APHC010569622026

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

FRIDAY, THE 23rd DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 31131 OF 2026

Between:

1. Shaik Shareef, S/o. Hussain, Aged about 45 years, Occ Private, R/o. D.No. 9-364, Near Water tank, Railway Station Road, Narayanapuram, Nadikudi, Dachepalli Nagar Panchayat, Palnadu District, A.P. 522414.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Home Department, Secretariat, Velgapudi, Amaravathi, Guntur, A.P. 522238.

2. The State Election Commission of Andhra Pradesh, Rep by its Election Commissioner, Having Office at, 1st floor, New HODs Building. M.G. Road, Vijayawada, A.P. 520010.

3. The District Election Authority cum District Collector, Narsaraopeta, Palnadu District, A.P. - 522601.

4. The Election Officer, Dachepalli Nagar Panchayat, Palnadu District, A.P.-522414.

5. The Station House Officer, Dachepalli Police Station, Dachepalli, Palnadu District, A.P. - 522414.

6. Tangella Srinivasa Rao, S/o. Not known to petitioner, Aged not known to Petitioner, R/o. Not known to petitioner

7. The State of Andhra Pradesh, Rep by its Principal Secretary, MA and UD, Secretariat, Velgapudi, Amaravathi, 1 Guntur, A.P-522238

...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 topleased to issue a Writ, order or direction more particularly one in

the nature of Writ of Mandamus, declaring the action of the Respondent No.4 in passing Impugned proceedings Rc. No. 116/Election/2026 dated 19/10/2026 and rejecting the nomination of the Petitioner for the post of Chairperson to Nagar Panchayat, Dachepalli in the upcoming 2nd Ordinary Elections to urban and Rural Local Bodies, 2026 under Rule 12(2) (iii) r/w. 8(10) of the A.P. Municipalities and Nagar Panchayats (Conduct of Elections to the office of Chairpersons and Ward Members), Rules 2026 on the ground that the Petitioner failed to comply Rule 8(10) of the A.P Municipalities and Nagar Panchayats (Conduct of Elections to the office of Chairpersons and Ward Members), Rules 2026 and not considering the representation dated 22/10/2026 sent through e-Mail to the 2nd and 3rd Respondents as illegal, arbitrary violation of principles of natural justice and violation of Article, 14 and 21 of the Constitution of India and violation of Orders No. 191/SEC-F2/2026 dated 18/09/2026 and circular No. 1098/SEC- F1/2026 dated 21/10/2026 passed by the 2nd Respondent and set-aside the same and consequently, direct the Respondents to accept the nomination of the Petitioner for the Chairperson to Nagar Panchayat, Dachepalli for the 2nd Ordinary Elections to urban and Rural Local Bodies, 2026 by considering then representation dated 22/10/2026 made by the Petitioner and sent through e-Mail to the Respondents and pass

IA NO: 1 OF 2026

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 pleased to direct the Respondents to accept the nomination of the Petitioner for the post of Chairperson to Nagar Panchayat, Dachepalli for the 2nd Ordinary Elections to urban and Rural Local Bodies, 2026, by suspending the impugned proceedings Rc. No. 116/Election/2026 dated 19/10/2026 passed by the 4th Respondent and pass

Counsel for the Petitioner: BHUVANAGIRI SUBRAMANYA KUMAR

Counsel for the Respondents: GP FOR HOME Counsel for the Respondents:GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following order:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 31131

O R D E R

1) The petitioner has filed the present writ petition challenging the proceedings dated19.10.2026 issued by the fourth respondent, the Returning Officer, rejecting his nomination for the post of Chairperson of Dachepalli Nagar Panchayat in the ensuing ordinary elections to urban and rural local bodies. The petitioner seeks a direction to set aside the rejection and to direct the respondents to accept his nomination.

2) The case of the petitioner is that he submitted his nomination paper along with the required documents and declaration. According to him, the nomination was rejected on the ground that he had not furnished information regarding his involvement in a criminal case.

3) Learned counsel for the petitioner submits that the nomination papers were otherwise complete and relies on the circular issued by the State Election Commission, which states that a nomination should not be rejected merely because information furnished in a declaration, is false or defective. Reliance is also placed on the Judgment in ***Manik Lal Prasad***, ***Son of late Mahendra Prasad v. State of Bihar***.

4) The learned counsel appearing for the State Election Commission opposes the writ petition on the ground that a challenge to the rejection of a nomination in an ongoing municipal election is not maintainable under Article 226 of the Constitution of India. It is submitted that the petitioner must pursue

the remedy available under the election law. Reliance is placed on the decision of the Supreme Court in ***Meenakshi Natrajan v. Election Commission of India and another***.

5) The following questions arise for consideration:

> *"Whether the writ petition challenging rejection of the nomination is maintainable during the election process; and*
>
> *Whether the circular relied upon by the petitioner protects a candidate who admittedly failed to disclose the required information about a criminal case."*

6) At the outset, it is necessary to consider the constitutional scheme governing municipal elections. Article 243 Z G (b) of the Constitution of India provides that no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as may be provided by or under the law made by the Legislature of the State. The object of this provision is to ensure that election disputes are decided through the special procedure provided by law and that the election process is not interrupted by proceedings before a constitutional court.

7) The present challenge is directed against the rejection of the petitioner's nomination for a municipal election. The validity of that rejection is an issue arising directly out of the election process. The petitioner cannot avoid the constitutional restriction merely by describing the action of the Returning Officer as arbitrary or contrary to the circular of the State Election Commission. The election law provides a mechanism for challenging an election on the ground of improper rejection of a nomination. The petitioner may raise such aground before the competent forum in accordance with the

applicable law, subject to the requirements and limitations prescribed therein.

8) The Hon'ble Supreme Court's decision in ***Meenakshi Natrajan v. Election Commission of India and another*** [1] , relied upon by the respondents, reinforces the principle that a candidate whose nomination has been rejected must ordinarily pursue the remedy provided by the election law rather than seek judicial intervention to interrupt the election process. The constitutional scheme does not permit the Court to create a separate category of pre-election challenges merely because a candidate asserts that the rejection is plainly erroneous. In the present case, no exceptional circumstance has been established that would justify departing from the constitutional scheme.

9) The petitioner relies on ***Manik Lal Prasad v. State of Bihar***[2]. The facts of that case, as placed before this Court, concerned rejection of a nomination on the ground that a no-confidence motion had earlier been passed against the candidate. The issue there was whether that circumstance rendered the candidate ineligible to contest the election. The present case is materially different. Here, the stated ground for rejection is the failure to disclose information relating to a criminal case in the prescribed declaration. The decision relied upon by the petitioner, therefore, does not resolve the maintainability objection raised by the respondents and does not require this Court to entertain the present writ petition

[1] (2026 INSC 643)
[2] Civil Writ Jurisdiction Case No.6170 of 2022

notwithstanding Article 243ZG(b).

10) Even otherwise, the circular relied upon by the petitioner does not support his contention in the manner suggested. The relevant instructions distinguish between a declaration that has been filed in complete form but contains information alleged to be false or defective, and a declaration in which required information has not been furnished. The protection against rejection on the ground that information is false or defective applies where the prescribed declaration has been completed. The circular separately states that failure to furnish the required declaration or furnishing incomplete information may make the nomination liable to rejection.

11) In the present case, it is admitted for the purpose of this petition that the petitioner did not furnish information regarding his involvement in the criminal case. The petitioner’s contention that the remaining portions of the nomination papers were complete does not, by itself, establish that the prescribed declaration was complete. The omission of a required disclosure cannot automatically be treated as a mere defect in information already furnished. Whether the criminal case was of a nature that required disclosure, whether the declaration was otherwise compliant, and whether the Returning Officer correctly applied the relevant rules are matters that may be examined by the competent forum in an election challenge, if raised in accordance with law. In view of the constitutional bar and the alternative remedy, this Court need not record a final finding on those matters in this

writ petition.

12) The petitioner has also referred to the representation dated 22.10.2026 said to have been sent by e-mail to the respondents. The fact that such a representation was made does not, by itself, confer jurisdiction on this Court to examine the validity of the rejection in disregard of the constitutional scheme. Nor does the filing of a representation suspend or displace the remedy prescribed by the election law.

13) For the foregoing reasons, this Court is not inclined to entertain the writ petition challenging the rejection of the petitioner's nomination during the ongoing municipal election process. The petitioner is left at liberty to avail himself of the remedy available under the applicable election law before the competent forum, in accordance with law. All contentions on the merits of the rejection are left open to be considered by that forum, if and when properly raised.

14) Accordingly, the writ petition is dismissed as not maintainable. There shall be no order as to costs.

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

JUSTICE SUNITHA GANDHAM

Date: 23.10.2026

SM/VS