



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 9815 OF 2021 & WP NO.10038 OF 2021

WRIT PETITION NO: 9815 OF 2021

Between:

Sri. C.K.Yarram Reddy, , S/o. Narayana Reddy, Aged about 50 years, Occ Contractor,
R/o. D.No.C-18, K.V.Palli Village and Mandal, Chittoor District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Finance and Planning, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Panchayat Raj, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
3. The Engineer-in-Chief, Panchayat Raj, Amaravathi, Guntur District.
4. The Superintending Engineer, , Panchayat Raj, Chittoor, Chittoor District.
5. The Executive Engineer, Panchayat Raj, Madanapalle, Chittoor 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 of mandamus or any other appropriate writ or direction declaring the action of the Respondents in withholding the payment of balance amount Rs.21,41,346/- even after finalizing the bills, payable to the petitioner in relation to the work i.e., Upgrading the road from Motupallivandlapalli to Gaddamvaripalli of Motupallevandlapalli GP in Kambhamvaripalle Mandal, Chittoor District is questioned, as the same is illegal, arbitrary and consequently direct the respondents to consider for payment of amount of Rs. 21,41,346/- with interest @ 24% per annum for the delayed amount to the petitioner in respect of execution of above-mentioned work forthwith

IA NO: 1 OF 2021

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 consider for payment of amount of Rs.21,41,346/- with interest @ 24% per annum for the delayed amount to the petitioner in respect of execution of work i.e., Upgrading the road from Motupallivandlapalli to Gaddamvaripalli of Motupallivandlapalli GP Kambhamvaripalle Mandal, Chittoor District forthwith, pending disposal of WP 9815 of 2021, on the file of the High Court.

WP NO.10038 OF 2021

Between:

Rayapureddy Srinivasa Rao, S/o Bramaiah.

Petitioner

AND

1. The Government of Andhra Pradesh, represented by its Principal Secretary Panchayat and Rural Development Department. Secretariat buildings Amaravati.
2. The Commissioner of Panchayat Raj and Rural development, Government of Andhra Pradesh, Amaravati.
3. The District Collector, East Godavari District, Kakinada.
4. The Superintendent Engineer Panchayat Raj circle office, Kakinada, East Godavari District.
5. The Executive Engineer Panchayat Raj Division, Amalapuram, East Godavari District.

6. The Deputy Executive Engineer, Panchayat Raj Division Amalapuram East Godavari District.
7. The Bheemanapalle Grama Panchayat, rep. by its Panchayat Secretary, Bheemanapalle, Uppalgupam Mandal, East Godavari 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 Mandamus to declaring the action on the part of the respondents here in not releasing the bills of Execution of works for laying the roads worth of rupees 16,49,568/- under MGNREGS Scheme and rupees 9.90 lakhs under SDF scheme to the petitioner with interest till today since July 2018 and causing heavy loss with interest even though total works were completed as per the agreements as illegal arbitrary and violative of article 14,16,21 of constitution of India and consequentially direct the respondents to release and pay the bills of rupees 16,49,568/- under MGNREGS Scheme and rupees 9.90 lakhs under SDF scheme with interest forthwith to the petitioner

IA NO: 1 OF 2021

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 direct the respondents to release and pay the bills of rupees 16,49,568/- under MGNREGS Scheme and rupees 9.90 lakhs under SDF scheme with interest forthwith to the petitioner, pending disposal of WP 10038 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Suresh Kumar Reddy Kalava, Advocate for the Petitioner in WP No.9815 of 2021, Sri Bokka Satyanarayana Advocate for the Petitioner in WP No.10038 of 2021, GP for Finance & Planning for the Respondent No.1 in WP No.9815 of 2021 and of GP for Panchayat Raj for Respondent Nos.2 to 5 in WP No.9815 of 2021 and Respondent Nos.1 to 6 in WP No.10038 of 2021 and of Sri I. Koti Reddy, Standing Counsel for Respondent No.7 in WP No.10038 of 2021.

The Court made the following Common order

WP NO.9815 OF 2021

This writ petition has been filed against the action of the respondents in not making payment for an amount of Rs.21,41,346/- even after finalizing the bills to the petitioner in relation to the work executed by him (i.e) upgrading the road from Motupallivandlapalli to Gaddamvaripalli of Khambhamvaripalle Mandal, Chittoor District.

WP NO.10038 OF 2021

This writ petition has been filed against the action of the respondents in not making payments of the bills for execution of works for laying roads worth Rs. 16,49,568/-under MGNREGS scheme and Rs.9.90 lakh under SDF scheme.

In both cases the petitioners executed works prior to 2019 and 2018 respectively. Though the petitioners are approaching the respondents to clear their bills and for payments, the respondents are saying no funds are available.

Sri Suresh Kumar Reddy Kalva and Sri Bokka Satyanarayana, learned counsel appearing for the petitioners in both the cases respectively, submit that due to non-payment of the bills for the works

done a long back, the petitioners are facing severe financial crisis and they have to pay interest to the debts and causing mental agony to the petitioners.

On instructions, the learned Government Pleader for Panchayat Raj, submits that as on date the bills of the petitioners are not cleared by the respondents and payments are not made as there are no funds available with the Government to make payments to the petitioners.

This Court is expressing its anguish and displeasure towards the attitude of the respondents in submitting such instructions before the Court stating that no funds are available with the Government to clear the bills and to make payments to the petitioners, who executed works a long back. The instructions placed by the learned Government Pleader also giving impression to this Court that the financial condition of the State is in very pathetic condition.

In the considered opinion of this Court, it is nothing but depriving the petitioners and their family members for survival, to make payments to their employees/workers, to make payments to the material they procured and for the interests they have to pay for the debts in respect of execution of works. Due to this situation, petitioners' respect and dignity in the society will be destroyed. As such, the petitioners right to life with respect and dignity will be defeated which is violative of Article 21 of the Constitution of India.

In view of the above, the respondent Nos.1 and 2 in Writ Petition No.9815 of 2021 (i.e.) the Principal Secretary, Department of Finance and Planning, Government of Andhra Pradesh and the Principal Secretary, Department of Panchayat Raj, Government of Andhra Pradesh are directed to appear before this Court on the next date of hearing along with complete information pertaining to the financial status of the State Government. They shall file an affidavit stating the reasons why the amounts are not being paid to the petitioners for which they are legally entitled.

Post on 28.06.2021 in the motion list.

Registry is directed to communicate the order to Respondent Nos.1 and 2 by tomorrow.

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Sd/-T.Madhavi
ASSISTANT REGISTRAR
SECTION OFFICER
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To

1. The Principal Secretary, Department of Finance and Planning, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Principal Secretary, Department of Panchayat Raj, State of Andhra Pradesh Secretariat Buildings, Velagapudi, Arnaravathi, Guntur District.
(RR 1 & 2 SPECIAL MESSENGER)
3. The Engineer-in-Chief, Panchayat Raj, Amaravathi, Guntur District.
4. The Superintending Engineer, , Panchayat Raj, Chittoor, Chittoor District.
5. The Executive Engineer, Panchayat Raj, Madanapalle, Chittoor District.
6. The Commissioner of Panchayat Raj and Rural development, Government of Andra Pradesh, Amaravati. **(SPECIAL MESSENGER)**
7. The District Collector, East Godavari District, Kakinada.
8. The Superintendent Engineer Panchayat Raj circle office, kakinada, East Godavari District.
9. The Execute Engineer Panchayat Raj Division, Amalapuram, East Godavari District.
10. The Deputy Executive Engineer, Panchayat Raj Division Amalapuram East Godavari District.
11. The Panchayat Secretary, Bheemanapalle Grama Panchayat, Bheemanapalle, Uppalguptam Mandal, East Godavari District. **(RR 3 to 6 & 8 to 12 by RPAD)**
12. One CC to Sri Bokka Satyanarayana, Advocate [OPUC]
13. One CC to Sri Suresh Kumar Reddy Kalava, Advocate [OPUC]
14. Two CCs to GP for Panchayat Raj & Rural Development ,High Court of Andhra Pradesh. [OUT]
15. Two CCs to GP for Finance Planning, High Court of Andhra Pradesh. [OUT]
16. One CC to Sri I. Koti Reddy, Standing Counsel (OPUC)
18. One spare copy

TVR

HIGH COURT

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DATED:21/06/2021

ORDER

WRIT PETITION NO: 9815 OF 2021 & WP NO.10038 OF 2021

DIRECTION

