

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.NO.

OF 2025

IN

W.P.No. 32852 OF 2023

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Amaravati.

Dt. 17.06.2025


Counsel for the Petitioner

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**MEMORANDUM OF CONTEMPT PETITION
(UNDER SEC.10 TO 12 OF CONTEMPT OF COURTS ACT)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

C.C.NO.

OF 2025

IN

W.P.No. 32852 OF 2023

Between:

S. Sudhakar Reddy, S/o. Subba Reddy,
R/o. H.No. 27-326-2, Moolasagaram,
Nandyal Town and District

..PETITIONER.

A N D

1. Sri Peeyush Kumar,
The State of Andhra Pradesh, Rep. by its
Principal Secretary Finance and Planning Department,
Secretariat, Velagapudi, Guntur District
2. Sri Vadarevu Vinay Chand,
The State of Andhra Pradesh, Rep. by its
Principal Secretary Endowments Department,
Secretariat, Velagapudi, Guntur District
3. Sri Raja Kumari Ganiya,
The District Collector,
Nandyal District, Nandyal
4. Sri K. Ramachandra Mohan,
The Commissioner of Endowments,
Gollapudi, Vijayawada, NTR District
5. Sri S. Mohan,
The Assistant Commissioner of Endowments,
Kurnool, Kurnool District
6. Sri R. Veeraiah,
Sri Gangamma, Sri Peddamma,
Sri Kodandaram & Sri Anjaneya Swamy
Group of Temples, Rep. by its Executive Officer,
Cherlopalli Village, Owk Mandal, Nandyal District
7. Sri S. Satish,
The Executive Engineer,
Endowments Department,
Kurnool, Kurnool District

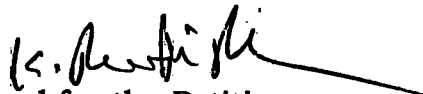
..RESPONDENTS

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The address of the petitioner for the purpose of service of all notices and process to the above named petitioner is that of their counsel, **K.Rathangapani Reddy(4414)**, K. Naga Phanindra, Flat No. 510, Block-B, Pinewoods Apartments, Ashramam Road, Tadepalli, Guntur District.

For the reasons mentioned in the accompanying affidavit, It is therefore prayed that this Hon'ble Court may be pleased to punish the respondents/Contemnors herein for their willful violation and deliberate disobedience of the orders passed by this Hon'ble Court in WP No. 32852 of 2023 dated 21.02.2025 under sections 10 to 12 of Contempt of Courts Act, 1971 and pass such other order or orders as are deemed fit and proper.

Amaravati,
Dt.17.06.2025


Counsel for the Petitioner

3

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.NO.

OF 2025

IN

W.P.No. 32852 OF 2023

Between:

S. Sudhakar Reddy, S/o. Subba Reddy,
R/o. H.No. 27-326-2, Moolasagaram,
Nandyal Town and District

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The State of Andhra Pradesh, Rep. by its
Principal Secretary Finance and Planning Department,
Secretariat, Velagapudi, Guntur District
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The State of Andhra Pradesh, Rep. by its
Principal Secretary Endowments Department,
Secretariat, Velagapudi, Guntur District
3. Sri Raja Kumari Ganiya,
The District Collector,
Nandyal District, Nandyal
4. Sri K. Ramachandra Mohan,
The Commissioner of Endowments,
Gollapudi, Vijayawada, NTR District
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6. Sri R. Veeraiah,
Sri Gangamma, Sri Peddamma,
Sri Kodandaram & Sri Anjaneya Swamy
Group of Temples, Rep. by its Executive Officer,
Cherlopalli Village, Owk Mandal, Nandyal District
7. Sri S. Satish,
The Executive Engineer,
Endowments Department,
Kurnool, Kurnool District

..RESPONDENTS

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AFFIDAVIT FILED BY THE PETITIONER

I, S. Sudhakar Reddy, S/o. Subba Reddy, R/o. H.No. 27-326-2, Moolasagaram, Nandyal Town and District, do hereby solemnly and sincerely state as follows:

1. I am the petitioner herein and as such I am well acquainted with the facts of the case.
2. I submit that the above writ petition was filed declaring the action of the respondents in not paying the admitted bill amounts of Rs. 35,50,559/- for the works of reconstruction of Sri Gangamma Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District vide agreement No's. 1, 2 & 3/NIL/2014, dated 15.10.2014 entered with the 6th respondent.
3. I submit that the above writ petition came up for admission on 21.02.2025 and this Hon'ble court after appreciating the facts and circumstances of the case was pleased to allow the writ petition and the operative portion is as follows:

Having regard to the facts and circumstances of the case and on considering the submissions of both the learned counsels, this court is of the opinion that, since the authorities intends to pay the amount to the petitioner; this court is inclined to allow the writ petition, directing the respondents to include the petitioner's head of account into Assistant Commissioner's DDO Code and to pay the admitted bill amount of Rs. 35,50,559/- to the petitioner at the earliest, within a period of six(06) weeks from the date of receipt of a copy of this order. It shall be open to the petitioner to agitate his/her claim for interest, if any payable by the respondents in an appropriate forum.

4. I submit that in pursuance of the order passed by this Hon'ble court dated 21.02.2025 I have duly intimated the orders passed by this Hon'ble court and the same is within the knowledge of the respondents/Contemnors. It is pertinent to mention the fact that when there is a specific
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direction from this Hon'ble court to clear the payment payable to the petitioner the same is not yet done which shows the deliberate attitude of the respondents/contemnors. The interest on the amounts borrowed by the me is piling up day by day and If the due amounts are not paid at the earliest, I will be put to irreparable loss and hardship and the respondents are not justified in withholding the amounts payable to me.

5. I submit that the respondents/contemnors are duty bound to implement the orders passed by this Hon'ble court and non compliance of the orders of this Ho'ble court is putting me to unbearable suffering and agony. The deliberate and willful action of the respondent/contemnor in not implementing the orders of the Hon'ble court even after the lapse of six weeks attracts penal provisions U/s. 10 to 12 of The Contempt of Court Act. Hence, this petition for seeking justice.
6. It is therefore prayed that this Hon'ble Court may be pleased to punish the respondents/Contemnors herein for their willful violation and deliberate disobedience of the orders passed by this Hon'ble Court in WP No. 32852 of 2023 dated 21.02.2025 under sections 10 to 12 of Contempt of Courts Act, 1971 and pass such other order or orders as are deemed fit and proper.

Sworn and signed before me

DEPONENT

On this the 17th day of June, 2025
at Amaravati.

ADVOCATE: AMARAVATI.

VERIFICATION STATEMENT

I, S. Sudhakar Reddy, S/o. Subba Reddy, being the Petitioner and deponent herein, declaring that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and on legal advice. Hence Verified at Amaravati, on this the 17th day of June, 2025.

Counsel for the Petitioner

DEPONENT

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

FRIDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 32852 OF 2023

Between:

S.Sudhakar Reddy, S/o. Subba Reddy, R/o. H.No. 27-326-2, Moolasagaram,
Nandyal Town and District.

...PETITIONER(S)

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Finance and Planning Department, Secretariat, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary Endowments Department, Secretariat, Velagapudi, Guntur District.
3. The District Collector, Nandyal District, Nandyal.
4. The Commissioner of Endowments, Gollapudi, Vijayawada, NTR District.
5. The Assistant Commissioner of Endowments, Kurnool, Kurnool District.
6. Sri Gangamma, Sri Peddamma, Sri Kodandaram & Sri Anjaneya Swamy Group of Temples, Rep. by its Executive Officer, Cherlopalli Village, Owk Mandal, Nandyal District.
7. The Executive Engineer, Endowments Department, Kurnool, Kurnool 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 an appropriate writ, order or direction more particularly one in the nature **WRIT OF MANDAMUS**, declaring the action of the

respondents in not paying the Rs. 35,50,559/- for the works of admitted bill amounts of reconstruction of Sri Gangamma Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Kondandarama & Anjaneya Swamy Temple in Cherlopalli Village, Nandyal District vide agreement No's. 1, 2 & 3/NIL/2014, dated 15.10.2014 entered with the 6th respondent, as illegal, Owk Mandal, arbitrary, violative of Arts. 14 and 19(g) of the Constitution of India and consequently direct the Respondents to forthwith release the payment of above bill amounts along with interest.

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 forthwith process and release the bills of Rs.35,50,559 for the works of reconstruction of Sri Gangamma Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy Temple in Cherlopalli Village, Owk Mandal, Nandyal District, pending disposal of Writ Petition.

Counsel for the Petitioner: SRI K.RATHANGA PANI REDDY

Counsel for the Respondent No.1: ASST.GP FOR FINANCE & PLANNING

Counsel for the Respondent Nos. 2, 4, 5 & 7: SRI P.SRINIVAS,

ASST.GP FOR ENDOWMENTS

Counsel for the Respondent No.3: ASST.GP FOR REVENUE

Counsel for the Respondent No.6: SRI G.RAMANA RAO, SC FOR

ENDOWMENTS RAYALASEEMA REGION

The Court made the following: ORDER



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

[3310]

FRIDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 32852/2023

Between:

S Sudhakar Reddy

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.K RATHANGA PANI REDDY

Counsel for the Respondent(S):

1.GP FOR FINANCE PLANNING

2.GP FOR REVENUE

3.G RAMANA RAO (SC FOR ENDOWMENTS RAYALASEEMAREGION)

4.GP FOR ENDOWMENTS

The Court made the following Order:

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

*"..... to issue an appropriate writ, order or direction
more particularly one in the nature Writ of Mandamus
declaring the action of the respondents in not paying the
Rs.35,50,559/- for the works of admitted bill amounts of
reconstruction of Sri Gangamme Devatha Temple,*

reconstruction of Sri Peddamma Devatha Temple and reconstruction of Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District vide agreement Nos.1, 2 & 3/NIL/2014, dated 15.10.2014 entered with the 6th respondent as illegal, arbitrary, violative of Arts 14 and 19(g) of the Constitution of India and consequently direct the Respondents to forthwith release the payment of above bill amounts along with interest....."

2. Brief facts of the case are that the petitioner is a civil contractor and have executed various civil works awarded by the Government. The 3rd respondent accorded administrative sanction vide Rc.G1.719/2006, dated 10.10.2013 for reconstruction of Sri Gangamme Devatha Temple, Sri Peddamma Devatha Temple, Sri Kondandarama and Anjaneya Swamy Temple in Cherlopalli Village, Owk Mandal, Nandyal District, as per the interim order of this Court dated 19.06.2012 passed in WPMP.No.23202/2012 in WP.No.18119/2012, wherein this Court directed the respondents to ensure that the temples submerged in the SRBC project are reconstructed and also directed to take immediate steps for choosing the location and allocation of funds. In pursuance of the same, tenders are called for and the petitioner was declared as successful bidder and accordingly agreement was entered with the Executive Officer of the 6th respondent-temple vide Agreement No.1, 2 & 3/NIL/2014, dated 15.10.2014. The petitioner has completed the re-construction works as per the agreement and the costs incurred for the reconstruction are to a tune of Rs.45,64,573/- and out of which Rs.7,26,131/- was paid to the petitioner and Rs.35,50,559/- has to be paid. The petitioner was directed to raise the bills before the 7th respondent for payment. The 5th

respondent has addressed a letter dated 31.08.2018 to the Project Manager, R & R Package Projects for releasing the funds to the petitioner and a letter dated 20.10.2022 was addressed to the 4th respondent by District Administrative Officer for release of remaining amount by observing that the petitioner has physically completed the above works six and half years ago. But till now the remaining amounts has not been paid by the respondents to the petitioner. Aggrieved by the same, the present writ petition has been filed.

3. The 6th respondent filed counter affidavit denying the allegations made in the writ petition and stated that the Superintending Engineer, Multi Zone-II, Kurnool has accorded Technical Sanction for re-construction of three temples namely Sri Gangamma Devatha Temple for Rs.13,40,000/-, Sri Peddamma Devatha temple for Rs.13,40,000/- and Sri Kodandarama and Anjaneya Swamy temple for Rs.34,58,219/- at Cherlopalli Village, Owk Mandal, wherein the 6th respondent called for tenders through E-Procurement as per rules. After the due procedure, the petitioner entered into an agreement dated 15.10.2014 with the 6th respondent herein and as well as Supplemental Agreement No.1/SUP-1/2017. Thereafter, the petitioner has started reconstruction of three temples. It is further stated that the D.C. Bills were submitted to the Assistant and Pay Accounts Officer (R & R Package) Projects, Kurnool by the 5th respondent vide letter in Rc.No.A4/8420/2013 Gnl, dated 20.04.2015 requesting to release an amount of Rs.8,12,420/- in favour of subject temples towards payments of Contractor and taxes. Accordingly,

the said amount was released and paid 1st instalment part payment of Rs.7,26,131/- to the petitioner after deducting Tax, VAT and CESS. It is further stated that subsequently, the petitioner has proceeded with the construction of the temples to some extent and not completed so. The 3rd respondent requested the Special Commissioner R & R, Water Resource Department, Vijayawada to release the amount of Rs.35,50,559/- to make payment to the petitioner through letter in Rc.No.G1/719/2006, dated 05.10.2018. In the meanwhile, the Joint Collector and Project Administrator, R & R Package, Kurnool has issued proceedings to the 5th respondent to prefer the bills to PAO/APAO through CFMS and Head of Account concerned for Rs.35,50,559/- to make payment to the petitioner. But the 5th respondent informed that, the concerned head of account was not included to the Assistant Commissioner's DDO code. Accordingly, ticket has been raised twice through CFMS, but not included the concerned head of account to Assistant Commissioner's DDO code.

4. Heard . Mr.K.Rathangapani Reddy, learned counsel for the petitioner; learned Assistant Government Pleader for Finance and Planning, for respondent No.1, Mr.P.Srinivas, learned Assistant Government Pleader for Endowments, for respondent Nos.2, 4, 5 and 7, learned Assistant Government Pleader for Revenue, for respondent No.3 as well as Mr.G.Ramana Rao, learned Standing Counsel for respondent No.6.

5. On hearing, learned counsel for the petitioner while reiterating the contents urged in the writ petition, submits that, the petitioner have done the works of reconstruction of Sri Gangamme Devatha Temple, Sri Peddamma Devatha Temple, Sri Kondandarama and Anjaneya Swamy Temple in Cherlopalli Village, Owk Mandal, Nandyal District and inspite of completing the works that are entrusted to petitioner successfully, the respondents did not process the pending bills and the amounts are to be paid for the works done are Rs.35,50,559/-. He further submits that the respondents have admitted the bills payable to the petitioner and the respondents stated that the same will be uploaded in the CFMS portal of the 1st respondent. The respondents have not released the pending bill amount for the works done by the petitioners for the past seven and half and years and the respondents cannot withhold the amounts that are payable to petitioners. Though the petitioner is entitled for payment of the admitted amounts, the respondents are dodging the matter and the amounts payable is withheld by the respondents without any valid reason and the petitioner has been approaching the respondents several times for the payment of amounts payable in respect of the completed works, but all the efforts went in vain. Therefore, learned counsel for the petitioner requests this Court to pass appropriate orders.

6. Per Contra, learned Standing Counsel while reiterating the contents made in the counter affidavit, submits that the 5th respondent has addressed number of letters to the Chief Executive Officer, CFMS,

Vijayawada, dated 01.07.2021, 12.07.2021, 05.08.2021, 20.07.2022, etc., requesting to include the concerned Head of Account i.e., 4700-01-121-11-49-530-536 to the Assistant Commissioner's DDO code No.09012307002 enable the Authorities to release the said amount and for payment of the same to the petitioner, but the same is pending at the end of Office of CFMS, Vijayawada. He further submits that the pending payment of Rs.35,50,559/- could not be paid to the petitioner for the above said reasons. Moreover, the said three temples have no income and the petitioner gave letter dated 07.04.2023 expressing his inability to complete construction of the temples and requested for payment of pending bill. In pursuance of the said letter, the villagers by themselves, have completed the remaining portion of construction of two temples with their own funds and still some work left over to complete construction of third temple. He further submits that, the concerned head of account was not included to the Assistant Commissioner's DDO code and hence, the payment of Rs.35,50,559/- could not be paid to the petitioner. Therefore, learned Standing Counsel requests this Court to pass appropriate orders.

7. Perused the record.

8. On a perusal of the material on record, this Court observed that, admittedly the petitioner has entered into an agreement with the 6th respondent temple for the reconstruction works of the subject temples. After

the petitioner completed the reconstruction works, the costs incurred are to a tune of Rs.45,64,573/- and out of which Rs.7,26,131/- was paid to the petitioner and Rs.35,50,559/- remains to be paid. The Joint Collector and Project Administrator, R & R Package, Kurnool has issued proceedings to the 5th respondent to prefer the bills to PAO/APAO through CFMS and Head of Account concerned for Rs.35,50,559/- to facilitate payment to the petitioner. However, the 5th respondent informed that the concerned head of account was not included to the Assistant Commissioner's DDO code and as such, the bills were not paid to the petitioner.

9. Having regard to the facts and circumstances of the case and on considering the submissions of both the learned counsels, this Court is of the opinion that, since the authorities intends to pay the amount to the petitioner; this Court is inclined to allow the writ petition, directing the respondents to include the petitioner's head of account into Assistant Commissioner's DDO Code and to pay the admitted bill amount of Rs.35,50,559/- to the petitioner at the earliest, within a period of six (06) weeks from the date of receipt of a copy of this order. It shall be open to the petitioner to agitate his/her claim for interest, if any payable by the respondents in an appropriate forum.

11. Accordingly, the Writ Petition is allowed. No costs.

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

Sd/- K. TATA RAO
DEPUTY REGISTRAR

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FB *SR*

SECTION OFFICER

To,

1. The Principal Secretary Finance & Planning Department, State of Andhra Pradesh Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary Endowments Department, State of Andhra Pradesh Secretariat, Velagapudi, Guntur District.
3. The District Collector, Nandyal District, Nandyal.
4. The Commissioner of Endowments, Gollapudi, Vijayawada, NTR District.
5. The Assistant Commissioner of Endowments, Kurnool, Kurnool District.
6. The Executive Officer, Sri Gangamma, Sri Peddamma, Sri Kodandaram & Sri Anjaneya Swamy Group of Temples, Cherlopalli Village, Owk Mandal, Nandyal District.
7. The Executive Engineer, Endowments Department, Kurnool, Kurnool District.
8. One CC to Sri K.Rathanga Pani Reddy, Advocate [OPUC]
9. Two CCs to GP for Finance & Planning, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
11. One CC to Sri G.Ramana Rao, SC for Endowments Rayalaseema Region. [OPUC]
12. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
13. Three CD Copies.

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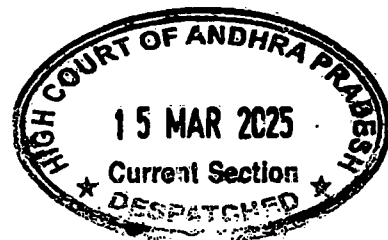
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HIGH COURT

DATED:21/02/2025

ORDER

WP.No.32852 of 2023



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

17

MEMORANDUM OF WRIT PETITION
(UNDER ART.226 OF CONSTITUTION OF INDIA)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

W.P.No. 32852 of 2023

Between:

S. Sudhakar Reddy, S/o. Subba Reddy,
R/o. H.No. 27-326-2, Moolasagaram,
Nandyal Town and District

..PETITIONER

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1. The State of Andhra Pradesh, Rep. by its
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Secretariat, Velagapudi, Guntur District
2. The State of Andhra Pradesh, Rep. by its
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4. The Commissioner of Endowments,
Gollapudi, Vijayawada, NTR District
5. The Assistant Commissioner of Endowments,
Kurnool, Kurnool District
6. Sri Gangamma, Sri Peddamma,
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Cherlopalli Village, Owk Mandal, Nandyal District
7. The Executive Engineer,
Endowments Department,
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..RESPONDENTS

The address of the petitioner for the purpose of service of all notices and process to the above named petitioner is that of their counsel M/s. K. RATHANGA PANI REDDY, K.Naga Phanindra, Advocates, Flat No. 510, Block-B, Pine Woods Apartments, Ashramam Road, Tadepalli, Guntur District

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For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature Writ of Mandamus, declaring the action of the respondents in not paying the admitted bill amounts of Rs. 35,50,559/- for the works of reconstruction of Sri Gangamme Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District vide agreement No's. 1, 2 & 3/NIL/2014, dated 15.10.2014 entered with the 6th respondent, as illegal, arbitrary, violative of Arts. 14 & 19(g) of the Constitution of India and consequently direct the Respondents to forthwith release the payment of above bill amounts along with interest and pass such other order or orders as are deemed fit and proper.

Amaravati,
Dt. 19.12.2023


Counsel for the petitioner

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KURNOOL DISTRICT

IN THE HIGH COURT OF
ANDHRA PRADESH
AT AMARAVATI

W.P. NO. 32852 OF 2023

WRIT PETITION

Filed By:

K. RATHANGAPANI REDDY (4414)
K. Naga Phanindra

Counsel for Petitioner

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. *32852* OF 2023

Between:

S. Sudhakar Reddy, S/o. Subba Reddy,
R/o. H.No. 27-326-2, Moolasagaram,
Nandyal Town and District

..PETITIONER

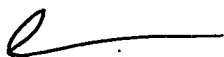
A N D

1. The State of Andhra Pradesh, Rep. by its
Principal Secretary Finance and Planning Department,
Secretariat, Velagapudi, Guntur District
2. The State of Andhra Pradesh, Rep. by its
Principal Secretary Endowments Department,
Secretariat, Velagapudi, Guntur District
3. The District Collector,
Nandyal District, Nandyal
4. The Commissioner of Endowments,
Gollapudi, Vijayawada, NTR District
5. The Assistant Commissioner of Endowments,
Kurnool, Kurnool District
6. Sri Gangamma, Sri Peddamma,
Sri Kodandaram & Sri Anjaneya Swamy
Group of Temples, Rep. by its Executive Officer,
Cherlopalli Village, Owk Mandal, Nandyal District
7. The Executive Engineer,
Endowments Department,
Kurnool, Kurnool District

..RESPONDENTS

AFFIDAVIT

I, S. Sudhakar Reddy, S/o. Subba Reddy, R/o. H.No. 27-326-2,
Moolasagaram, Nandyal Town and District, do hereby solemnly and
sincerely state as follows:



1. I am the petitioner herein and as such I am well acquainted with the facts of the case.
2. I submit that I am a civil contractor and have executed various civil works awarded by the Government in the past. While so 3rd respondent accorded administrative sanction vide Rc.G1.719/2006, dated 10.10.2013 for reconstruction of Sri Gangamme Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District as per the interim orders passed by this Hon'ble Court in WPMP No. 23202/2012 in WP No. 18119/2012, dated 19.06.2012, wherein the Hon'ble Court in that writ petition directed the respondents to ensure that the temples submerged in the SRBC project are reconstructed and also directed to take immediate steps for choosing the location and allocation of funds.
3. I submit that in pursuance to the same tenders are called for and I was declared as successful bidder and accordingly agreement was entered with the executive officer of 6th respondent temple vide agreement No. 1, 2& 3/NIL/2014, dated 15.10.2014. I have completed the construction as per the agreement for the works of reconstruction of Sri Gangamme Devatha Temple, reconstruction of Sri Peddamma Devatha

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Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District and the costs incurred for the reconstruction are to a tune of Rs. 45,64,573/- and out which Rs. 7,26,131/- was paid to the petitioner and Rs. 35,50,559/- has to be paid. Petitioner was directed to raise bills before the 7th respondent for payment.

4. I submit that the entire works that are entrusted to me are completed and respondents are dodging the matter from the past several years by not paying the entire bill amount and only infact correspondence is going within the respondents. 5th respondent has addressed a letter dated 31.08.2018 to Project Manager, R & R Package Projects for releasing the funds to the petitioner and more so recently a letter dated 20.10.2022 was addressed to the 4th respondent by District Administrative officer for release of remaining amount by observing that petitioner has physically completed the above works six and half years ago and petitioner is facing financial criticism and hardship. I have invested the said amounts by borrowing from various sources i.e. hand loans and from financial institutions, on interest and executed the entire works to the satisfaction of the respondents.
5. I submit that petitioner have done the works of reconstruction of Sri Gangamma Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri



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Kondandarama & Anjaneya Swamy temple in Cherlopalli Village,
Owk Mandal, Nandyal District and inspite of completing the
works that are entrusted to petitioner successfully respondents
did not process the pending bills and the amounts to be paid for
the works done are Rs. 35,50,559/-.

6. I submit that respondents have not released the pending bill amount for the works done by the petitioners for the reasons best to known to them for the past seven and half years and the respondents cannot withhold the amounts that are payable to petitioners. The Respondents are under obligation to satisfy the bills for the works done by the petitioner that are entrusted. Though petitioner is entitled for payment of the admitted amount respondents are dodging the matter and the amounts payable is withheld by the respondents without any valid reason and petitioner have been approaching the respondents several times for the payment of amounts payable in respect of the completed works, but all their efforts went in vain.
7. I submit that respondents have admitted the bills payable to the petitioner and respondents stated that the same will be uploaded in the CFMS portal of the 1st respondent. As stated supra, petitioner have executed the entire works to the satisfaction of respondents. The interest on the amounts borrowed by them is piling up day by day. If the due amounts are not paid at the

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earliest, we will be put to irreparable loss and hardship and the respondents are not justified in withholding the amounts payable to the petitioners. The action of the respondents in withholding the amounts payable is illegal, arbitrary, unconstitutional and violative of fundamental rights guaranteed under Art. 14 & 19(1)(g) of the Constitution of India and needs to be deprecated by this Hon'ble court.

8. I submit that the Hon'ble Supreme Court, in Civil Appeal No. 1600 of 2020 decided on 14.2.2020 by a 3-Judge Bench headed by Chief Justice of India, Justice B.R.Gavai and Justice Suryakant, was pleased to hold that where there are no disputed facts, the writ petition can be entertained under Art. 226 of Constitution of India. It was further held that even if there are disputed questions of fact which fall for consideration but if they do not require elaborate evidence to be adduced, the High Court is not precluded from entertaining a petition under Art. 226 of the Constitution. It is held that such power is to be exercised where the action of the State or its instrumentality is arbitrary and unreasonable and as such violative of Art. 14 of the Constitution of India. It was further held that the State should act as a model litigant but cannot drive the people to Courts. The Hon'ble Apex Court criticized the attitude of the Government officials in deliberately delaying taking crucial

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decisions affecting citizens and then contesting the same on technical pleas without justification. This Hon'ble Court, in a judgment reported in 2021 (1) p.30 DB (PS) clearly held that even in contractual matters where there is delay, writ petition under Art.226 of Constitution of India can be entertained.

9. I submit that we have no other alternative remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India.
10. I submit that we have not filed any writ, suit or appeal before in any court or authority.
11. It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature Writ of Mandamus, declaring the action of the respondents in not paying the admitted bill amounts of Rs. 35,50,559/- for the works of reconstruction of Sri Gangamme Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District vide agreement No's. 1, 2 & 3/NIL/2014, dated 15.10.2014 entered with the 6th respondent, as illegal, arbitrary, violative of Arts. 14 & 19(g) of the Constitution of India and consequently direct the Respondents to forthwith release the payment of above bill amounts along with interest and pass such other order or orders as are deemed fit and proper.

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12. It is further prayed that pending disposal of the above writ petition this Hon'ble Court may be pleased to direct the respondents to forthwith process and release the bills of Rs. 35,50,559 for the works of reconstruction of Sri Gangamma Devatha Temple, reconstruction of Sri Peddamma Devatha Temple and reconstruction of Sri Kondandarama & Anjaneya Swamy temple in Cherlopalli Village, Owk Mandal, Nandyal District, pending disposal of writ petition and pass such order or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Sworn and signed before me
on this 19th day of December, 2023
at Amaravati.

Deponent


ADVOCATE :: AMARAVATI
(M. V. Rao)

Verification Statement

I, S. Sudhakar Reddy, S/o. Subba Reddy, being the petitioner and deponent herein acquainted with the facts do hereby verify that the contents of the affidavit filed in support of the Writ Petition are true to my knowledge and information based on record and believed to be correct and are based on legal advice believed to be correct. Verified at on this the 19th day of November, 2023


Counsel for the Petitioner

Deponent

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KURNOOL: DISTRICT

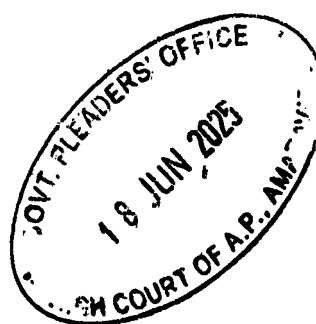
IN THE HIGH COURT OF
ANDHRA PRADESH
AT AMARAVATIC.C. No. OF 2025
IN

W.P. NO. 32852 OF 2023

Rev/G

Entry

File

CONTEMPT PETITION**K. RATHANGA PANI REDDY (4414)**

Counsel for the Petitioner

7893282210