APHC010574742026

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

THURSDAY, THE 29th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**

**WRIT PETITION NO: 31378 OF 2026**

**Between:**

1. GAJULAPALLE SIVA REDDY, S/o G Venkata Subba Reddy, Aged about 47 years, Occ Contractor,R/o 9-4-75, Bovillavaripalle, Badvel, YSR Kadapa District. (Contesting Member in 28th Ward, Badvel)

**...Petitioner**

**AND**

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi,Amaravati, Guntur District - 522237.

2. The Andhra Pradesh State Election Commission, Rep. by its Secretary, 1st Floor, New HODs Building, Opposite IGMC Stadium, M.G. Road, Vijayawada, Andhra Pradesh - 520010.

3. The District Election AuthoritycumDistrict Collector, Nandyal District at Nandyal, Andhra Pradesh -518501.

4. The Municipal Commissioner and Assistant Election Authority, Badvel Municipality, Badvel, YSR Kadapa District, Andhra Pradesh - 516227.

5. The Election Officer, Badvel Municipality, Badvel, YSR Kadapa District, Andhra Pradesh -516227.

**...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 a Writ, order or direction, especially one in the nature of Writ of Mandamus to declare the action of the 4th and 5th Respondent in rejecting the Petitioner's nomination without furnishing the rejection order copy, enmasse rejecting the nominations of the rival contestants at the dictation of the ruling party as illegal, arbitrary, flouting free and fair election process and unconstitutional and consequently direct the 5th Respondent to forthwith furnish the copy of the rejection order of the nomination of the Petitioner and conduct fresh elections to the post of Corporators of Budvel Municipality, YSR Kadapa district and be pleased to pass such

**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 may be pleased to direct the 5th Respondent to conduct fresh elections to the post of Corporators of Budvel Municipality, YSR Kadapa district, pending disposal of the above Writ Petition and pass such

**Counsel for the Petitioner: SATHEESH KUMAR EERLA**

**Counsel for the Respondents: GP FOR MUNCIPAL ADMN URBAN DEV**

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**The Court made the following Order:**

Heard Sri Satheesh Kumar Eerla, learned counsel for the petitioner, learned Government Pleader for the respondent No.1 and Sri N. Ashwani Kumar, learned Standing counsel for the respondent No.2/APSEC.

2. The present writ petition is instituted challenging the action of the 5th respondent in rejecting the petitioner's nomination orally without assigning any reasons, without passing any order.

3. It is contended that, pursuant to the 2nd respondent's notification dated 14.10.2026 for conducting elections to the Urban Local Bodies, the petitioner filed his nomination for the post of Corporator of Badvel Municipality, YSR Kadapa District. The petitioner contends that, under Rule 12(3) of the AP Municipalities (Conduct of Election of Members) Rules, 2005, the Election Officer shall endorse on each nomination paper his decision to accept or reject it. If the nomination paper is rejected, he shall record the reason for such rejection. It is contended that after filing the nomination, the petitioner was orally informed that his nomination was rejected. The petitioner sought a copy of the rejection order. However, the authority refused to provide it without assigning reasons.

4. It is contended that, of the 40 Corporators in the subject Municipality, 35 were unanimously elected from TDP party, 2 from JANASENA party and 2

were independent candidates. The Election Officer has rejected the petitioner's party nominations without assigning any reasons.

5. The learned counsel for the petitioner, while contending that, even assuming that, after the issuance of the election notification, this Court would be under judicial restraint in exercising the jurisdiction under Article 226 of the Constitution of India, however *en masse* rejection of nominations by the election authorities call for intervention by the Constitutional Courts, especially when the spirit of free and fair elections has weakened. It is contended that the *en masse* rejection of nominations amounts to an exercise of jurisdiction by the election authority in a biased and unfair manner, without exercising its discretion judicially. It is further contended that the *en masse* rejection of nominations lacks rationale and vitiates the entire election process.

6. In support of his contention, the learned counsel for the petitioner relies on the judgments of Hon'ble Apex Court in the case ***of Union Territory of Ladakh and others Vs. Jammu and Kashmir National Conference and another***[1] and the ***Yuvajana Sramika Rythu Congress Party Vs. the State of Andhara Pradesh and others***[2].

7. The learned Standing Counsel appearing for the respondent No.2 would submit that, placing reliance on the judgments of the Hon'ble Apex Court, and Judgment of Full Bench of the erstwhile High Court of AP in the cases of:

[1] 2023 LiveLaw (SC) 749
[2] SLP (C) No.37476 of 2026

1. ***N.P. Ponnuswami Vs. Returning Officer, Naamakkal Constituency and others[3].***

2. ***Sandeep Singh Bora v. Narendra Singh Deopa[4]***,

3. ***Meenakshi Natarajan v. Election Commission of India[5]***,

4. ***Kalla Ramakrishna vs. State Election Commission[6]***,

5. 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.

Contends that the petitioners have an alternative remedy before the Election Tribunal, and this Court cannot go into the validity or otherwise of the rejection of the nominations of the petitioner under Article 226 of the Constitution.

8. Considered the submissions.

9. It is pertinent to observe that the AP Municipalities (Election of Members) Rules, 2005 are no longer in force, in light of the amendment to the said rules, which brought into effect a new set of rules namely the Andhra Pradesh Municipalities and Nagar Panchayats (Conduct of elections to the Office of Chair Persons and Ward Members in the Municipalities and Nagar Panchayats) Rules, 2026 (for short herein after referred as 'the Rules').

10. Under the new rules, Rule 12 provides procedure for scrutiny of nominations. On the day appointed for scrutiny of nominations, the candidate(s), the election agent(s), the proposer of each such candidate, and

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[3] 1952 (1) SCC 94
[4] (2026) 5 SCC 747
[5] 2026 SCC Online SC 1133
[6] Judgment of Full Bench of the erstwhile High Court of AP in W.A.No.1221 of 2004 dated 26.10.2004

one other person, duly authorised in writing by each candidate, may attend for scrutiny of nomination papers. The Election Officer shall then examine the nomination papers and shall decide all the objections which may be made at the time of any nomination and may, either on such objection or, on his own motion after such summary inquiry, reject the nomination on any of the grounds that are set out therein, and the Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same, and if the nomination paper is rejected he shall record in brief the statement of reasons for such rejection. Such scrutiny shall be completed on the day appointed in this behalf under Rule 6, and no adjournment of the proceeding would be granted. In case of any objection, the candidate concerned would be allowed time to rebut it; if not, it would be done on the next day, and not later than the next day. After such scrutiny the validly nominated list of candidates shall be published in Form-IV.

11. The proviso to Rule 66 of the said Rules, provides that the Commission shall not entertain any petition relating to irregularities arising from the time of calling for nominations until the declaration of results. The Election Tribunal should decide such cases.

12. Having regard to the elaborate procedure contemplated under the Rules for scrutiny of the nominations, the contention of the petitioner that the petitioner was orally informed of the rejection, any adjudication in the said regard requires recording a finding and further having regard to the fact that the declaration in the prescribed format declaring a candidate as unanimously

elected has already been issued, any adjudication at this juncture on the issue raised by the petitioner amounts to interference by this court under Article 226 of the Constitution of India and the same would be in violation to the provisions of Article 243ZG and Article 243(O) of the Constitution of India respectively which bars any such interference.

13. In light of the procedure provided under the Rules and having regard to 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***[7],
2. ***Meenakshi Natarajan v. Election Commission of India***[8],
3. ***Kalla Ramakrishna vs. State Election Commission***[9],
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.

14. 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***[10], observed that given the non-obstante clause under Art.243-O of the Constitution of India, remedy of the aggrieved party in cases

[7] (2026) 5 SCC 747
[8] 2026 SCC Online SC 1133
[9] Judgment of Full Bench of the erstwhile High Court of AP in W.A.No.1221 of 2004 dated 26.10.2004
[10] (2026) 5 SCC 747

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: -*
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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.*
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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.*

(b) The Hon'ble Supreme Court in the case of ***Meenakshi Natarajan v. Election Commission of India***[11], 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*

[11] 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***[12], 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*

[12] 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.*

15. The judgments relied upon by the learned counsel for the petitioner in the case of ***Union Territory of Ladakh and others Vs. Jammu and Kashmir National Conferernce and another***[13] is distinguishable on facts. In the said case the Hon'ble Apex Court, while holding that restraint, self-imposed by the courts as a general principle laid out in some detail in some of the decisions (*discussed therein*) in election matters, to the extent that once a notification is issued and the election process starts, the Constitutional Courts under normal circumstances, are loath to interfere, is not a contentious issue; but, where issues crop up, indicating unjust executive action or an attempt to disturb the level playing field between the candidates with no justifiable or intelligible basis, the Constitutional Courts are required and they are duty-bound to step in.

16. And the latest judgment of the Hon'ble Apex Court arising out of the order passed by the Division Bench of this Court, in I.A.No.1 of 2026, rejecting the interlocutory application filed to extend the time period for filing the nomination. Having regard to the facts and circumstances that were prevailing

[13] 2023 LiveLaw (SC) 749

in the said case, the Hon'ble Apex Court has given certain directions and observed that the judgments of the Supreme Court referred to in the said judgment unequivocally state that Constitutional Courts would ordinarily not interfere with the election process, but their hands are not tied when appropriate interventions are necessary to ensure that elections are conducted in a free and fair manner and are not marred by extra-constitutional or illegal means, e.g., muscle power.

17. In the circumstances of this case, having regard to the fact that a candidate has already been declared unanimously elected, the judgments of the Hon’ble Apex Court relied upon by the learned counsel for the petitioner are distinguishable on facts. And 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 (at Paragraph 13), this Court is not inclined to entertain the instant writ petition. The petitioner's contention regarding the *en masse* rejection of nominations would not merit consideration in the absence of locus standi to challenge the *en masse* rejection.

18. 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: 29-10-2026
MSI

**THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**

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