APHC010577862026

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: 31574 OF 2026

Between:

1. MOYYA SIVA KUMAR, S/o. Venkateswara Rao, aged 36 years, Occ. Cultivation, R/o. D.No.5-129, Near Police Station, Dwaraka Tirumala Village and Mandal, Eluru District - 534 426.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District 522237.

2. The Andhra Pradesh State Election Commission, Rep. by its Secretary, Vijayawada, NTR District - 520001.

3. The Appellate Authority cum Revenue, Divisional Officer, Jangareddigudern, Eluru District - 534447.

4. The Returning Officer, Mandal Praja Parishad, Dwaraka Tirumala Mandal, Eluru District, Pin code -534426.

5. The District Collector and District Election Authority, Eluru District at Eluru - 534001.

...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 more particularly one in the nature of WRIT OF CERTIORARI calling for the entire records connected to the Proceedings in Roc.No.A/179/2026-1, dated 24.10.2026, passed by the 4th Respondent, rejecting petitioner nomination paper SI.No.61, dated 23.10.2026, and the consequential Appellate Order in Proceedings in Appeal No.2/1484/2026/A, dated 26.10.2026, passed by the 3rd Respondent, confirming the same, examine the same and set aside both of them as being illegal, arbitrary, perverse, contrary to the record including the Check List dated 23.10.2026 prepared by the 4th Respondent herself, passed without application of mind and in violation of the principles of natural justice, contrary to the A.P. Panchayat Raj (Conduct of Elections) Rules, 2006, and violative of Article 14 and 19 of the Constitution of India and consequently direct the Respondents to treat his nomination paper as validly presented and accepted, to include petitioner name in the list of validly nominated candidates and in the list of contesting candidates, to receive the Form-B in his favour and allot him the symbol and to allow him to contest the election to the office of Member of Dwaraka Tirumala-1 Mandal Praja Parishad Territorial Constituency (MPTC), Dwaraka Tirumala Mandal, Eluru District

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 suspend the operation of the Proceedings in Roc.No.A/179/2026-1, dated 24.10.2026, passed by the 4th Respondent, and the Proceedings in Appeal No.2/1484/2026/A, dated 26.10.2026, passed by the 3rd Respondent and consequently direct the Respondents to treat his nomination paper SI.No.61, dated 23.10.2026, as validly presented and accepted, to include petitioner name in the list of contesting candidates, to receive the Form-B in my favour and allot him the symbol, and to allow him to contest the election to the office

of Member of Dwaraka Tirumala-1 Mandal Praja Parishad Territorial Constituency (MPTC), Dwaraka Tirumala Mandel, Eluru District,

Counsel for the Petitioner: PALA KARTHI KIRAN

Counsel for the Respondents: GP FOR PANCHAYAT RAJ RURAL DEV

Counsel for the Respondents: N ASHWANI KUMAR

The Court made the following Order:

Heard Sri Pala Karthi Kiran, 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 - SEC.

2. Challenging the proceedings of the 4th respondent confirming the proceedings of the 3rd respondent rejecting the nomination of the petitioner, the instant writ petition is instituted.

3. The petitioner contends that he has submitted his nomination to the post of MPTC on 23.10.2026 pursuant to the election notification issued by the 2nd respondent on 21.10.2026. On such submission, the 4th respondent verified the nomination papers and informed the petitioner that everything was in order. However, the 4th respondent issued Proceedings in Roc.No.A/179/2026-1 dated 24.10.2026, rejecting his nomination under Rule 9(3) of the A.P. Panchayat Raj (Conduct of Elections) Rules, 2006 (hereinafter referred to as “the Rules”), on the sole ground that the petitioner had not signed the ‘self-declaration form’.

4. Against the said rejection order, the petitioner has preferred an appeal before the 3rd respondent. The 3rd respondent rejected the appeal observing that the petitioner had failed to comply with procedure prescribed under Rule 9(3) of the Rules.

5. Learned counsel for the petitioner would submit that the reason assigned by the Revenue Divisional Officer – respondent No.3 for rejection of the nomination is not valid. It is further contended that the appellate authority did not consider the submissions made by the petitioner, which warrants interference by this Court. Thus prays for a direction to accept the nomination of the petitioner.

6. *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]***,

[1] 1952 (1) SCC 94
[2] (2026) 5 SCC 747
[3] 2026 SCC Online SC 1133

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.

7. Considered the submissions.

8. 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 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.*

[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

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.

[6] 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)."

(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

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

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 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 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

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