



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

[3333]

THURSDAY ,THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 15175/2023

Between:

C.prabhakar and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.SRINIVASA RAO NARRA

Counsel for the Respondent(S):

1.GP FOR AGRICULTURE

2.GP FOR FINANCE PLANNING

The Court made the following:

ORDER

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents herein not releasing the total bills amount worth of Rs.24,48,000/- (Rupees Twenty four lakhs forty eight thousand only) with interest 12% p.a. as per the Judgment of this Honourable Court in W.P.No.19525/2021 (W.P.No.10038/2021 & Batch) dated 05.10.2021 under grant of PMKSY (Pradhan Mantri Krishi Sinchayee Yojana) to the petitioner till today after completion of execution of Construction of Mini Percolation Tank and Farm Ponds by the farmers of the clusters in Chittoor sub division and causing heavy loss with Interest even though the work was completed within time as illegal, arbitrary and violative of Article 14, 16 and 21 of the Constitution of India and consequentially direct the Respondents to release and pay the total bills amount of Rs.24,48,000/ (Rupees Twenty four lakhs forty eight thousand only) with Interest under grant of PMKSY (Pradhan Mantri Krishi Sinchayee Yojana) forthwith to the petitioners.”

2. Heard learned counsel for the petitioners and learned Government Pleader for Agriculture for respondent Nos.1, 3 to 8 and learned Government Pleader for Finance & Planning for respondent No.2.

3. Learned counsel for the petitioners submits that even though respondents admitted that the petitioners are entitled for payment of the aforesaid sum of money, no payment is being made and such non-payment of money is clearly arbitrary and high-handed and thereby requires interference by this Court.

4. Respondent No.7-The Assistant Director of Agriculture (Soil Conservation) filed counter, wherein it is stated as follows:

“...the total amount of Rs.24,48,000/- has been sanctioned to 16 beneficiaries vide Procs No.E10/296/2018 dated 09.3.2020 by the 4th respondent. The bill was prepared and submitted to the Treasury vide CFMS No.1941932 for effecting payment to the beneficiaries.

It is submitted that the bills were presented through CFMS for settlement of pending bills to the petitioners. due to year end closure and election code during 2018-19 the budget was lapsed. In this regard the District Agriculture Officer vide Lr.No.C7/297/2018 dated 22.11.2023 addressed to the Commissioner for Agriculture to release and transfer the lapsed amount if any to DAO Account under the schemes PMKSY (Pradhan Mantri Krishi Sinchayee Yojana) RAD etc., In fact Commissioner for Agriculture also addressed a letter to the Government vide Lr.No.AGC02-27026/3/2021, dated 26.02.2024 for the release of budget. Further, the Government releasing the budget in a phased manner accordingly the Department of Agriculture is taking action as per the procedure under law.”

5. On perusal of material available on record discloses that an amount of Rs.24,48,000/- has been sanctioned by the 4th respondent to 16 beneficiaries vide proceedings dated 09.03.2020 and the bill has been prepared and presented through CFMS for settlement of pending bills in favour of the petitioners. However, the respondents took an objection that the process of release of subsidy was delayed only due to non approaching and placing the information by the petitioners.

6. But, on perusal of the counter, it shows that there is a delay on the part of the respondents also and though the bills have been presented through CFMS in the year 2018-2019, due to election code during 2018-2019, the budget has lapsed thereafter, the respondents have not initiated any steps to clear the bills payable to the petitioners. Such fact was also not objected by the learned Government Pleader for Finance & Planning.

7. In view of the same, since the bill amount claimed by the petitioners is an admitted bill, this Court feels it appropriate to dispose of the writ petition directing the respondents to release an amount of Rs.24,48,000/- (Rupees Twenty four lakhs forty eight thousand only) to the petitioners within a period of four (4) months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

KGR