPAD – along with copy of petition and affidavit)
6. One CC to SRI. BATHALA RAMESH, Advocate [OPUC]
7. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR FINANCE ,High Court Of Andhra Pradesh. [OUT]
9. One CC to Sri,V. Vinod K. Reddy, standing counsel [OPUC]
10. One spare copy

RVK

HIGH COURT

DEVJ

DATED:08/08/2022

NOTE : POST THE MATTER ON 22.08.2022 FOR FILING COUNTERS.

NOTICE BEFORE ADMISSION

WP.No.24667 of 2022

