APHC010578682026

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

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 31644/2026

Between:

1. KUNDURU THIRUPATHI REDDY, S/O. K. CHINNA VENKATAIAH, AGED ABOUT 64 YEARS, OCC BUSINESS, RIO. D. NO. 4-22, CHAKIRALA VILLAGE, KANIGIRI MANDAL, MARKAPUR DISTRICT, ANDHRA PRADESH-523230.
2. KUNDURU SARADA, W/O. K. THIRUPATHI REDDY, AGED ABOUT 60 YEARS, OCC HOUSE WIFE, RIO. D. NO. 4-22, CHAKIRALA VILLAGE, KANIGIRI MANDAL, MARKAPUR DISTRICT, ANDHRA PRADESH-523230.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH-522238.
2. THE STATE ELECTION COMMISSION, ANDHRA PRADESH, REP. BY ITS STATE ELECTION COMMISSIONER, 1ST FLOOR, NEW HODS BUILDING, M.G. ROAD, VIJAYAWADA, ANDHRA PRADESH 520010.
3. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, TADEPALLI, GUNTUR DISTRICT, ANDHRA PRADESH-522501.
4. THE DISTRICT COLLECTORCUMDISTRICT ELECTION OFFICER, MARKAPURAM DISTRICT, MARKAPURAM, ANDHRA PRADESH-523316.
5. THE DISTRICT PANCHAYAT OFFICER, MARKAPURAM DISTRICT, MARKAPURAM, ANDHRA PRADESH-523316.

6. THE ELECTORAL REGISTRATION OFFICER ERO, 113 - KANIGIRI ASSEMBLY CONSTITUENCY AND REVENUE DIVISIONAL OFFICER, KNAIGIRI, MARKAPURAM DISTRICT, ANDHRA PRADESH-523230.
7. THE RETURNING OFFICER / ELECTION OFFICER, MPTC AND ZPTC TERRITORIAL CONSTITUENCIES, CHAKIRALA GRAM PANCHAYAT, KANIGIRI MANDAL, MARKAPURAM DISTRICT, ANDHRA PRADESH-523230.

...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 topleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a WRIT OF MANDAMUS, declaring the action of the Respondents 2 to 7 in refusing to permit the Petitioners to exercise their right to vote in the ongoing Local Body Elections pertaining to Chakirala Gram Panchayat and the concerned Mandal Praja Parishad Territorial Constituency (MPTC) and Zilla Praja Parishad Territorial Constituency (ZPTC), despite the transfer of their votes from Kanigiri to Chakirala Gram Panchayat during the year 2025 and the reflection of their names in the electoral roll published by the 6th Respondent on 31.07.2026 is illegal, arbitrary, unreasonable and contrary of the Andhra Pradesh Panchayat Raj Act, 1994, the rules made thereunder and inviolation of Article 14 of the Constitution of India, and consequently direct the Respondents concerned to verify the Petitioner's electoral particulars with reference to the relevant Electoral Rolls published by the 6th Respondent on 31.07.2026 and permit the Petitioners to exercise their right to vote in the Local Body Elections concerned, in accordance with law, and pass

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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 pleased to direct the Respondents concerned to verify the Petitioner's electoral particulars with reference to the relevant Electoral Rolls published by the 6th Respondent on 31.07.2026 and permit the Petitioners to exercise their right to vote in the Local Body Elections concerned, in accordance with law, Pending disposal of the above Writ Petition and pass

Counsel for the Petitioner(S):

1. GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

2. GP FOR GENERAL ADMINISTRATION

The Court made the following:

ORDER:-

Heard Sri Y.Nagi Reddy, learned counsel appearing for Sri Gajjala Mallikarjuna Reddy, learned counsel for the petitioners, learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondent Nos.1 and 3 and Sri N.Ashwani Kumar, learned Standing Counsel appearing for the respondent No.2.

2. The petitioners are residents of Chakirala Village, Kanigiri Mandal, Markapuram District. Originally, the petitioners' votes were registered in Kanigiri Municipality. Since the petitioners have subsequently moved to Chakirala Village and have been residing in the said village, sought for transposition of their votes, from Kanigiri to Chakirala Gram Panchayat. In pursuance thereof, the necessary process was initiated to transfer their votes from Kanigiri to Chakirala Gram Panchayat. In the said regard, Elector Photo Identity Cards (EPIC) were also issued. The electoral roll published on 31.07.2026 reflects the names of the petitioners. However, the petitioners have been informed by the respondents that the petitioners cannot cast their vote in Chakirala Gram Panchayat, as, on the qualifying date, i.e., 01.01.2026, they were not registered in Chakirala Village, despite the petitioners were duly issued with EPICs. It is contended that as per the provisions of Section 11of the Andhra Pradesh Panchayat Raj Act, 1994 and the proviso thereto,the petitioners cannot be deprived of their right to participate in the election process. The petitioners

contend that the petitionersare intending to contest the ensuing Gram Panchayat elections. Since as per the electoral roll published on 31.07.2026, their names have been duly recorded, prays for a direction that the petitioners shall be permitted to participate in the ensuing elections.

3. A perusal of the para-wise remarks to the writ affidavit, placed before the Court especially from Para No.5, it reflects that submission of the petitioners that their votes have been shifted and transposed to Chakirala Village, has not been disputed. However, as the said transposition was subsequent to the qualifying date. It is stated that the 2nd respondent - SEC has directed all the District Panchayat Officers to prepare ward-wise photo electoral roll by adopting qualifying date as 01.01.2026. It is stated that as the petitioners' names have not been transferred to Chakirala as on the qualifying date i.e., 01.01.2026, the petitioners are not eligible to cast their vote in the scheduled elections.

4. Considered the submissions. Therespondents are taking into consideration the date 01.01.2026 as the relevant date,for publication of names in the electoral roll, which is contrary to the provisions of Section 11 of Andhra Pradesh Panchayat Raj Act, 1994.

5. The proviso to Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994, specifically provides that any amendment, transposition or deletion of any entry in the electoral roll, or any inclusions of names in the electoral roll up to the date of election notification shall be carried out in the

electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the last Ward. In the light of the unambiguous statutory provision, in my considered view, the action of the respondent authorities is arbitrary exercise of the statutory power and is contrary to the legislative intent and is without jurisdiction.

6. In light of the provisions of the same, the respondent Nos.2, 3 and 4 are directed to pass orders for publication of the names of the petitioners in the electoral roll as expeditiously as possible before issuing the election notification for Gram Panchayats.

7. With the above direction, the writ petition is disposed of. 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: 02.11.2026

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO:31644 of 2026

Dated: 02.11.2026

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