

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

THURSDAY, THE EIGHTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 26845 OF 2022



Between:

Emdela Pedda Obul Reddy, S/o.Obul Reddy, Aged about 53 years, Occ: Business,  
R/o. Nerdanampadu, Marripadu Mandal, SPSR Nellore District.524230.

...PETITIONER

AND

1. The State of AP, Rep. by its Principal Secretary to Government, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The State of Andhra Pradesh Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
3. The Commissioner, Panchayat Raj and Rural Development Department, Government of Andhra Pradesh, NH -16, Tadepalli, Guntur District.
4. The District Collector (Panchayat Wing), Nellore at Nellore.
5. The Executive Engineer, PRI Division, Nellore, SPSR Nellore District.
6. The Deputy Executive Engineer, PRI Sub -Division, Atmakur, SPSR Nellore District.
7. The Chinamachanur Gram Panchayat, Rep.by its Executive Authority- cum- Panchayat Secretary, Chinamachanur Village, Marripadu Mandal, SPSR Nellore District.
8. The Sarpanch, Chinamachanur Gram Panchayat, Marripadu Mandal, SPSR Nellore District.
9. Union of India, Rep by its Secretary to Government of India Ministry of Rural Development Department, New Delhi.
10. The Director, Mahatma Gandhi National Rural Employment Guarantee MGNREG Scheme, Ministry of Rural Development, Government of India, Krishi Bhavan, New Delhi.
11. The Project Director, District Water Management Agency (DWMA) Project, Nellore, SPSR Nellore District.
12. The Mandal Parishad Development Officer(M.P.D.O), Marripadu Mandal, Marripadu, SPSR Nellore 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, order or direction more particularly one in the nature of

WRIT OF MANDAMUS declaring the action of the Respondents in not releasing the NREGS funds amounting of Rs. 7,86,929/- to me with interest in pursuance of NREGS with convergence grant work, towards cost for the material supplied by me for the works Construction of Internal CC Roads in Nerdhanampadu Village of Chinamachanur Gram Panchayat of Marripadu Mandal with ID No. 097071106008080007 as being illegal, arbitrary and violative of provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and Unconstitutional and consequently direct the respondents to release funds amounting Rs. 7,86,929/-to me with interest in pursuance of under MGNREGS with Convergence fund, towards cost for the material supplied by me for the works Construction of Internal CC Roads in Nerdhanampadu Village of Chinamachanur Gram Panchayat of Marripadu Mandal with ID No. 097071106008080007.

**IA NO: 1 OF 2022**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release MGNREGS funds amounting Rs. 7,86,929/-to me with interest in pursuance of under MGNREGS with Convergence fund, towards cost for the material supplied by me for the works "Construction of Internal CC Roads in Nerdhanampadu Village of Chinamachanur Gram Panchayat of Marripadu Mandal" with ID No. 097071106008080007. pending disposal of the above writ petition.

**Counsel for the Petitioner : SRI BURLU CHANDRA SEKHAR**

**Counsel for the Respondent Nos.1, 3 to 6 : GP FOR PANCHAYAT RAJ &  
RURAL DEVELOPMENT**

**Counsel for the Respondent No.2 : GP FOR FINANCE & PLANNING**

**Counsel for the Respondent Nos. 7, 8 & 12 : SRI V. VINOD K. REDDY,  
SC FOR GRAM PANCHAYAT**

**Counsel for the Respondent No.9 & 10 : SRI N. HARINAHT, ASST. SOLICITOR  
GENERAL OF INDIA**

**Counsel for the Respondent No.11 : SRI M.S.R CHANDRA MURTHY,  
SC FOR DWMA**

**The Court made the following: ORDER**



**THE HONOURABLE SRI JUSTICE BATTU DEVANAND****WRIT PETITION No.26845 of 2022****ORDER:-**

Heard learned counsel for the petitioner and the learned counsel appearing for the respondents. Perused the material available on record.

2) The issue raised in the present writ petition is squarely covered by the order of this Court in **Rayapureddy Srinivasa Rao and others vs. Government of Andhra Pradesh, rep. by its Principal Secretary to Government and others and batch<sup>1</sup>** in which the writ petitions were allowed with the following directions:

- i) *The Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 issued by the Respondent No.1 are set aside to the extent of deduction of 21.02% for DCC works and 6.333% for MCC works while making payment to the petitioner.*

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<sup>1</sup> 2021 SCC OnLine AP 3084

- ii) *The respondents are directed to clear the bills submitted by the petitioner and to release payment forthwith, in case no payment is made till date.*
- iii) *In case, any part payment is made as on date, the remaining amount shall be paid to the petitioner forthwith.*
- iv) *The respondents shall pay interest @ 12% per annum within a period of four (4) weeks from the date of receipt of a copy of this order.*
- v) *The interest shall be computed from the date of expiry of one month from the date of submission of the bill by the petitioner to till the date of final payment.*

3) Against the above said order, several writ appeals are filed and in one of the writ appeals (i.e.) W.A.No.724 of 2021, a Division Bench of this Court has passed an interim order, dated 18.11.2021 as extracted hereunder:

*"The direction of the learned Single Judge regarding payment of interest to the respondent no.1 as also setting aside the provision in Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No. 1388361/RD.II/A1/2020, dated 12.05.2021 relating to deduction of 21.02% for DCC works and 6.333% for MCC works, while making payment, shall remained stayed.*

*On a query of the Court, learned Advocate General submitted that the direction of the learned Single Judge as far as payment of the principal amount of the bills raised*

*by the original writ petitioner, in terms of the order of the Division Bench in **Krishna District Grama Panchayathi Sarpanchla Sangam (supra)**, shall be made within four weeks, if already not done.*

*The matter be listed for hearing in due course.*

*It is clarified that the appellants shall comply with the rest of the directions issued by the learned Single Judge in the judgment under appeal."*

4) Subsequently, a Division Bench of this Court headed by the Hon'ble Chief Justice while hearing the Writ Appeal Nos.740 and 741 of 2021, having considered the order passed in W.A.No.724 of 2021, the following order is passed:

*"Considering the facts and circumstances of the case and having regard to the interim order passed by the Coordinate Bench, we direct that the said interim order shall apply for the present writ appeals also, however, with a condition that the appellants shall pay the principal amount of the bill raised by the original writ petitioners, within a period of four weeks, failing which the present interim order shall stand vacated without reference to the bench."*

5) The respective counsels appearing for the petitioner and the respondents have consented to dispose of the writ petition by following the order, dated



24.11.2021, passed by a Division Bench of this Court in W.A.Nos.740 and 741 of 2021.

6) The learned counsel appearing for the petitioner sought permission of this Court to grant liberty to the petitioner to renew his claim with regard to the interest part after disposal of the writ appeals.

7) The learned counsel for the petitioner requested the Court to clarify the applicability of the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021.

8) The learned Government Pleader for Panchayat submitted that the said Memos are issued for the works executed under "Mahatma Gandhi National Rural Employment Guarantee Scheme".

9) It is made clear that the Memo No.1263069/RD.II/A1/2020, dated 05.11.2020 and the Memo No.1388361/RD.II/A1/2020, dated 12.05.2021 are

applicable to the works executed under "Mahatma Gandhi National Rural Employment Guarantee Scheme" only.

10) Accordingly, the writ petition is disposed of with the following direction:

The Respondents shall pay the principal amount of the bill raised by the writ petitioner within a period of four (4) weeks.

11) The writ petitioner is at liberty to renew/raise/agitate his right with regard to interest aspect, etc., after disposal of the writ appeals.

12) There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this case shall stand closed.

**Sd/- K.J.RAJA BABU**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Principal Secretary to Government, Panchayat Raj and Rural Development Department, State of AP, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The Commissioner, Panchayat Raj and Rural Development Department, Government of Andhra Pradesh, NH -16, Tadepalli, Guntur District.
4. The District Collector (Panchayat Wing), Nellore at Nellore.

5. The Executive Engineer, PRI Division, Nellore, SPSR Nellore District.
6. The Deputy Executive Engineer, PRI Sub -Division, Atmakur, SPSR Nellore District.
7. The Executive Authority- cum- Panchayat Secretary, Chinamachanur Gram Panchayat, Chinamachanur Village, Marripadu Mandal, SPSR Nellore District.
8. The Sarpanch, Chinamachanur Gram Panchayat, Marripadu Mandal, SPSR Nellore District.
9. The Secretary to Government of India Ministry of Rural Development Department, Union of India, New Delhi.
10. The Director, Mahatma Gandhi National Rural Employment Guarantee MGNREG Scheme, Ministry of Rural Development, Government of India, Krishi Bhavan, New Delhi.
11. The Project Director, District Water Management Agency (DWMA) Project, Nellore, SPSR Nellore District.
12. The Mandal Parishad Development Officer(M.P.D.O), Marripadu Mandal, Marripadu, SPSR Nellore District.
13. One CC to Sri Burlu Chandra Sekhar, Advocate [OPUC]
14. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh. [OUT]
15. One CC to Sri V.Vinod K. Reddy, SC for Gram Panchayat (OPUC)
16. One CC to Sri N. Harinath, Asst. Solicitor General of India (OPUC)
17. One CC to Sri M.S.R. Chandra Murthy, SC for DWMA (OPUC)
18. Two C.D. Copies

Cnr





**HIGH COURT**

**DATED:08/09/2022**

**ORDER**

**WP.No.26845 of 2022**



**DISPOSING OF THE W.P.  
WITHOUT COSTS**

19/9/22  
BD  
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