APHC010573712026

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: 31326 OF 2026

Between:

1. K. E. RUDRA PHANI,, S/O KAMBALAPADU EDIGA PRABHAKAR, AGED ABOUT 29 YEARS, OCC. AGRICULTURE/SOCIAL SERVICE, R/O DOOR NO. 2-30, KAMBALAPADU VILLAGE, KRISHNAGIRI MANDAL, KURNOOL DISTRICT, ANDHRA PRADESH - 518225.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI - 522238
2. THE ANDHRA PRADESH STATE ELECTION COMMISSION, REP. BY ITS STATE ELECTION COMMISSIONER, 1ST FLOOR, NEW HODS BUILDING, OPP. INDIRA GANDHI MUNICIPAL STADIUM, M.G. ROAD, VIJAYAWADA -520010, ANDHRA PRADESH.
3. THE DISTRICT COLLECTOR AND DISTRICT ELECTION AUTHORITY, (LOCAL BODIES), COLLECTORATE COMPLEX, KURNOOL, KURNOOL DISTRICT, ANDHRA PRADESH -518002.
4. THE RETURNING OFFICER, , ZPTC ELECTIONS, KRISHNAGIRI MANDAL, KURNOOL DISTRICT - 518225.
5. THE CHIEF EXECUTIVE OFFICER, ZILLA PRAJA PARISHAD, KURNOOL -518002.
6. THE ELECTORAL REGISTRATION OFFICER ERO, 142-PATTIKONDA ASSEMBLY CONSTITUENCY, KURNOOL DISTRICT -

518380.

7. THE ELECTORAL REGISTRATION OFFICER ERO, 137-KURNOOL ASSEMBLY CONSTITUENCY, KURNOOL DISTRICT - 518001.

...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 totto issue a Writ, Order, or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the impugned Speaking Orders passed by the 3rd Respondent vide Rc.No.H1/620/2026, dated 26-10-2026 dismissing Appeal No. 01/ZPTC/KNL/2026, and the Rejection Endorsement passed by the 4th Respondent vide RC No. E7/1102/2026, dated 24-10-2026 rejecting the Petitioner's nomination for the office of Member, ZPTC, Krishnagiri Mandal, Kurnool District in the Second Ordinary Elections to MPTCs/ZPTCs, 2026, as illegal, arbitrary, unconstitutional, and in direct violation of the mandatory Proviso to Section 11(1) read with Section 183 of the A.P. Panchayat Raj Act, 1994, and Rules 9(1) and 12(2) of the A.P. Panchayat Raj (Conduct of Elections) Rules, 2006, and consequently set aside the said Speaking Orders dated 26-10- 2026 and Rejection Endorsement dated 24-10-2026, while directing the Respondents to forthwith carry out the Petitioner's statutory electoral inclusion dated 16-09-2026 (at Part No. 201, Serial No. 468, Kambalapadu Village, 142-Pattikonda Assembly Constituency) into the Kambalapadu Gram Panchayat and Krishnagiri ZPTC electoral rolls, accept the Petitioner's nomination, and permit him to contest as a candidate in the ZPTC Elections of Krishnagiri Mandal, Kurnool District scheduled on 03-11-2026

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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 issue an interim direction suspending the operation of the impugned Speaking Orders passed by the 3rd Respondent vide Rc.No.H1/620/2026, dated 26-10-2026 and the Rejection Endorsement passed by the 4th Respondent vide RC No. E7/1102/2026, dated 24-10-2026, and consequently direct Respondents No. 2 to 5 to forthwith accept the Petitioner's nomination, include his name in the list of contesting candidates, allot him an election symbol, and permit him to contest for the office of Member, ZPTC, Krishnagiri Mandal, Kurnool District in the election scheduled on 03-11-2026,

Counsel for the Petitioner:

1. V.RAVINDHAR

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following order:

Heard Sri V. Ravindhar, learned counsel for the petitioner and Sri N.Ashwani Kumar, learned Standing Counsel for APSEC appearing for the respondents.

2. Challenging the proceedings of the 3rd respondent confirming the endorsement issued by respondent No. 4 rejecting the petitioner's nomination for the office of Member, ZPTC, Krishnagiri Mandal, Kurnool District, in the scheduled elections, the petitioner has instituted the present Writ Petition.

3. The petitioner contends that he was originally registered as a voter in the Kurnool Assembly Constituency. After shifting his residence to Kambalapadu village, the petitioner applied in Form 8 on 09-09-2026 seeking transposition of his electoral roll to the Pattikonda Assembly Constituency. After verification, the petitioner's name was enrolled in Pattikonda and entered in the electoral roll of the Pattikonda Assembly Constituency. The 2nd respondent issued a notification for elections on 19.10.2026 for election of members to the ZPTC/MPTC. The last date of filing nominations was 23.10.2026. The date of scrutiny of nominations was 24.10.2026. The date of poll is 03.11.2026.

4. It is contended that the respondents orally threatened to reject the petitioner's nomination. Feeling aggrieved by the said oral threat, the petitioner made representations to the election authorities on 21.10.2026 and also filed a writ petition before this Court in W.P.No.31137 of 2026. The said writ petition liberty was granted to the petitioner to approach the appellate forum. Subsequently, during the scrutiny of the nomination, the Returning Officer, the respondent No. 4 herein rejected the nomination under Rule 12 r/w Rule 8(2)(a) of the AP Panchayat Raj (Conduct of Elections of Members and Sarpanch of Grama Panchayats, Members of Mandal Praja Parishads and Members of Zilla Praja Parishads) Rules, 2006 (in short referred as 'the Rules') and issued a rejection endorsement dated 24.10.2026 to that effect.

5. It is contended that pursuant to the liberty granted by this Court on 24.10.2026 in WP No. 31137 of 2026, the petitioner filed a statutory appeal under Rule 13 of the Rules. The 3rd respondent passed the impugned order dated 26.10.2026 rejecting the appeal and confirming the rejection order of the respondent No. 4 dated 24.10.2026. Challenging the same, the present Writ Petition is filed.

6. The impugned order is challenged on the ground that it violates the provisions of Section 11(1) of the AP Panchayat Raj Act, 1994 (for short, 'the Act') particularly the proviso to Section 11(1) of the Act which provides that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of an Assembly constituency

concerned made by the Electoral Registration Officer under Section 22 or Section 23 as the case may be of the Representation of the People Act, 1950, up to the date of election notification, for any election held under the Act shall be carried out in the Electoral Roll of the Gram Panchayat, and any such names included shall be added to the part relating to the last Ward.

7. It is argued by the learned counsel for the petitioner, Sri V. Ravindhar, that as the Act provides for inclusion of names in the electoral roll up to the date of election notification, rejection of the appeal filed by the petitioner on the ground that the name of the petitioner is not appearing in the given part, number and serial number as required under Rule 8A of Election Rules is arbitrary and the same is not sustainable. It is further contended that the same constitutes a patent abdication of statutory jurisdiction. The 3rd respondent, as the District Election Authority and the Statutory Appellate Authority under Rule 13 of the Rules, 2006, is obligated to ensure that the provisions of the statute are implemented, and prays for indulgence of this Court.

8. *Per contra,* the learned Standing Counsel appearing for the respondents would submit that the petitioner has an effective alternative remedy before the Election Tribunal and places reliance on the judgments of the Apex Court and Judgment of Full Bench of the erstwhile High Court of AP in the cases of:

1. ***Sandeep Singh Bora v. Narendra Singh Deopa***[1],

[1] (2026) 5 SCC 747

2. ***Meenakshi Natarajan v. Election Commission of India***[2],

3. ***Kalla Ramakrishna vs. State Election Commission***[3],

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.

9. 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 Art.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***[4], 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 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*

[2] 2026 SCC Online SC 1133
[3] Judgment of Full Bench of the erstwhile High Court of AP in W.A.No.1221 of 2004 dated 26.10.2004
[4] (2026) 5 SCC 747

petition to redress grievances arising during the course of an election.

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***[5], 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

[5] 2026 SCC OnLine SC 1133

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 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)."

10. The Full Bench of the erstwhile High Court of Andhra Pradesh in the case of ***Kalla Ramakrishna vs. State Election Commission***[6], observed that:

[6] 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.*

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, 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

Date: 28.10.2026
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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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