APHC010570842026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 31186/2026

Between:

1. YEDDU SHASHIKANTH BHUSHAN, , S/O YESUDAS, AGED ABOUT 59 YEARS, R/O D.NO. 53-1-36, CLOUGHPETA, LINE-3, ONGOLE, PRAKASAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY ITS CHIEF ELECTION COMMISSIONER, NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001. .
2. THE CHIEF ELECTORAL OFFICER, ELECTION COMMISSION OF INDIA, STATE OF ANDHRA PRADESH, ROOM NO. 101, GROUND FLOOR, 4TH BLOCK, PENUMAKAAMARAVATHI ROAD, VELAGAPUDI, GUNTUR, ANDHRA PRADESH-522237.
3. THE STATE ELECTION COMMISSION, ANDHRA PRADESH, REPRESENTED BY ITS SECRETARY, 1ST FLOOR, NEW HOD BUILDING, OPPOSITE INDIRA GANDHI MUNICIPAL STADIUM, M.G. ROAD, VIJAYAWADA, ANDHRA PRADESH-520002.
4. THE DISTRICT ELECTION AUTHORITYCUMDISTRICT COLLECTOR, , PRAKASAM DISTRICT, ANDHRA PRADESH-523001.
5. THE RETURNING OFFICER, ORDINARY ELECTIONS TO ZPTC, 2026, PRAKASAM DISTRICT, ANDHRA PRADESH-523001.
6. THE ELECTORAL REGISTRATION OFFICER, PRAKASAM DISTRICT, ANDHRA PRADESH523001

...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 toto issue a Writ of Mandamus declaring the action of the Respondents, particularly the 5th Respondent/Returning Officer in rejecting the Petitioner's nomination for the Ongole Rural ZPTC constituency in Proceedings No. P1/2205/2026 dated 24.10.2026, treating the Petitioner as an eligible elector in-spite of the 1st respondent i.e., the Election Commission of India's acceptance of his transfer application dated 17.10.2026 (Ref No. S01108G8W1710261200007) as illegal, arbitrary and also oppose to all cannons of justice as well as oppose to principles of natural justice and to set aside the same consequentially suspend the operation of the impugned proceedings in Proceedings No. P1/2205/2026 dated 24.10.2026 by directing the 5th Respondent/Returning Officer to accept the nomination papers filed by the Petitioner for the Ongole Rural ZPTC in the 2 nd Ordinary Elections to MPTCs/ZPTCs, 2026, and to permit the Petitioner to contest in the said election

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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 suspend the operation of the impugned proceedings in Proceedings No. P1/2205/2026 dated 24.10.2026 by directing the 5th Respondent/Returning Officer to accept the nomination papers filed by the Petitioner for the Ongole Rural ZPTC in the 2nd Ordinary Elections to MPTCs/ZPTCs, 2026, and to permit the Petitioner to contest in the said election pending disposal of the above writ petition

Counsel for the Petitioner:

1. V SAI KUMAR

Counsel for the Respondent(S):

1. GP FOR REVENUE
2.

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

> *"….to issue a Writ of Mandamus declaring the action of the Respondents, particularly the 5th Respondent/Returning Officer in rejecting the Petitioner's nomination for the Ongole Rural ZPTC constituency in Proceedings No.P1/2205/2026 dated 24 10 2026, treating the Petitioner as an eligible elector in-spite of the 1st respondent i.e., the Election Commission of India's acceptance of his transfer application dated 17.10.2026 (Ref No. S01108G8W1710261200007) as illegal, arbitrary and also oppose to all cannons of justice as well as oppose to principles of natural justice and to set aside the same consequentially suspend the operation of the impugned proceedings in Proceedings No P1/2205/2026 dated 24.10.2026 by directing the 5th Respondent/Returning Officer to accept the nomination papers filed by the Petitioner for the Ongole Rural ZPTC in the 2nd Ordinary Elections to MPTCs/ZPTCs, 2026, and to permit the Petitioner to contest in the said election…."*

2. The case of the petitioner is that he is a resident of Ongole, Prakasam District, and a registered voter who intended to contest the 2nd Ordinary Elections to the Mandal Parishad Territorial Constituencies (MPTCs) and Zilla Parishad Territorial Constituencies (ZPTCs), 2026, from the Ongole Rural ZPTC constituency. In that regard, he submitted an application dated 17.10.2026, bearing Ref.No.S01108G8W1710261200007, seeking transfer of his electoral registration from Ongole to Ulichi, prior to issuance of the election notification dated 19.10.2026. Thereafter, he filed his nomination papers for

the Ongole Rural ZPTC constituency on 23.10.2026. However, during scrutiny of nominations on 24.10.2026, respondent No.5/Returning Officer rejected his nomination papers, vide proceedings in Rc.No.P1/2205/2026, on the ground that his name was not registered in the electoral roll of the concerned Zilla Parishad Territorial Constituency.

3. It is the further case of the petitioner that, aggrieved by the non-processing of his application for transfer of electoral registration, he had earlier approached this Court by filing W.P.(SR) No.45231 of 2026. During the hearing of the said matter on 24.10.2026, learned counsel appearing for respondent Nos.1 and 2 submitted that the petitioner's application dated 17.10.2026 had been processed and accepted on 24.10.2026, but the corresponding changes could not be incorporated in the electoral roll as the website had been frozen on account of the Special Intensive Revision (SIR), 2026, till 30.10.2026. The petitioner contends that respondent No.5 rejected his nomination without taking into consideration the acceptance of his transfer application by the Election Commission of India and the circumstances that prevented the incorporation of the said change in the electoral roll. Aggrieved by the rejection of his nomination, the petitioner has filed the present Writ Petition seeking to set aside the impugned proceedings dated 24.10.2026 and consequently direct respondent No.5 to accept his nomination papers and permit him to contest the Ongole Rural ZPTC election.

4. Considered the submissions made by learned counsel appearing for the petitioner and perused the material available on record.

5. It is to be noted that by virtue of the express constitutional embargo contained in Article 243-O of the Constitution of India, the High Court is precluded from exercising jurisdiction under Article 226 of the Constitution where a law enacted by the State Legislature provides for the remedy of an election petition to redress grievances arising during the course of an election.

6. The Hon'ble Supreme Court, in the case of ***Sandeep Singh Bora v. Narendra Singh Deopa***[1], observed that given the non-obstante clause under Article 243-O of the Constitution of India, remedy of the aggrieved party in cases of rejection of the nominations is under the mechanism provided under the relevant statute. For better appreciation, the relevant portion of the judgments on the issue are extracted hereunder:

> *28. In view of the foregoing discussion, we summarise our conclusions as under: -*
>
> *28.1. By virtue of the express constitutional embargo contained in Article 243-O of the Constitution of India, the High Court is precluded from exercising jurisdiction under Article 226 of the Constitution where a law enacted by the State Legislature provides for the remedy of an election petition to redress grievances arising during the course of an election.*

[1] (2026) 5 SCC 747

> *28.2. The election process cannot be lightly interdicted or stalled at the behest of an individual grievance. The right to contest or question an election being statutory in nature, must be strictly construed and exercised in accordance with the statute governing the field. The High Court must, therefore, eschew the grant of liberal interim reliefs in favour of individuals and instead remain mindful of the overarching public interest in ensuring the smooth and uninterrupted conduct of elections across the State.*
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> *28.3. In respect of individual grievances, the ultimate and exclusive remedy lies by way of an election petition. Given the non-obstante nature of Article 243-O of the Constitution, its mandate is required to be adhered to in both letter and spirit. Where the statute provides a complete and efficacious mechanism for redressal, the extraordinary exercise of jurisdiction under Article 226 of the Constitution would defeat the very object for which Article 243-O was enacted as a non-obstante provision.*

7. The Hon'ble Supreme Court in the case of ***Meenakshi Natarajan v. Election Commission of India***[2], observed that,

> *"10.The principles laid down in Ponnuswami (Supra) has been followed by this Court in all election related disputes and whenever an attempt is made to invoke this Court's or the High court's writ jurisdiction to interject during the process of conduct of election, on every occasion, the Constitutional Court has rejected such an attempt keeping in view the*

[2] 2026 SCC OnLine SC 1133

principle contained in Article 329(b) of the constitution of India.

11. …..

12. It is vehemently put forth by Dr. Abhishek Manu Singhvi that in a case of this nature where the illegality in rejection of nomination is glaring and manifest, this Court must step in to curb the injustice, otherwise the very sanctity of the election process would be affected. However, this argument cannot be accepted in view of the law laid down in Ponnuswami (supra). If this Court accepts such argument to find out such glaring cases, which are required to be interfered with under Articles 32 or 226 of the Constitution of India and the other set of cases in which the rejection is not so improper prima facie relegating them to avail the remedy of filing election petition, this Court would be reading some principle which is not provided for under Article 329 of the Constitution of India. We are afraid, any such interpretation, that in some cases this Court can entertain a petition wherein a candidate's nomination paper has been improperly rejected, while leaving some others to avail the remedy of filing an election petition before the election tribunal, should not be encouraged, being in direct conflict with the law laid down in Ponnuswami (supra)."

8. The Full Bench of the erstwhile High Court of Andhra Pradesh in the case of ***Kalla Ramakrishna vs. State Election Commission***[3], observed that:

[3] W.A.No.1221 of 2004 dated 26.10.2004

24. We are, therefore of the considered view that the Supreme Court right from Ponnuswami's case (5 supra) has consistently laid down the law that election covers the entire process i.e., from the issue of the notification under the relevant legislation to the declaration of the result. Having regard to the important functions which the legislatures have to perform in democratic countries, it had always been recognized to be a matter of first importance that elections should be concluded as early as possible according to the time schedule and all controversial matters and all disputes arising out of elections should be postponed till the elections are over. The person interested in questioning the elections has to wait till the election is over and institute a petition in accordance with the law calling in question the election of the successful candidate. Any matter, which has the effect of vitiating an election, should be brought up only at appropriate stage in an appropriate manner before a Special Tribunal constituted for the purpose and should not be brought up at an intermediate stage before any Court. In other words, in election matters, only one remedy is available, that remedy being by an election petition to be presented after the election is over, and there is no remedy provided at any intermediate stage. High Court should not exercise its extraordinary jurisdiction under Article 226 of the constitution to entertain petitions regarding improper rejection of nomination papers.

9. In the light of the Constitutional bar as envisaged under Article 243-O of the Constitution of India, and the principles laid down by the Hon'ble Apex

Court and the Full Bench judgment of the erstwhile High Court of Andhra Pradesh in the cases referred supra, this Court is not inclined to entertain the instant writ petition. The Writ Petition is accordingly dismissed. Needless to observe that, the petitioner is at liberty to avail remedies available under law. There shall be no order as to costs.

Consequently, all pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Dated: 27.10.2026
KGR/GCD