APHC010572052026

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

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31247 OF 2026

Between:

1. PUTCHAKAYALA SAMBHAVI, W/o Vishnumurthy, aged about 37 years, Occupation House Wife, R/o Gopinadhapatnam Village, Unguturu Mandal, Eluru Distric

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, represented by its Principal Secretary, Panchayat Raj and Rural Development Department, A.P. Secretariat, Velagapudi, Guntur District 522238.

2. The State Election Commission of Andhra Pradesh, represented by its Secretary, Vijayawada, Amaravati 520010. .

3. The Revenue Divisional Officer cum Appellate Authority for MPTC Elections, , Eluru Division, Eluru District 534006.

4. The Returning Officer, Election of Member, Unguturu-1, Mandal Praja Parishad Territorial Constituency (MPTC), Unguturu Mandal, Eluru District 534411.

5. The Tahsildar, Unguturu Mandal, Eluru District 534411

...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 to issue an order, direction or writ, more partieularly one in the nature of writ of Mandamus declaring the appellate order passed by the 3RD Respondent in Appeal No.4/1263/2026/A dated 26.10.2026 confirming the rejection order vide Proc. No.2/MPTC/R0/2026 dated 24.10.2026 issued by the 4TH Respondent as illegal, arbitrary, violative of principles of natural justice, contrary to Rule 12 of the A.P. Panchayat Raj (Conduct of Elections) Rules, 2006, G.O.Ms. No.32 dated 03.12.2018, and the judgment in W.P. No. 11415 of 2025, and set aside the same and consequently directing Respondents No.2 to 4 to accept the nomination of the Petitioner Serial No.93, include her name in the list of validly nominated candidates in Form-VI for contesting the local body elections to the Unguturu-1 MPTC, Gopinadhapatnam MPTC Constituency 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 to direct the respondents to suspend the operation of the appellate order dated 26.10.2026 and the rejection order dated 24.10.2026 passed by Respondents No.3 and 4 respectively and direct the respondents to permit the petitioner to contest the election for Member of Unguturu-1 MPTC, Gopinadhapatnam .MPTC Constituency, pending disposal of writ petition and pass

Counsel for the Petitioner: D TARAKA PRASAD

Counsel for the Respondents: GP FOR PANCHAYAT RAJ RURAL DEV

Counsel for the Respondents: GP FOR REVENUE

Counsel for the Respondents: N ASHWANI KUMAR

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31247 OF 2026

The Court made the following order:

Heard Sri V.V.N. Narayana Rao, learned counsel representing Sri D. Taraka Prasad, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for the respondent No.1 and Sri N. Ashwani Kumar, learned Standing Counsel for the respondent Nos.2 & 4.

2. Challenging the proceedings of the 3rd respondent confirming the proceedings of the 4th respondent rejecting the nomination of the petitioner, the instant writ petition is filed.

3. The petitioner submits that she was previously serving as a Fair Price Shop Dealer at Gopinadhapatnam Village but, due to severe health issues, was compelled to undergo medical treatment and voluntarily tendered her resignation.

4. It is contended that pursuant to the Election Notification dated 21.10.2026, issued by the 2nd Respondent, the petitioner filed her nomination in Form-IV to contest for the Unguturu-I MPTC constituency (Gopinadhapatnam), reserved for Unreserved Women. The petitioner's nomination, along with the requisite documents and deposits, was duly received by the 4th respondent - Returning Officer. However, during scrutiny on 24.10.2026 on an objection being raised by one Sri K. Seshu Kumar alleging that the petitioner continued to hold the Fair Price Shop dealership,

petitioner's nomination was rejected. The petitioner refuted the objection by producing the Tahsildar's official letter dated 24.10.2026 forwarding her resignation proposals to the RDO, thereby demonstrating that she had already relinquished his dealership duties.

5. Against the said rejection order, the petitioner has preferred an appeal before the 3rd respondent. The 3rd respondent rejected the appeal observing that the petitioner was holding a public office as on the date of scrutiny of the nominations and further on the ground that the petitioner did not submit any document establishing that an undertaking was submitted by the petitioner to relinquish the fair price shop dealership in the event of her declaration of election to the post of member, MPTC.

6. Sri V.V.N. Narayana Rao, learned counsel for the petitioner, contends that in terms of Section 18 & 19 r/w Section 156 (2) and 184(2) of the Andhra Pradesh Panchayat Raj Act, 1994 (in short, herein after referred as, 'the Act') holding a Fair Price shop dealership would not constitute disqualification. The 3rd respondent - Appellate Authority failed to consider the issue in right perspective. It is argued that the grounds for disqualification as envisaged under Sections 19 & 20 of the Act are not attracted in the instant case. The learned counsel appearing for the petitioner places reliance on the judgment of the Hon'ble Apex Court in the cases of ***State (Union Territory of Ladakh) and others Vs. Jammu and Kashmir National Conference***[1] and ***Somnath***

[1] (2024) 18 Supreme Court Cases 643

Rath Vs. Bikram K. Arukh and others*[2]*, wherein at Paragraph 20 held as under:

> *"20. Since the only ground on which the Returning Officer rejected the nomination paper of Shri Panchanam Das, Respodnent 7 was that "he was a dealer under the public distribution system" and the High Court rightly found that Respondent No.7 was not disqualified under Section 9-A of the Act, it ought to have been held that the nomination paper of Respondent 7 had been improperly rejected and as a consequence Section 100(1)(c) of the Act was attracted to avoid the election."*

And prays for setting aside of the impugned order and seeks a direction to accept the nomination of the petitioner and include her name in the list of validly nominated candidates in Form-VI to contest the scheduled MPTC elections. The learned counsel for the petitioner further placing reliance on the G.O.Ms.No.32 dated 03-12-2018 dealing with guidelines for selection and appointment of Fair Price Shop dealers Control Order, submits that in case Fair Price shop dealer is elected to any public office he shall relinquish his the Fair Price Dealership. Under the said Control Order, election to such an office constitutes a disqualification to hold the post of Fair Price Shop dealer. The petitioner would relinquish her rights of the dealer, Fair Price shop as soon as she is elected to the post. In the light of the same, holding dealership as on the date of the nomination would not constitute disqualification. In the light of the same, the learned counsel for the petitioner argues that any intervention

[2] 1999 Supreme (SC) 1019

by this Court at this juncture would not be called interdiction. Placing reliance on the judgment of the Hon'ble Apex Court contends that judicial review of those orders which lacks the reasoning and rationale would not fall under the bar as envisaged under Article 329(b) or Article 243(O) of the Constitution of India and any directions by this Court in the said regard for conducting of free and fair elections is not barred. And the relief sought by the petitioner would not amount to interdicting the process of elections, on the contrary the same is in furtherance of the elections.

7. *Per contra,* the learned Standing Counsel appearing for the respondents would submit that the petitioner has an effective alternative remedy before the Election Tribunal. In support of the contentions the learned Standing Counsel places reliance on the following judgments of the Hon'ble Apex Court and the Full Bench Judgment of the erstwhile High Court of Andhra Pradesh in the cases of:

1. ***Sandeep Singh Bora v. Narendra Singh Deopa***[3],
2. ***Meenakshi Natarajan v. Election Commission of India***[4],
3. ***Kalla Ramakrishna vs. State Election Commission***[5],
4. And the order passed in I.A. No. 1 of 2021 in W.P. Nos. 5113, 5139 and 5141 of 2021, dated 03.03.2021.

8. Considered the submissions.

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[3] (2026) 5 SCC 747
[4] 2026 SCC Online SC 1133
[5] Judgment of Full Bench of the erstwhile High Court of AP in W.A.No.1221 of 2004 dated 26.10.2004

9. In similar set of facts as that of the present case, in W.P.No.31505 of 2026 placing reliance on the judgments of the Hon'ble Apex Court and the judgment of the Full Bench of the erstwhile High Court of Andhra Pradesh in ***Kalla Ramakrishna vs. State Election Commission*** (referred supra), I have taken a view that in the light of alternative effective remedy provided under the scheme of the Act, the Writ Petition under Article 226 is not maintainable. The appeal filed against the said order in W.A.No.1244 of 2026 has also been dismissed upholding the order passed in the Writ Petition. It is further pertinent to observe that the Hon'ble Apex Court in a recent judgment in the case of ***Yuvajana Sramika Rythu Congress Party Vs. The State of Andhra Pradesh and others***[6] had observed that a candidate whose nomination once received was rejected improperly during the scrutiny is entitled to raise that ground in the election petition.

10. For adjudication of the issue raised in the case it is very relevant to refer to the principles laid down by the Hon'ble Apex Court in relation to the jurisdiction of the Court under Article 226 of Constitution of India, in election matters relating to rejection of nominations of the contesting candidates.

(a) the Hon'ble Supreme Court in the case of ***Sandeep Singh Bora v. Narendra Singh Deopa***[7], observed that given the non-obstante clause under Art.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

[6] Hon'ble Supreme Court in SLP© No.37476 of 2026 dated 27-10-2026
[7] (2026) 5 SCC 747

relevant statute. For better appreciation, the relevant portion of the judgment is extracted hereunder:

> *28. In view of the foregoing discussion, we summarise our conclusions as under: -*
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> *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.*
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> *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.*
>
> *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.

(b) The Hon'ble Supreme Court in the case of ***Meenakshi Natarajan v. Election Commission of India***[8], 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 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

[8] 2026 SCC OnLine SC 1133

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)."

(c) The Full Bench of the erstwhile High Court of Andhra Pradesh in the case of ***Kalla Ramakrishna vs. State Election Commission***[9], observed that:

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

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

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.

11. 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 and the Division Bench judgment in W.A.No.1244 of 2026 dated 30-10-2026 upholding the order passed in W.P.No.31505 of 2026, 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.

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

JUSTICE KIRANMAYEE MANDAVA

Dated: 02-11-2026
MSI

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