APHC010572072026

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: 31251/2026

Between:

1. BAJI SHAIK, S/O MAGBUL SHAIK, AGED ABOUT 40 YEARS, OCC KOOLI, R/O D.NO. 1-175, VENIGANDLA VILLAGE, PEDAKAKANI MANDAL, GUNTUR DISTRICT - 522 509.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH STATE ELECTION COMMISSION, REP. BY ITS SECRETARY, 1ST FLOOR, NEW HODS BUILDING, M.G. ROAD, VIJAYAWADA - 520 010.
3. THE DISTRICT COLLECTOR AND DISTRICT ELECTION AUTHORITY, GUNTUR DISTRICT, GUNTUR.
4. THE REVENUE DIVISIONAL OFFICER, GUNTUR REVENUE DIVISION, GUNTUR.
5. THE RETURNING OFFICER, MPTC ELECTIONS, PEDAKAKANI MANDAL, GUNTUR DISTRICT.
6. DURGAM SURESH, S/O KRISHNA, AGED ABOUT 39 YEARS, R/O VENIGANDLA VILLAGE, PEDAKAKANI MANDAL, GUNTUR DISTRICT.

7. DURGAM MUTHYALA RAO, S/OSAMBAIAH, AGED ABOUT 45 YEARS, R/O VENIGANDLA VILLAGE, PEDAKAKANI MANDAL, GUNTUR DISTRICT.

...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 a Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the 5th Respondent in accepting the nominations of Respondents 6 and 7 for election to the office of Member, Venigandla-I Mandal Parishad Constituency, Pedakakani Mandal, Guntur District, at the scrutiny held on 24.10.2026, despite the said nominations being accompanied by self declarations with blank and incorrect columns in violation of Rule 9(3) of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 and the format prescribed by the 1st Respondent in Order No. 123/SEC-B1/2026 dated 27.03.2026, and despite the objections raised by the Petitioner, as illegal, arbitrary, discriminatory and violative of Articles 14, 19(1)(a) and 243-K of the Constitution of India and Rules 9(3), 12(2)(iv) and 12(3) of the said Rules and consequently direct the 5th Respondent to reject the nominations of Respondents 6 and 7 and not to include their names in the final list of contesting candidates for the said constituency and to pass

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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 pleased to direct the respondent nos.2 to 5 not to include the names of Respondents 6 and 7 in the final list of contesting candidates to be published on 27.10.2026 for• Venigandla-I MPTC, Pedakakani Mandal, Guntur District by rejecting the nominations of Respondents 6 and 7, pending disposal of the writ petition pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1. SRIDEVI JAMPANI

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. GP FOR REVENUE

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:-

> *"…pleased to issue a Writ Order or Direction more particularly one in the nature of a Writ of Mandamus, declaring the action of the 5th Respondent in accepting the nominations of Respondents 6 and 7 for election to the office of Member, Venigandla-I Mandal Parishad Constituency, Pedakakani Mandal, Guntur District, at the scrutiny held on 24.10.2026, despite the said nominations being accompanied by self-declarations with blank and incorrect columns in violation of Rule 9(3) of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 and the format prescribed by the 1st Respondent in Order No. 123/SECB1/2026 dated 27.03.2026, and despite the objections raised by the Petitioner, as illegal, arbitrary, discriminatory and violative of Articles 14 19(1)(a) and 243-K of the Constitution of India and Rules 9(3), 12(2)(iv) and 12(3) of the said Rules and consequently direct the 5th Respondent to reject the nominations of Respondents Nos.6 and 7 and not to include their names in the final list of contesting candidates for the said constituency and to pass…."*

2. The case of the petitioner is that he is a registered voter of Venigandla-I Mandal Parishad Territorial Constituency and a validly nominated candidate set up by the Telugu Desam Party. The petitioner states that respondent Nos.6 and 7 also filed their nominations for the same constituency. According to the petitioner, the self-declaration filed by respondent Nos.6 and 7 contain blank entries in the columns relating to movable properties, an incorrect calculation of the total value of the spouse's movable assets and an improper entry of the word "No" in the columns relating to profession or occupation.

3. The petitioner further states that he raised objections before the 5th respondent/Returning Officer at the time of scrutiny on 24.10.2026, pointing

out the above defects and requesting rejection of the nominations of respondents No.6 and 7 under Rule 12(2)(iv) of the Rules. However, the 5th respondent accepted both nominations without conducting any summary enquiry or recording reasons. The petitioner also alleges that the 5th respondent had rejected the nominations of other candidates, including two candidates from the same constituency, for leaving blank columns in their self-declarations, but adopted a different standard in the case of respondents No.6 and 7. The petitioner states that his subsequent representation dated 25.10.2026 to the 4th respondent/Revenue Divisional Officer was also not acted upon. Hence, the present Writ Petition.

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

5. The main grievance of the petitioner is that the 5th respondent accepted the nominations of respondents No.6 and 7 despite the alleged defects in their self-declarations, which according to the petitioner amount to non-compliance with Rule 9(3) of the Rules and the prescribed format issued by the State Election Commission. The petitioner also alleges that the objections raised by him at the time of scrutiny were not considered and that the Returning Officer adopted different standards while scrutinising the nominations of other candidates.

6. 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.

7. 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.*
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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,*

[1] (2026) 5 SCC 747

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.

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

11. …..

[2] 2026 SCC OnLine SC 1133

> *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)."*

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

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

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.

10. 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