APHC010576972026

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: 31505 OF 2026

Between:

1. F.S.SHAHANAZ BEGUM,, D/O F.SYED BASHA, MUSLIM, AGED ABOUT 41 YEARS, OCC CULTIVATION, RESIDING AT D.NO.7-112-A, BAZAR STREET, MARRIPADU, ANNAMAYYA DISTRICT, A.P. - 517299

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYATRAJ DEPARTMENT, SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238

2. THE APPELLATE AUTHORITY, UNDER THE ANDHRA PRADESH PANCHAYATRAJ ACT, 1994 CUM SUB-COLLECTOR / REVENUE DIVISIONAL OFFICER PILER, ANNAMAYYA DISTRICT 517214 AND IN INDIVIDUAL CAPACITY ALSO AS SMT. K.VIJAYA LAKSHMI

3. THE RETURNING OFFICER, MPTC ELECTION-2026, GURRAMKONDA MANDAL, ANNAMAYYA DISTRICT 517 297 AND IN INDIVIDUAL CAPACITY WORKING AS SRI G.N.NAGAPRASAD, M.SC., AG. IN THE AGRICULTURAL DEPARTMENT OF A.P.

4. THE A P STATE ELECTION COMMISSION, REP. BY ITS ELECTION COMMISSIONER, 1ST FLOOR, NEW HODS BUILDING, OPPOSITE INDIRA GANDHI MUNICIPAL STADIUM, M.G. ROAD, VIJAYAWADA, ANDHRA PRADESH 520010

...RESPONDENT(S):

Counsel for the Petitioner:

1. JITENDRA KANYALUR

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following order:

Heard Sri Jitendra Kanyalur, 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 2nd respondent dated 26.10.2026 confirming the proceedings of the 3rd respondent dated 24.10.2026 rejecting the nomination of the petitioner, the instant writ petition is instituted.

3. The petitioner contends that she has submitted her nomination to the post of member MPTC on 23.10.2026 to contest in the scheduled elections for MPTC/ZPTC. The nomination was rejected on 24.10.2026 on the alleged ground that the petitioner had outstanding dues to local Self Help Groups.

4. It is contended that despite sufficient evidence on record established that no outstanding debt exists the same was not taken into consideration while passing the order of rejection of the nomination. Against the said rejection, appeal was filed by the petitioner before the 2nd respondent on 25.10.2026.

5. The learned counsel for the petitioner contends that without giving any finding on the grounds urged by the petitioner against the rejection order, the

appellate authority had rejected the appeal on new grounds which have not been raised in the order of rejection passed by the Returning Officer.

6. It is contended that the one of such new grounds is that the petitioner had failed to mention correctly the details of the petitioner and the proposer as reflected in the relevant electoral rolls, such as *part number* etc. Although, the name of the petitioner is reflecting in the voters list the same has not been adverted to by the appellate authority, and another ground is that the petitioner had allegedly failed to disclose the “antecedents in full shape”.

7. It is further contended that the rejection by the Returning Officer was on the premise that the petitioner did not disclose the outstanding debt. The learned counsel for the petitioner further argues that when there was no debt on the date of filing of the nomination the same was not taken into consideration and the alleged failure to disclose the same does not arise. The appellate authority without examining the said issue goes on to dismiss the same on a new ground which was never put to the petitioner for rebuttal either during the proceedings before the Returning Officer or before the appellate authority. Thus, it is contended that the findings thus arrived by the appellate authority and the Returning Officer are without any basis and are perverse. Accordingly, prays for set aside of the impugned order.

8. *Per contra,* the learned Standing Counsel appearing for the respondents would submit that the list of contesting candidates in prescribed format has already been published and any order passed in the writ petition

would come in the way of the scheduled elections. It is further contended 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],
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.

9. Considered the submissions.

10. 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

[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

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***[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).”

11. 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.

12. 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 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.

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JUSTICE KIRANMAYEE MANDAVA

Date: 29.10.2026
BSK

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