



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

[3331]

**WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 10897/2023

Between:

1. YARLAGADDA PRADEEP CHOWDARY, S/O. VENKATESWARARAO,
AGED 37 YEARS, CONTRACTOR, R/O. H. NO. 25-81A, R.R.PETA,
NEAR TELEPHONE EXCHANGE, NUZVID TOWN, KRISHNA
DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, PANCHAYAL RAJ AND RURAL
DEVELOPMENT DEPARTMENT, SECRETARIAT VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.
2. PRINCIPAL SECRETARY TO GOVERNMENT, FINANCE
DEPARTMENT, SECRETARIAT 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, ELURU (KRISHNA) AT ELURU.
5. THE EXECUTIVE ENGINEER, PRI DIVISION, NUZVID, ELURU
(KRISHNA) DISTRICT
6. THE DEPUTY EXECUTIVE ENGINEER, PRI SUB-DIVISION,
NUZVID, ELURU (KRISHNA) DISTRICT.

7. THE ASSISTANT ENGINEER, PRI, NUZVID MANDAL PARISHAD, NUZVID, ELURU (KRISHNA) DISTRICT.
8. MANDAL PARISHAD DEVELOPMENT OFFICER, NUZVID MANDAL, ELURU (KRISHNA) DISTRICT.
9. DEVARAGUNTAGRAMA PANCHAYAT, REP.BY ITS SECRETARY DEVARAGUNTA,NUZVID MANDAL, ELURU (KRISHNA) DISTRICT. .
- 10.UNION OF INDIA, REP. BY IT'S DIRECTOR,MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME (MGNREGS), MINISTRY. OF RURAL DEVELOPMENT, KRISHI BHAWAN, NEW DELHI.

...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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in issuing Memo No. 1263069/RD.II/A1/2020 dated 05-11-2020 and Memo No.1388361/ RD. IT/ A 1 /2020 dated 12-05-2021 and deducting 21.02percent from amounts covered under FTO Nos.8060518005130,8060518005142,8060518005145,8060518007820,8060518008286,8060518008893,8060518008896 and 8060518008899 and not releasing the Grampanchayat share amount under work IL) Nos. 0670523211019080011,0670523211019080015,0670523211019080016,0670523211019080017, and 06705232110190-80020, even though works were completed more than four and half years back and inspite of completing Social Audit and Quality Check, as illegal, arbitrary, malafidy, unjust, irrational and contrary to the principles of natural justice apart from being violative of Articles 14 and 21 of the Constitution of India and consequentially set aside the Memo No. 1263069/RD.II/A1/2020 dated 05-11-2020 and Memo No.1388361/RD.II/A1/2020 dated 12-05-2021 by directing the respondents to pay the withheld 21.02percent from the amounts covered under FTO Nos. 8060518005130, 8060518005142, 8060518005145,8060518007820,8060518008286,8060518008893,8060518008896 and 8060518008899 and Grampanchayat share / Convergence funds part of bill and withheld 10percent amount in respect of works under work ID Nos. 0670523211019080011,0670523211019080015,0670523211019080016,067

0523211019080017, and 06705232110190-80020, in the interest of justice and pass

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 pay 21.02% deducted amount covered under FTO Nos. 8060518005130, 8060518005142, 8060518005145, 8060518007820, 8060518008286, 8060518008893, 8060518008896 and 8060518008899 by suspending Memo No. 1263069/RD.II/A1/2020 dated 05-11-2020 and Memo No. 1388361/RD.II/A1/2020 dated 12-05-2021 of 1st respondent, pending disposal of the main Writ Petition and pass

IA NO: 2 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 pay Grampanchayat share / Convergence part of bills and withheld amount of 10% in respect of works vide work ID Nos. 0670523211019080011, 0670523211019080015, 0670523211019080016, 0670523211019080017, and 06705232110190-80020 also Grampanchayat share of bills, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner:

- 1.SREENIVASA RAO VELIVELA

Counsel for the Respondent(S):

- 1.GP FOR FINANCE PLANNING
- 2.GP FOR PANCHAYAT RAJ RURAL DEV
- 3.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

The Court made the following:

::ORDER ::

Heard Sri Sreenivasa Rao Velivela, learned counsel for the petitioner and Sri P.Rajesh Kumar, learned Assistant Government Pleader for

Panchayat Raj and Rural Development, Finance and Planning for the respondents.

2. The above writ petition was filed impugning the two Memos issued by the 1st respondent *vide* Memo Nos.1263060/RD.II/A1/2020 dated 05.11.2020 (Ex.P1) and 1388361/RD.II/A1/2020 dated 12.05.2021 (Ex.P2), as illegal and arbitrary.

3. Today, when the matter is taken up for consideration, learned counsel for the petitioner as well as learned Assistant Government Pleader would collectively submit that the issue involved in the present writ petition is covered by the judgment in W.A.No.724 of 2021 and batch dated 12.10.2023. It is submitted that against the order passed in W.P. No.11511 of 2021 and batch, the State preferred intra-Court appeals, and the Division Bench of this Court, in W.A. No.724 of 2021 and batch, passed the following order:

“With the consent of the counsel for the writ petitioners as also the learned Advocate General, the following order is being passed:

(a) The petitioners would be paid, if not already paid, the amount in terms of the Memos dated 05.11.2020 and 12.05.2021, within one month from today.

(b) The Government would be at liberty to conduct an enquiry after affording to the petitioners an opportunity of being heard with regard to the works executed by them within the period from 01.10.2018 to 31.05.2019. The enquires, if initiated, would be completed within four months from today.

(c) In case the works are as per standards, the petitioners would be paid not only the balance amount but also interest calculated at the

rate of 6% per annum on the entire amount with effect from the date when the bills were submitted by the petitioners for payment till the date of final payments.

(d) Such of the petitioners who had executed works much before the period of 01.10.2018 would be paid, if not already paid, the entire amount due and payable to them within a period of one month from today, with interest calculated at the rate of 6% per annum with effect from the date when the bills were submitted by the petitioners for payment till the date of final payments.”

4. Given the facts and circumstances of the case, the writ petition is disposed of in terms of the order dated 12.10.2023 in W.A.No.724 of 2021 and batch. There shall be no order as to costs.

5. The Registry is directed to attach a copy of the order dated 12.10.2023 in W.P.No.724 of 2021 and batch to this order.

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

JUSTICE SUBBA REDDY SATTI

Date: 04.02.2026
SNI

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 10897 OF 2023

Date: 04.02.2026
SNI