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APHC010153392026



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

**[3331]**

WEDNESDAY, THE 8<sup>th</sup> DAY OF JULY 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 8151/2026**

**Between:**

1.P V L NARASIMHA SWAMI,, CHAIRMAN, DC.28, GUDURU  
MANDAL, S/O. BABURAO, AGED ABOUT 52 YEARS, OCC  
CONTRACTOR, R/O.5-78, GUDURU, GUDURU, KRISHNA  
DISTRICT, PINCODE 521149

**...PETITIONER**

**AND**

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL  
CHIEF SECRETARY, DEPARTMENT OF IRRIGATION (WRD),  
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI,  
GUNTUR DISTRICT, PINCODE 522238.

2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL  
SECRETARY, DEPARTMENT OF FINANCE AND PLANNING,  
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI,  
GUNTUR DISTRICT, PINCODE 522238.

3.THE SUPERINTENDENT ENGINEER, IRRIGATION CIRCLE,  
VIJAYAWADA, NTR DISTRICT, PINCODE 520002.

4.THE EXEEUTIVE ENGINEER, KRISHNA CENTRAL DIVISION,

VIJAYAWADA, NTR DISTRICT, PINCODE 520002.

**...RESPONDENT(S):**

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 amount of Rs.3,59,983/- vide M Book No. 177-4, even after finalizing the bills, payable to the petitioner in relation to the works i.e., O&M such as removal of Weed Growth on Ramarajupalem Channel from Km 0.000 to Km 6.000 under DC No. 28, Gunduru, vide Agreement No. 33/2017-18, dated 28.10.2017 is questioned, as the same is illegal, arbitrary and consequently direct the respondents to pay for payment of amounts of Rs.3,59,983/- vide M Book No. 177-4 with interest @24percent per annum for the delayed amount to the petitioner in respect of execution of above- mentioned work forthwith

**IA NO: 1 OF 2026**

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 pay for payment of amount of Rs.3,59,983/- vide M Book No. 177-4 with interest @24% per annum for the delayed amount to the petitioner in respect of execution of works i.e. O&M such as removal of Weed Growth on Ramarajupalem Channel from Km 0.000 to Km 6.000 under DC No. 28, Gunduru, vide Agreement No. 33/2017-18, dated 28.10.2017, forthwith, pending disposal of the Writ Petition

**Counsel for the Petitioner:**

1.MODAPOTHULA SUMALATHA

**Counsel for the Respondent(S):**

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

**The Court made the following:**

**ORDER**

The above writ petition was filed to declare the action of the respondent authorities in not releasing the amount of Rs.3,59,983/- payable to the petitioner for execution of work in pursuance of agreement No.33/2017-2018, dated 28.10.2017, as illegal and arbitrary.

2. Heard Ms.Bhavya, learned counsel representing Smt.Modapothula Sumalatha, learned counsel for the petitioner and Sri S.Satish, learned Assistant Government Pleader for Irrigation and Finance & Planning Department, for the respondents.

3. Learned counsel for the petitioner would submit that pursuant to the aforementioned agreement, the petitioner has executed the work, 'O & M such as Removal of Weed growth in Ramarajupalem channel from KM 0.000 to KM 6.000 under D.C. No.28, Guduru for the year 2017-18, as per the timelines stipulated in the agreement and the same was verified by the respective authorities. However, the amount has not been paid so far.

4. Today, when the matter is taken up, Sri S. Satish, learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, submitted the written instructions furnished by the 4<sup>th</sup> respondent-Executive Engineer, K Central Division, Vijayawada *vide* Lr.No.EE/KC/VJA/AB/A4/776M, dated 08.07.2026, wherein it is stated that the agreement value is Rs.4,31,897/- and the gross bill value is for Rs.4,00,830/- including GST. It was further stated that the work was executed within time in accordance with agreement conditions and the Quality Control Certificate was issued by

the concerned QC authorities. After receiving the LOC, the bill will be processed and uploaded in NIDHI Portal.

5. Learned Assistant Government Pleader submitted that the petitioner is not entitled to interest. He placed reliance on the order, dated 11.02.2025, in W.A.No.60 of 2025 passed by the Division Bench of this Court.

6. Thus, as seen from the instructions of the 4<sup>th</sup> respondent, there is no dispute regarding the execution of work and the petitioner's entitlement to the aforementioned amount. Since the amount payable is admitted and undisputed, the writ petition is maintainable. In **M/s Utkal Highways Engineers and Contractors v. Chief General Manager & Ors**<sup>1</sup>, it was held at Para No.8 as under:

“Be that as it may, the High court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence.”

7. Given the instructions of the 4<sup>th</sup> respondent, the Writ Petition is disposed of, directing the respondents to release an amount of Rs.4,00,830/- (Rupees Four Lakhs Eight Hundred and Thirty only)

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<sup>1</sup> 2025 SCC online SC 1400

**excluding** GST payable to the petitioner regarding execution of the aforementioned works, subject to deductions, if any, within two (02) months from the receipt of the copy of this order. Insofar as the interest component is concerned, the petitioner is at liberty to approach the civil court or appropriate forum, given the directions in W.A.No.60 of 2025 dated 11.02.2025. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE SUBBA REDDY SATTI**

PVD

**Whether the order is :**

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No