

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.9394 OF 2009**

**ORDER:**

This writ petition is filed seeking to issue a *writ of mandamus* declaring the proceedings of the 3<sup>rd</sup> respondent in sanctioning building permission in BA No.166/2007, dated 10-9-2007, on the recommendation and approval of the 2<sup>nd</sup> respondent vide his proceedings in D.Dis.BA No.296/G2/2007, dated 14-08-2007 for construction of residential apartment in TS No.3/2C/2 Narayanapuram, Off: Tiruchanoor Raod, Tirupati, as being illegal, arbitrary and violative of the principles of natural justice, apart from being violative of Articles 14 and 300-A of the Constitution and to pass appropriate consequential orders.

2. The grievance of the petitioner is that before sanctioning the building plan in favour of M/s.Shree Lakshmi Residency, promoted by the 4<sup>th</sup> respondent, the petitioner made representation dated 17-10-2008, particularly in the light of the directions given by the 2<sup>nd</sup> respondent through his proceedings dated 3-10-2008 and 30-10-2008, directing the 3<sup>rd</sup> respondent to enquire into the matter and take appropriate action, but the 3<sup>rd</sup> respondent without looking into the representation made by the petitioner bringing to his notice that the 4<sup>th</sup> respondent has been constructing residential apartment encroaching upon her land for the purpose of road, approved building plan vide BA No.166 of 2007, dated 10-9-2007 for construction of residential apartment consisting stilt for parking plus five floors.

3. This Court while admitting the writ petition, granted interim

direction directing the 3<sup>rd</sup> respondent-Commissioner to consider the representation said to have been made by the petitioner and pass orders thereon taking into account the directions issued by the 2<sup>nd</sup> respondent.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. It is stated by learned Standing Counsel for the 3<sup>rd</sup> respondent-Corporation that the representation of the petitioner dated 17-10-2008 was examined with reference to the building plan approved by the Corporation in favour of the 4<sup>th</sup> respondent and found no deviations or irregularities in the construction of the apartment and, therefore, no action was taken against the 4<sup>th</sup> respondent.

6. Inasmuch as the grievance of the petitioner in this writ petition is only with regard to non-consideration of her representation dated 17-10-2008, and this Court, as long back as in 2009 granted the interim direction to consider the said representation, the 3<sup>rd</sup> respondent-Corporation is said to have considered it, no further orders need be passed in this writ petition. The allegation of the petitioner that the 4<sup>th</sup> respondent has been trying to encroach upon her land for the purpose of laying a road, is purely disputed question of fact which can be redressed by taking recourse to civil remedies. Disputes of civil nature which involves examination of minutes details cannot be gone into in proceedings under Articles 226 of the Constitution. In the circumstances, I do not find any merit in the writ petition and it is accordingly dismissed. Miscellaneous petitions, if any, pending in this Writ Petition shall also stand dismissed. No order as to costs.

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**A.RAJASHEKER REDDY, J**

**Dated: 18.09.2015**

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