

THE HON'BLE SMT JUSTICE V. SUJATHA

Writ Petition No. 9930 of 2023

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 action of the respondents in non-payment of amount of Rs. 14,61,775/- even after finalizing the bills payable to the petitioner after the successful completion of the execution of works i.e “1 FDR To Breach scour in KM 6/4-8 of A.R.Road to P.S.Road via Bopparajupalem Road in Chittoor District vide Agreement No. 134/2021-22 dated 26.11.2021, 2. FDR to Scour in KM 6/8-10 of AR Road to PS Road via Bopparajupalem road in Chittoor District Vide Agreement No. 133/2021-22 dated 26.11.2021, 3. FDR to scour at KM 6/6-8, 7/6-8 and 15/24 or Netteri Cross to Kanakammasatram Road in Chittoor District vide agreement No. 132/21-22 dated 26.11.2021, 4. FDR to Scour at km 10/8-10 of K.M.Road to PS road via Diguva puttur, Palamangalam Road in Chittoor District vide Agreement No. 140/2021-22 dated 26.11.2021 respectively for construction of roads damaged due to floods duly approved by the respondents as illegal, arbitrary, unjust, unreasonable and violative of fundamental rights guaranteed to the Petitioner under Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to release an amount of Rs. 14,61,775/- towards the works executed by the petitioner along with 12% interest per annum.....”

2. It is the contention of the petitioner that even though the respondents admitted that the petitioner is entitled for payment of the aforesaid amount, no payment is made. The petitioner contend that such non-payment of money is clearly illegal, arbitrary and violative of principles of natural justice and consequently to direct the respondents to pay the aforesaid due amount with interest to the petitioner.

3. Heard both the learned counsel and perused the material placed on record.

4. This Court, in various orders, including the common order dated 05.10.2021 in W.P.No.10038 of 2021 and batch passed by a learned Single Judge of this Court had taken a view that such non payment of dues is arbitrary and that such dues need to be cleared by the respondents at the earliest.

5. In view of the common order passed by this Court and after hearing the submissions of learned counsel on both sides, this Writ Petition is disposed of directing the respondents to release total amount of Rs. 14,61,775/-to the petitioner within a period of three (3) months from the date of receipt of a copy of this order. It is 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.

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

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(Disposed of)

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Date: 08.05.2023

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