APHC010576152026

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: 31437 OF 2026

Between:

1. A PAVAN KUMAR, , S/O. A. ADINARAYANA, AGED ABOUT 23 YEARS, R/O BUKKARAYASAMUDRAM VILLAGE, BUKKARAYASAMUDRAM MANDAL, ANANTHAPURAMU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, AMARAVATI, ANDHRA PRADESH 522237
2. THE DISTRICT ELECTION AUTHORITY AND DISTRICT COLLECTOR, ANANTHAPURAMU DISTRICT, ANDHRA PRADESH. 515001
3. THE DEPUTY DISTRICT ELECTION AUTHORITY AND REVENUE DIVISIONAL OFFICER, ANANTHAPURAMU DIVISION, ANANTHAPURAMU DISTRICT, ANDHRA PRADESH 515001
4. THE RETURNING OFFICER FOR BUKKARAYASAMUDRAMIII MPTC TERRITORIAL CONSTITUENCY, , BUKKARAYASAMUDRAM MANDAL, ANANTHAPURAMU DISTRICT, ANDHRA PRADESH 515001

...RESPONDENT(S):

Counsel for the Petitioner:

1. KATTA SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following order:

Heard Sri Katta Sudhakar, 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 3rd respondent dated 26.10.2026 confirming the proceedings of the 4th respondent dated 24.10.2026 rejecting the nomination of the petitioner, the instant writ petition is instituted.

3. The petitioner contends that he is proposing to contest the ordinary elections to the Mandal Praja Parishad Territorial Constituency (MPTC) from Bukkarayasamudram-III, Bukkarayasamudram Mandal, Ananthapuramu District for the year 2026, the petitioner has submitted his nomination before the 4th respondent. However, the 4th respondent rejected the petitioner's nomination on the ground that the petitioner had failed to disclose certain Court cases in the self-declaration form, without recording any finding that disqualified from contesting the election.

4. Against the said rejection, the petitioner has preferred an appeal before the 3rd respondent. Pursuant thereto, the petitioner appeared before the Appellate Authority on 26.10.2026 and submitted his explanation. However, the 3rd respondent, vide dated 26.10.2026 dismissed the appeal on the ground that the petitioner had not disclosed the Court cases in the self-declaration form prescribed under Circular Rc.No.80/SEC-B2/2026, dated 26.03.2026.

5. It is contended that the Appellate Authority failed to examine the grounds raised in the appeal, the explanation submitted by the petitioner and the legal consequences of the alleged omission. No specific statutory provision has been referred to, nor has any finding been recorded as to whether the alleged omission constituted a valid ground for rejection of the petitioner's nomination or whether the pending cases attracted any statutory disqualification.

6. It is further contended that the impugned order contains inconsistencies with regard to the applicable election Rules and the dates of filing and rejection of the nomination. The Appellate Authority passed the order unilaterally without adverting to the specific contentions of the petitioner. The rejection of the nomination deprived the petitioner to participate in the electoral process. It is contended that the authorities were under an obligation to pass a reasoned order after proper considering the facts.

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 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],

[1] (2026) 5 SCC 747

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

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

8. Considered the submissions.

9. 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:

> *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.*

[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

28.2. 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.

[5] 2026 SCC OnLine SC 1133

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:

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

[6] 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.

11. 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: 28.10.2026
BSK

120

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31437 OF /2026

Date: 28.10.2026
BSK