APHC010588242026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 32203/2026

Between:

1. T REVATHI, W/O. K.SIVA KUMAR, AGED ABOUT 33 YEARS, OCC. HOUSEWIFE, R/O.H.NO.8-3, JONNAGURAKULA, VTC MATHYAM, THAVANAMPALLE SUB DISTRICT, CHITTOOR DISTRICT.-517129

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH - 522238.
2. THE ANDHRA PRADESH STATE ELECTION COMMISSION, REP BY ITS SECRETARY, 1ST FLOOR, NEW HODS BUILDING, OPP. INDIRA GANDHI MUNICIPAL STADIUM, MG ROAD, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.-520010
3. THE DISTRICT ELECTION OFFICERCUMDISTRICT COLLECTOR, CHITTOOR DISTRICT.-517001
4. THE APPELLATE AUTHORITY CUM REVENUE DIVISIONAL OFFICER, CHITTOOR, CHITTOOR DISTRICT.-517001
5. THE RETURNING OFFICERCUMSPECIAL DEPUTY COLLECTOR, EGUVATHADAKARA MPTC TERRITORIAL CONSTITUENCY, THAVANAMPALLE CHITTOOR DISTRICT-517131
6. THE ASSISTANT ELECTION OFFICERCUMMPDO, THAVANAMPALLE, CHITTOOR DISTRICT.- 517131

...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 toissue an order, direction, writ, more particularly one in the nature of Writ of Mandamus challenging the action of the Respondent No.4 in passing order dated 26.10.2026 in Appeal No.1/Thavanampalle/2026 thereby dismissing the appeal filed by the Petitioner against the rejection order dated 22.10.2026 passed by the Respondent No.5 as illegal, improper, unjust, arbitrary, violative of principles of natural justice and contrary to law and consequently permit the Petitioner to participate in the MPTC Election at Eguvathadakara MPTC Territorial Constituency

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 permit the Petitioner to participate in the MPTC Election at Eguvathadakara MPTC Territorial Constituency, without reference to the order dated 26.10.2026 in Appeal No.1/Thavanampalle/2026

Counsel for the Petitioner:

1. K RAGHU VEER

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 32203/2026

ORDER:

Heard Sri K. Raghu Veer, learned counsel for the petitioner; Sri N. Ashwini Kumar, learned Standing Counsel for SEC appearing for the respondent No.2 and Sri Susanka Bhuvanagiri, learned Standing Counsel appearing for respondent No.6

2. Challenging the proceedings of the 4th respondent in passing the order dated 26.10.2026 in Appeal No.1/Thavanampalle/2026, thereby dismissing the appeal filed by the petitioner against the rejection order dated 22.10.2026 passed by the 5th respondent, the instant Writ Petition has been filed.

3. The petitioner contends that he submitted his nomination before the 5th respondent on 22.10.2026, pursuant to the election notification issued on 19.10.2026. Upon submission of the nomination, the 5th respondent verified the nomination papers, issued a receipt and did not point out any defect at the time of receiving the nomination.

4. During scrutiny, the 5th respondent rejected the petitioner's nomination on the ground that the petitioner had not signed the declaration with regard to the election expenditure incurred. It is contended that the 5th respondent, acting under the influence of candidates belonging to the ruling party, rejected the petitioner's nomination.

5. 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 sign the declaration. It is further stated that the petitioner had enclosed the declaration with regard to the maintenance of election expenditure accounts in the format prescribe d by the State Election Commission but had not signed the same before the 4th respondent, as the 4th respondent had informed the petitioner that such signature was not mandatory.

6. The learned counsel for the petitioner would further submit that the reasons assigned for rejection of the nomination are not valid. It is further contended that the appellate authority failed to consider the submissions made by the petitioner, which warrants interference by this Court. Thus, the learned counsel prays for a direction to accept the nomination of the petitioner.

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. The learned counsel appearing for the respondents would submit that the petitioner has an effective alternative remedy before the Election Tribunal and in support of their contention, places reliance on the judgments of the Hon'ble Apex Court in the following cases:-

i. ***Sandeep Singh Bora v. Narendra Singh Deopa***[1],

[1] (2026) 5 SCC 747

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

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

iv. 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***.

8. Considered the submissions.

9. 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 Article 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***, 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 summarize 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.*
>
> *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*

[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

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***, 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.

***

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***, 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 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 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.

12. 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: 03.11.2026
MVK

183

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 32203 OF 2026

Date: 03.11.2026
MVK