APHC010569812026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31135/2026

Between:

1. GANTA MOHANA RAO, S/O. GANTA VENKATA RAO, AGED ABOUT 57 YEARS, OCCUPATION BUSINESS, R/O. 4-80/1, VV NAGAR, KOMADAVOLE, ELURU MUNICIPAL CORPORATION LIMITS,ELURU ELURU DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI. 522237
2. THE ANDHRA PRADESH STATE ELECTION COMMISSION, REP. BY ITS STATE ELECTION COMMISSIONER, VIJAYAWADA, ANDHRA PRADESH. 520010
3. THE DISTRICT COLLECTOR CUM DISTRICT ELECTION OFFICER, ELURU DISTRICT, ELURU, ANDHRA PRADESH,534001.
4. THE MUNICIPAL COMMISSIONER AND RETURNING OFFICER, ELURU MUNICIPAL CORPORATION, ELURU, ELURU DISTRICT, ANDHRA PRADESH,534001.
5. SRI REDDY APPALA NAIDU, S/O. NOT KNOWN TO THE PETITIONER, R/O. DOOR NO. 299, CHENCHULA COLONY, ELURU,ELURU DISTRICT, ANDHRA PRADESH,534001.

...RESPONDENT(S):

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 order or orders, direction or directions, writ or writs particularly one in the nature of Mandamus (a) Declare the order No.

RO/MAYOR-ELEC2026/2 dated 23-10-2026 of Respondent No. 4, to the extent it rejects the objection of the Petitioner and accepts the nomination of Respondent No. 5 for the office of Mayor, Eluru Municipal Corporation, who held an office of profit on 17-10-2026 and 20-10 2026, together with the consequential inclusion of his name and symbol in the final list of contesting candidates, if the same has been published, as illegal, arbitrary, contrary to Section 22(1)(c) of the Act and to Respondent No. 2s own directions, and violative of Articles 14 and 243-V of the Constitution of India and set aside the said order to that extent, together with the consequential inclusion of the name and symbol of Respondent No. 5 in the final list of contesting candidates published by Respondents 2 to 4, if such list has been published (b) Consequently direct Respondents 2 to 4 to reject the nomination of Respondent No. 5 to delete his name and symbol from the final list of contesting candidates, by publishing a corrected list if the final list has already been published to exclude his name and symbol from the ballot papers and the EVMs, or to have them removed or rendered inoperative if already printed or loaded and to proceed with the election among qualified candidates only and to 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 Respondents 2 to 4 not to permit Respondent No. 5 to contest the election to the office of Mayor, Eluru Municipal Corporation pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1. MEDAPATI SANTOSH REDDY

Counsel for the Respondent(S):

1. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

WRIT PETITION NO: 31184/2026

Between:

1. SRI GANTA SAI NARESH, S/O GANTA SATYANARAYANA, OCC. BUSINESS AGED ABOUT 31 YEARS, R/O DOOR NO. 4-81, V.V. NAGAR, OPP. MARKET YARD, KOMADAVOLE ELURU MUNICIPAL CORPORATION AREA, ELURU DISTRICT, ANDHRA PRADESH.

534001

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH, 522237.
2. THE ANDHRA PRADESH STATE ELECTION COMMISSION, REPRESENTED BY ITS SECRETARY, 1ST FLOOR, NEW HODS BUILDING, M.G. ROAD, VIJAYAWADA, ANDHRA PRADESH - 520010.
3. THE DISTRICT COLLECTOR CUM CHIEF ELECTION OFFICER, ELURU DISTRICT, ELURU, ANDHRA PRADESH.534001
4. THE MUNICIPAL COMMISSIONER CUM RETURNING OFFICER, ELURU MUNICIPAL CORPORATION, ELURU, ANDHRA PRADESH.534001
5. MR REDDY APPALANAIDU, S/O NOT KNOWN, AGED ABOUT NOT KNOWN YEARS R/O DOOR NO. 5-299, CHECHULA COLONY, ELURU, ELURU DISTRICT, ANDHRA PRADESH.534001

...RESPONDENT(S):

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 toissue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of Respondent No.4 in passing the order dated 23.10.2026, bearing Ref. No. RO/MAYOR-ELEC2026/2, rejecting the objections raised by the Petitioner against the candidature of Respondent No.5, as illegal, arbitrary and contrary to the provisions of the Andhra Pradesh Municipal Corporations Act, 1955, and the applicable instructions contained in the Handbook for Returning Officers-Elections to Municipal Corporations, 2026, and consequently set aside the said order dated 23.10.2026, bearing Ref. No. RO/MAYOR-ELEC2026/2 and direct the competent election authorities to reject the nomination of Respondent No.5 for the office of Mayor of Eluru Municipal Corporation

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 direct the Respondents to not to give effect to the acceptance of the

nomination of Respondent No.5 for the office of Mayor of Eluru Municipal Corporation pending disposal of the above writ petition

Counsel for the Petitioner:

1. ATTULURI DATTA SANJEEV

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. MANGENA SREE RAMA RAO
3. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

COMMON ORDER:-

Heard Sri P.Veera Reddy, learned Senior Counsel appearing for Sri Medapati Santhosh Reddy, learned counsel for the petitioner, Sri N.Ashwani Kumar, learned Standing Counsel appearing for the respondent Nos.2 and 3, Sri N.Subba Rao, learned Senior Counsel appearing on behalf of the unofficial respondent No.5

2. The petitioners' grievance in these two writ petitions is the same. Therefore, this Court deems it appropriate to dispose of them by a common order. Both the petitioners have filed their respective nominations contesting for the office of Mayor of Eluru Municipal Corporation in the scheduled elections. The nominations of the petitioners were scrutinised and accepted. As per the election schedule, the dates fixed for scrutiny of the nominations were 19.10.2026 and 21.10.2026, being the dates for withdrawal of the candidates. The poll was scheduled for 28.10.2026. Subsequently, pursuant to the judgment of the Hon'ble Apex Court in SLP Civil No.37476 of 2026 dated 21.10.2026, the election schedule was revised, changing the date of publication of the final list of contesting candidates to 25.10.2026. Consequently, the poll date was re-scheduled to 01.11.2026.

3. It is contended that the respondent No.5, who is also contesting for the office of Mayor of the Municipal Corporation, also filed his

nomination. The petitioners contend that he is not qualified to be elected, as he was, as on the date of filing of nomination, and scrutiny of the nomination, was holding an office of profit, namely, Zonal Chairperson, Vijayawada Zone, Andhra Pradesh State Road Transport Corporation. His tenure was subsequently extended up to 14.11.2026. It is contended that holding an office of profit constitutes disqualification under Section 22 (1) (c) of the Andhra Pradesh Municipal Corporations Act, 1955 (for short, “the APMC Act, 1955). Despite the said disqualification, the respondents accepted the nomination of the respondent No.5 notwithstanding the objections being raised. The election authorities have accepted his nomination.

4. In this regard, the learned Senior Counsel, Sri P.Veera Reddy, appearing for the petitioner, relies on the State Election Commission Handbook issued by SEC, and FAQs answered by SEC on the issue. Chapter V of the said Handbook deals with scrutiny of nominations. The Clauses of the said Handbook specifies that a candidate's qualification or disqualification should be related to the date fixed for scrutiny of nominations. It further states that if a person is disqualified to contest the election, the same should be verified, if the said disqualification subsists as on the date fixed for scrutiny of nominations. It is contended that objections were raised against the acceptance of the petitioners' nominations. After the respondent No.5's nomination was accepted, the petitioners made a

representation to the election authorities on 22.10.2026. The said representation was rejected by the impugned proceedings, stating that the resignation was accepted on 22.10.2026, as the date of election is 01.11.2026, which is the relevant date for consideration of a person's qualification or disqualification to be the date of election. The learned Senior Counsel Sri P.Veera Reddy, argues that as on the date of scrutiny of nomination, there was no resignation. After the acceptance of the nomination, the respondent No.5 submitted his resignation to the Managing Director, who is not the competent authority to receive the letter of resignation. Whereas, it should have been submitted to the Government, being the appropriate authority. However, the resignation was accepted. The same cannot be considered a valid resignation.

5. Sri N.Subba Rao, learned Senior Counsel appearing on behalf of the learned counsel for the unofficial respondent No.5 would contend that as of the date of election the petitioner would not suffer with any disqualification as his resignation has already been accepted by the appropriate authority. It is further argued that under the provisions of Section 22 (1) (c) of the APMC Act, 1955, the date relevant is ***"the date of election".*** And it is argued that as per the provisions of Section 67A of the Representation of the People Act, 1951 (for short, "the RP Act, 1951"), the date of election of a candidate would mean the date on which a candidate is declared by the Returning Officer under the provisions of Section 53 or

Section 66 of the RP Act, 1951 to be elected to the House of Parliament or of the Legislature of a State, shall be the date of election of that candidate. In the light of the said provisions, it is contended that the exact relevant date would be the actual date of election of the candidate to the post contested. With regard to the reliance placed by the learned Senior Counsel Sri P.Veera Reddy on the procedures, as the prescribed Handbook and the FAQs, it is stated that the same would not be the relevant, in the light of the unambiguous provisions of the statute.

6. Considered the submissions.

7. The issue for consideration is whether a candidate, who had held an office of profit as on the date of scrutiny of nomination papers, can be considered as disqualified within the meaning of provisions of Section 22 (1) (c) of the APMC Act,1955. As per Section 67A of the RP Act, 1951, ***the date of election of candidate*** means the date on which candidate is declared by the Returning Officer under the provisions of Section 53 or Section 66 of RP Act, 1951 to be elected to the respective House of Parliament or Legislature of the State shall be the date of election of the candidate.

8. Further, Section 66-A of the APMC Act, 1955, deals with the date of election of the candidate. For better appreciation, the same is extracted below:

> ***"Section 66-A: Date of election of candidate****:- For the purposes of this Act, the date on which a candidate is declared to be duly elected by the Returning Officer under the provisions of Section 54 or Section 65, shall be the date of the election of that candidate."*

which provides that for the purposes of this Act, the date on which a candidate is declared duly elected by Returning Officer under the provisions of Section 54 or Section 65, shall be the date of election of that candidate.

9. Having regard to the same, Section 22(1)(c) of the Act,1955 prescribes that a person shall be declared disqualified for being elected as a member, if such a person is at the date of election:-

(a) ----

(b) ----

(c) holds any office or place of profit under Government or under the Corporation or under any local authority.

10. In the light of the provisions of Section 66-A of the APMC Act, 1955, since the resignation of the petitioner has already been accepted by the appropriate authority by virtue of the proceedings dated 22.10.2026, this Court is of the view that as provided under Section 66-A of the APMC Act, 1955, the relevant date for consideration, would be the date of declaration of election of the said candidate, to the post to which he was

declared elected by the Returning Officer is the date of declaration of election of a candidate.

11. Having regard to the above, the writ petitions are dismissed. There shall be no order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Dated: 28.10.2026

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs:31135 and 31184 of 2026

Dated: 28.10.2026

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