APHC010577342026

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

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31535 OF 2026

Between:

1. KOLLI SIMHACHALAM, w/o Venkata Ramana, Aged about 43 years, Occ. Housewife, R/o. D. No.- 25-12-79, Padma Nagar, Near Lakshmi Talkies, Visakhapatnam, Visakhapatnam District-530001

...Petitioner

AND

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

2. The Commissioner and Director of Municipal Administration, Andhra Pradesh, Mangalagiri, Guntur District-522503.

3. The Greater Visakhapatnam Municipal Corporation, Represented by its Commissioner, Visakhapatnam, Andhra Pradesh-530001

4. The Zonal Commissioner, Greater Visakhapatnam Municipal Corporation, GVMC Ward No.36, Zone IV (South), Visakhapatnam-530017

5. The State Election Commission, Andhra Pradesh, Represented by its Commissioner, Vijayawada, Andhra Pradesh-520002

6. Dasari Mounika Nirmala, w/o Mohd.Sadiq, Aged about 36 years, Occ. Housewife, R/o D.No.24-49-39, Ambusaranga Street, Visakhapatnam, Visakhapatnam District-530001

...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 or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.4 in allowing the Respondent No.6 in contesting the Elections to be scheduled on 01.11.2026 for the post of Corporator Ward No.36, Greater Visakhapatnam Municipal Corporation though the same was reserved for BC Women despite the Respondent no.6 does not belongs to BC Women despite there being a complaint made by the Petitioner on which a letter was addressed by the Respondent No.4 on 25.10.2026 to the Tahsildar, Maharanipeta, Visakhapatnam for causing on enquiry upon the caste certificate issued in favour of Respondent No.6 on 17.10.2026 and issuing with list of contesting candidates including the name of the Respondent No.6 as nothing but illegal, arbitrary, erroneous, highhanded and violative of Article 14, 21, 243T of The Constitution of India and consequently declare the contest of Respondent No.6 for Ward No.36 of Visakhapatnam Municipal Corporation in the ensuring the elections of 2026 as null and void

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 direct the Respondent No.4 not to declare the election result of Respondent No.6 alone is concern with regard to Ward No.36 of Greater Visakhapatnam Municipal Corporation

IA NO: 2 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 maybe pleased to implead the Returning Officer, Greater Visakhapatnam Municipal Corporation, Ward No.36, Zone-IV (South)Visakhapatnam, Visakhapatnam District-530017 herein as Respondent no. 7 in the writ petition as well as the Interlocutory Application No.1 of 2026 and pass

Counsel for the Petitioner: A K KISHORE REDDY

Counsel for the Respondents: GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following Order:

Heard Sri A.K. Kishore Reddy, learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development and Sri N. Ashwani Kumar, learned Standing Counsel for the respondent No.5 - SEC.

2. The instant Writ Petition is filed seeking for the following relief:

> "*to issue a Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.4 in allowing the Respondent No 6 in contesting the Elections to be scheduled on 01.11.2026 for the post of Corporator Ward No.36, Greater Visakhapatnam Municipal Corporation though the same was reserved for BC Women despite the Respondent No.6 does not belongs to BC Women despite there being a complaint made by the Petitioner on which a letter was addressed by the Respondent No.4 on 25.10.2026 to the Tahsildar, Maharanipeta, Visakhapatnam for causing on enquiry upon the caste certificate issued in favour of Respondent No.6 on 17.10.2026 and issuing with list of contesting candidates including the name of the Respondent No.6 as nothing but illegal, arbitrary, erroneous, highhanded and violative of Article 14, 21, 243T of the Constitution of India and consequently declare the contest of Respondent No.6 for Ward No.36*

of Visakhapatnam Municipal Corporation in the ensuring the elections of 2026 as null and void…."

3. It is contended that the Election Notification for MPTC/ZPTC elections in Andhra Pradesh was issued by the respondent No.5 for the Greater Visakhapatnam Municipal Corporation, reserving Ward No.36 for the BC category, the petitioner and others filed their nominations, the respondent No.6 also filed her nomination under the BC category, despite allegedly belonging to the Open Category. Immediately thereafter, the petitioner and another candidate, submitted objections before the respondent No.4 challenging the eligibility of Respondent No.6 to contest from the BC-reserved ward.

4. Learned counsel for the petitioner would submit that pursuant to the complaint lodged by the petitioner questioning the caste status of the respondent No.6, the respondent No.4 - Returning Officer, addressed a letter dated 25.10.2026 to the Tahsildar, Maharanipeta, Visakhapatnam, seeking verification of the genuineness and validity of the community certificate issued to the respondent No.6. However, without awaiting the report or receiving any clarification from the Tahsildar, the respondent No.4 included the name of the respondent No.6 in the final list of contesting candidates, thereby permitting her to contest from the BC-reserved Ward No.36.

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

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

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

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

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.

6. Considered the submissions.

7. 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***[5], 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

[1] 1952 (1) SCC 94
[2] (2026) 5 SCC 747
[3] 2026 SCC Online SC 1133
[4] Judgment of Full Bench of the erstwhile High Court of AP in W.A.No.1221 of 2004 dated 26.10.2004
[5] (2026) 5 SCC 747

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.*
>
> *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***[6], 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*

[6] 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).”

(c) The Full Bench of the erstwhile High Court of Andhra Pradesh in the case of *Kalla Ramakrishna vs. State Election Commission*[7], 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

[7] 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.

8. 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.

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JUSTICE KIRANMAYEE MANDAVA

Dated: 30.10.2026
MSI

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31535 OF 2026

Dated: 30.10.2026
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