APHC010574952026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31397 OF 2026

Between:

1. NINAVATH LOKNATH NAIK, S/O N SEVE NAIK, AGED 32 YEARS, OCC FARMING 2-77,V.E.THANDRA, VEPACHARLA, ANANTHAPUR, ANDHRA PRADESH-515751.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, REP. BY ITS PRINCIPAL SECRETARY - 522237.
2. THE STATE ELECTION COMMISSION, ANDHRA PRADESH, REP. BY ITS STATION ELECTION COMMISSIONER, VIJAYAWADA, ANDHRA PRADESH -520001.
3. THE CHIEF ELECTORAL OFFICER, ANDHRA PRADESH, VIJAYAWADA- 520001.
4. THE DISTRICT ELECTION OFFICER/ THE DISTRICT COLLECTOR, ANATHAPURAMU, ANANTHAPURAMU DISTRICT-515001.
5. THE REVENUE DIVISIONAL OFFICER, ANATHAPURAMU, ANATHAPURAMU DISTRICT-.
6. THE RETURNING OFFICER, VEPACHARLA, MPTC TERRITORIAL CONSTITUENCY, ATHMAKUR MANDAL, ANANTHAPUR DISTRICT-515751.
7. SUB INSPECTOR OF POLICE, ATHMAKUR POLICE STATION,

ANANTHAPURAMU DISTRICT-515751.

...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 toissue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in rejecting the appeal filed by the petitioner vide Appeal No.3249/MPTC Elections /2026 dated 26.10.2026 against the orders of the 6th respondent dated 24.10.2026 rejecting the nomination of the petitioner for Mandal Praja Parishad Territorial Constituency Member, Vepacharla, Atmakur Mandal as illegal, arbitrary, violative of principles of natural justice and Articles 14, 21 of Constitution of India and consequently direct the respondents to accept the nomination of the petitioner submitted on 23.10.2026 for the post Mandal Praja Parishad Territorial Constituency Member, Vepacharla, Atmakur Mandal, Ananthapuramu District and include the petitioners name in list of validly nominated candidates and permit her to contest in ensuing MPTC elections and also initiate an independent enquiry against the 5th respondent for not following the procedure in hearing the appeal and also remove the 5th respondent from the election duties

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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 direct the respondents to accept the nomination of the petitioner submitted on 23.10.2026 for the post of MPTC, Athamakur Mandal, Vepacharla MPTC Constiruncey by including the petitioners name in list of validly nominated candidates, during pendency of the Writ petition

Counsel for the Petitioner:

1. M BALA KRISHNA

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. GP FOR HOME
3. GP FOR REVENUE
4. N ASHWANI KUMAR

The Court made the following order:

Heard Sri M.Bala Krishna, learned counsel for the petitioner and Sri N.Ashwani Kumar, learned Standing Counsel for State Election Commission appearing for the respondents.

2. Challenging the proceedings of the 5th respondent dated 26.10.2026 confirming the proceedings of the 6th respondent dated 24.10.2026 rejecting the nomination of the petitioner, the instant writ petition is instituted.

3. The petitioner contends that he had submitted his nomination on 23.10.2026 to the post of Member of the Mandal Praja Parishad Territorial Constituency (MPTC). After scrutiny of the nomination papers, the 6th respondent, vide proceedings dated 24.10.2026, rejected the petitioner's nomination on the ground that Crime No.238 of 2026, dated 11.09.2026, was pending against the petitioner and that the petitioner in the nomination papers had not disclosed the pendency of the said criminal case. Against the said rejection, the petitioner filed an appeal before the 5th respondent and the same was also dismissed.

4. It is contended that the reason for rejection of the nomination would not constitute a valid reason in terms of Rule 13 of AP Panchayat Raj (Conduct of Election) Rules, 2006. Thus, the petitioner approached this Court seeking a direction to the respondents to consider the case for accepting the nomination and include the name in the list of validly nominated candidates so as to allow him to contest the elections.

5. 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 his 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***[1],
2. ***Meenakshi Natarajan v. Election Commission of India***[2],
3. ***Kalla Ramakrishna vs. State Election Commission***[3],

6. Considered the submissions.

7. For adjudication of the issue raised in the case it is apposite 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.

(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 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:

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[1] (2026) 5 SCC 747
[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

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.

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 Court has rejected such an attempt keeping in view the principle contained in Article 329(b) of the constitution of India.*
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> *11. …..*
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> *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*

[5] 2026 SCC OnLine SC 1133

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***[6], 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 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

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

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 having regard to the alternative mechanism being provided under the relevant statue by way of an election petition before the Election Tribunal 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: 29.10.2026
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