

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.19632 OF 2023

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“... to issue an order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the balance amount for the contract works executed by the petitioner for work Construction of Kitchen Shed at MPPS No.2 of Penugonda Mandal, West Godavari District under the grant of SDP for the 2016-2017 for an amount of Rs.59,870/- (Rupees Fifty Nine Thousand Eight Hundred and Seventy Only), as illegal, arbitrary, violation of principles of natural justice, contrary to the Rules & Regulations and consequently, direct the respondents to pay for an amount of Rs.59,870/- (Rupees Fifty Nine Thousand Eight Hundred and Seventy Only), with interest and pass such other order or orders ...”

2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid sum of money, no payment is being made. The petitioner contends that such non-payment of money is clearly arbitrary and high-handed requiring the interference of this Court.

3. This Court, in various orders, including the judgment of a learned Single Judge of this Court dated 05.10.2021 in W.P.No.10038 of 2021 and

batch had taken the view that such non-payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

4. In view of the aforesaid directions of this Court in various cases and after hearing the submissions of the learned counsel for the petitioner, learned Government Pleader for the Respondents, this Writ Petition is disposed of with a direction to the respondents to release the amount of Rs.59,870/- to the petitioner at the earliest, and at any rate, within a period of four weeks from the date of receipt of a copy of this order. It would also be open to the petitioner to agitate his claim for interest, if any payable by the respondents, in an appropriate forum. There shall be no order as to costs.

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

JUSTICE VENKATESWARLU NIMMAGADDA

21st August, 2023
KNR

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