IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT PETITION No.17339 of 2025
And
WRIT APPEAL No.1095 of 2026

(CNR.Nos: HBHC010346702025 and HBHC010650722026)

DATE: 03.11.2026

Reserved on: 27.10.2026 **Pronounced on : 03.11.2026**
Uploaded on : 04.11.2026

W.P.No.17339 of 2025

Between:

T.Dhana Chakra

...Petitioner

AND

The State of Telangana,
Rep by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad, Telangana and others

...Respondents

COMMON JUDGMENT: *(per Hon'ble Sri Justice Suddala Chalapathi Rao)*

Heard Mr.Vivek Jain, learned Senior Counsel appearing on behalf of Mr.Siddharth CB, learned counsel for petitioner/appellant in both the cases, Mr.Sunil S.Ganu, learned Senior Counsel representing Mrs.Manjari S.Ganu,

learned counsel for respondent Nos. 1 to 3 in W.A.No.1095 of 2026 and learned Government Pleader for Housing Department appearing for respondent No.4 in W.A.No.1095 of 2026.

2. W.P.No.17339 of 2025 has been filed seeking the following relief :-

> *"…to issue a writ or direction more particularly a writ of mandamus declaring the action of the 4th respondent in issuing the Open Auction Advertisement Notice dt. 31.05.2025 published in Eenadu Telugu Daily Newspaper on 12.06.2025 under proceedings bearing No.114/Auction Advertisement/EE(N)/2025, fixing the auction of the plots including the plot of the petitioner mentioned in the Sl.No.12 of the auction notice through open auction on 23.06.2025 in Gachibowli (V), Serilingampally (M) as illegal, arbitrary, unconstitutional and violative of Article 14 of the Constitution of India and consequently direct the 4th respondent to drop all the proceedings arising out of the auction notice issued on 31.05.2025 including the quashing of the same and pass such further order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case…"*

3. W.A.No.1095 of 2026 arises out of W.P.No.22138 of 2026. The said Writ Petition was filed seeking the following relief:-

> *"…to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the proceedings bearing Lr.No.Auction/GB/Land/Dog Park/EE(N)/2026/ TGHB-DB/LAND/59/2025-EE-North Division-Hyd,*

dated 19.06.2026 issued by the Telangana Housing Board cancelling the confirmed auction/allotment in respect of the commercial plot situated adjacent to Dog Park, Phase-IV, Housing Board Colony, Gachibowli and forfeiting the 25%+1% amount deposited as illegal arbitrary violative of natural justice and Articles 14, 19(1)(g) and 300-A of the Constitution of India and consequently set aside the same; direct the respondents to consider representation dated 06.07.2026 and restore the auction confirmation in favour of the petitioners; permit the petitioners to remit the balance sale consideration after the respondents furnish complete revenue sketch, authenticated boundaries, survey particulars and clear peaceful possession; direct execution and registration of sale deed in favour of the petitioners upon payment of balance consideration and to indemnify the same in lieu of pending W.P.No.17339 of 2025 and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case..."

4. W.P.No.17339 of 2025 and W.A.No.1095 of 2026 are connected matters relating to the auction of a plot situated at Gachibowli Village, Serilingampally Mandal, both matters are heard together and are being disposed of by this common order, treating W.P.No.17339 of 2025 which is filed challenging the auction notification issued by the Telangana Housing Board as the lead case and the assertions and findings arrived at in the lead case shall be binding in W.A.No.1095 of 2026.

W.P.No.17339 of 2025 :-

5. The brief facts of the case are that the petitioner claims to be a protected tenant under the provisions of the A.P. (T.A.) Tenancy and Agricultural Lands Act, 1950, (for short "the Act") in respect of land admeasuring Ac.18-00 guntas situated at Gachibowli Village, being one of the legal heirs of late Sri T.Shivaiah, resident of Gachibowli Village, Serilingampally Mandal, who was originally allotted the aforementioned land.

6. It is further stated that, after the death of Sri T.Shivaiah, the petitioner and other family members continued to be in possession and occupation of the said land and cultivated the same. It is alleged that, while the family members were pursuing their education and the land remained abondoned for some years, M/s.Jayabheri Enclave, in collusion with some relatives of the petitioner's family, created fabricated documents, illegally occupied the land and on some portion of the land, illegal constructions were also made by M/s. Jayabheri Enclave.

7. It is further stated that, upon coming to know about the said acts, the petitioner and other legal heirs of late Sri T.Shivaiah filed an application before the Deputy Collector and Tahsildar, Serilingampally Mandal, under Section 32 of the A.P. (T.A.) Tenancy and Agricultural Lands Act, 1950, seeking restoration of the land in Sy.Nos.103, 105, 106 and 109 of Gachibowli Village, Serilingampally Mandal, to an extent of Ac.18-00 guntas and the Deputy Collector and Tahsildar, Serilingampally Mandal, *vide* proceedings No.B1/128/2008, dated 20.07.2012, ordered restoration of possession of the lands covered by the said survey numbers at Gachibowli Village.

8. That being so, the respondent-Department issued an open auction advertisement notice dated 31.05.2025, published in the Eenadu Telugu Daily Newspaper on 12.06.2025, under proceedings bearing No.114/Auction Advertisement/EE(N)/2025, without mentioning the survey numbers of the land proposed to be auctioned and the petitioner claims that the land belonging to the petitioner and other legal heirs of late Sri T.Shivaiah, as well as his plot was

included at Sl.No.12 of the proposed auction, which was scheduled to be conducted on 23.06.2025 at Gachibowli Village, Serilingampally Mandal. The petitioner, therefore, challenged the said auction in the present Writ Petition on the ground that the respondent Department has no locus to auction the land claimed by the petitioner.

9. In support of the claim of the petitioner, the only document filed before this Court in the lead Writ Petition is the proceedings of the Deputy Collector and Tahsildar, Serilingampally Mandal, *vide* Proceedings No.B1/128/2008, dated 20.07.2012, wherein it is held that as per the P.T. Register of the village, the lands in Sy.Nos.60, 61 and 63, admeasuring Ac.4-20 guntas, fell to the share of Jeethaiah; the lands in Sy.Nos.127 and 128 fell to the share of Narsaiah; and the lands in Sy.Nos.103, 105, 106 and 109, admeasuring Ac.18-03 guntas, fell to the share of the petitioner's father, Sri T.Shivaiah. Accordingly, restoration of possession was ordered in respect of the lands admeasuring Ac.18-03 guntas, in Sy.Nos.103, 105, 106 and 109, situated at

Gachibowli Village, in favour of the petitioner and other legal heirs.

10. Evidently, except the said proceedings, the petitioner has not filed any patta certificate issued under Section 38-E of the A.P. (T.A.) Tenancy and Agricultural Lands Act, 1950, to establish the claim of the petitioner and other legal heirs over the said land. Moreover, the said proceedings were issued in the year 2012 and nearly 14 years have elapsed since then and no steps are taken for implementation of the said orders.

11. Further, no material has been placed before this Court to show that possession of the said lands was restored to the petitioner and other legal heirs pursuant to the proceedings of the Deputy Collector and Tahsildar, Serilingampally Mandal. Admittedly, the protected tenants or their legal heirs have to approach the competent authority, for issuance of a Protected Tenancy Certificate under Section 38-E of the said Act. But, apparently, no documents have been filed to show that patta certificates were issued in respect of the said lands.

12. In that view of the matter, the petitioner has not produced any document, except the proceedings dated 20.07.2012, to *prima facie* establish the claim of the petitioner and the other legal heirs, to the subject property and the proposed auction affecting the rights claimed by the petitioner. Insofar as the plot claimed by the petitioner at Sl.No.12 is concerned, the petitioner has not substantiated the relief sought for by producing appropriate documents such as pattadar passbooks or other relevant certificates, to establish his claim to the said plot. Even the proceedings dated 20.07.2012 would only show that the order is in respect of total land of Ac.18-03 gts. of land and no document is produced to show that the auctioned plot is in the land of the petitioner. In the absence of any documents produced by the petitioner in support of his claim, this Court cannot set aside the proposed auction or declare it null and void.

13. In that view of the matter, this Writ Petition is devoid of merits and is liable to be dismissed.

W.A.No.1095 of 2026 :-

14. Insofar as W.A.No.1095 of 2026 arising out of W.P.No.22138 of 2026 is concerned, pursuant to the order of this Court in the lead Writ Petition dated 13.08.2026, permitting the respondents to proceed with conducting auction *vide* proceedings No.114/Auction Advertisement/ EE(N)/ 2025, subject to the outcome of the Writ Petition, the petitioners in the underlying Writ Petition participated in the subject auction and emerged as successful bidders by paying 25% of the bid amount along with an additional 1% earnest amount to the respondent-Department. However, as the balance amount was not paid, the said amounts were forfeited, and challenging the same, W.P.No.22138 of 2026 is filed.

15. Learned Single Judge specifically observed that the auctioned plot falls in Sy.No.108 and reference was also made to the communication of Deputy Collector and Tahsildhar, Serlingampally to respondent No.3, dated 25.08.2024, wherein it is clarified that the subject plot which was auctioned to an extent of 1137 sq.yards is falling in

Sy.No.108, Gachibowli Village, Serilingampally Mandal, RR District, whereas, the subject matter claimed by the writ petitioner in the lead Writ Petition is forming part of Sy.No.103. Thus, the survey numbers are totally different and distinct.

16. Subsequently, on the submission of the learned Senior Counsel for the petitioner that the petitioners in W.P.No.22138 of 2026 were ready to pay the balance sale consideration within a period of one (01) week, the said Writ Petition was disposed of by setting aside the impugned proceedings dated 19.06.2026, whereby the earnest amount of 1% and the 25% of the bid amount paid by the writ petitioners were forfeited. The petitioners were directed to pay the balance amount on or before 22.08.2026, and the respondent authorities, upon confirmation, were directed to consider the matter, execute and register the sale deed in favour of the petitioners in accordance with the provisions of the Registration Act, 1908, and the Indian Stamp Act, 1899, within a period of three (03) weeks thereafter.

CONCLUSION:-

17. As already held herein above, that the lead Writ Petition i.e., W.P.No.17339 of 2025 is devoid of merits, it stands dismissed. No costs.

18. Since, the survey numbers claimed by the petitioner in the lead Writ Petition and the survey number of the plot auctioned in the Writ Petition No.22138 of 2026 are different, this Court is not inclined to interfere with the order of the learned Single Judge in W.P.No.22138 of 2026 and the Writ Appeal instituted against the same stands dismissed. No Costs.

Miscellaneous petitions, if any are pending, shall stand closed.

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P.SAM KOSHY, ACJ

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SUDDALA CHALAPATHI RAO, J

Date: 03.11.2026
NIT

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

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