APHC010597992026

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

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 32726/2026

Between:

1. P RAMESH, , S/O. NARASIMHULU AGED ABOUT 48 YEARS, OCC AGRICULTURE R/O. D.NO.5/1-A, GARUGUPALLI, PEMMADAPALLE, RAYACHOTY, ANNAMAYYA DISTRICT.516269

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY PANCHYATH RAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522238
2. THE STATE ELECTION COMMISSION, VIJAYAWADA, NTR DISTRICT., REP BY ITS STATE ELECTION COMMISSIONER., NEW HODS BUILDING, 0PP. INDIRA GANDHI MUNICIAPAL STADIUM M.G ROAD, VIJAYAWADA. 520010
3. THE DISTRICT ELECTION OFFICERCUMDISTRICT COLLECTOR, ANNAMAYYA DISTRICT, MADANAPALLI.517325
4. THE RETURNING OFFICER, PEMMADAPALLI GRAMPANCHAT ANNAMAYYA DISTRICT. 516269
5. THE MANDAL PARISHAD DEVELOPMENT OFFICER, RAYACHOTY MANDAL, ANNAMAYYA DISTRICT.516269

...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 tomay be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.5 in issuing the Revised Nomination Receiving Centres for Sarpanch and Ward Members , dated 06.11.2026 centralising the

nomination-receiving centres of the respective Gram Panchayats at Rayachoty Mandal, without disclosing the authority under which the said decision was taken and without considering the accessibility, geographical location, convenience of candidates and proposers and adequacy of the premises, as arbitrary, unreasonable, contrary to the procedure contemplated under the A.P. Panchayat Raj (Conduct of Elections) Rules, 2006 and the instructions issued by the State Election Commission, and contrary to the well established legal principles apart from being violative of the fundamental and the constitutional rights guaranteed to me under Articles 14, 19 and 21 of the Constitutional India and consequently a) b) set aside the same and direct the respondents to reconsider and make appropriate arrangements for receiving nomination papers at suitable, accessible and reasonably convenient venues at or near the respective Gram Panchayat headquarters, after considering the availability of adequate premises and the convenience of the candidates and proposers as the per the applicable rules in force, and pass such

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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 may be pleased to direct the respondents No.2 to 4 to make arrangements for receiving nomination papers at suitable and accessible venues as per the applicable rules and guidelines in force, after ensuring that the candidates and proposers are not subjected to unreasonable hardship or inconvenience, by suspending the operation of the List of Nomination Receiving Centers for Sarpanch and Ward Members of Rayachoty Mandal, Annamayya District, dated 06.11.2026, issued by the respondent No.5, pending disposal of the above Writ Petition and pass such

Counsel for the Petitioner:

1. V R REDDY KOVVURI

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

ORDER:-

Heard Sri V.R.Reddy Kovvuri, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondent Nos.1 and 5 and Sri N.Ashwani Kumar, learned Standing Counsel appearing for the respondent No.2.

2. The grievance of the petitioner in the instant writ petition is against the proceedings of the respondent No.5 in issuing the Revised Nomination Receiving Centers for Sarpanch and Ward Members, dated 06.11.2026, centralizing the nomination-receiving centers of the respective Gram Panchayats at Rayachoty Mandal, without being conferred on the said authority any jurisdiction for issuing such proceedings.

3. It is contended that the respondent No.5 had centralized the process of nomination by issuing impugned proceedings, which deprives the contesting candidates on the respective Gram Panchayats proposing to filing the nomination papers.

4. It is further contended that in terms of Rule 6 of the Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006, (for short, “the Rules, 2006”), on the basis of election notification issued by the SEC, the Returning Officer shall give public notice in Form-I and the Returning Officer shall receive nomination papers between 10:00 AM and 5:00 PM from the date of issuance of such public notice. In the said regard, placing reliance on

the handbook issued by SEC for Returning Officers, referring to Chapter-V of the said handbook which deals with Nominations.

5. It is contended that it is for the Returning Officer to prescribe the dates on which, the place at which, the hours between which the nomination papers are received is for the Returning Officer to prescribe under Rule 6 of the Rules, 2006. Having regard to the same, it is contended that the impugned proceedings of the respondent No.5 are without jurisdiction and sought to set aside the same.

6. When the matter has been taken up for consideration, learned Standing Counsel appearing for the SEC has placed before the Court a copy of instructions that have been received by him in the case. A perusal of the same reflects that in Stage-I, Gram Panchayat election process, one Returning Officer would be appointed for a group/cluster of 2 to 4 Gram Panchayats. The Returning Officer will sit in the Major Panchayat or the Panchayat which is convenient for all the Gram Panchayats in that cluster to receive the nomination papers from all the Gram Panchayats.

7. Learned counsel for the petitioner would submit that the said submission made on behalf of the SEC would address the grievance of petitioner and that the petitioner has no objection if the Returning Officer sits at any of the Gram Panchayats of the said cluster and receive the nomination papers, and they will have no objection if any decision taken by the Returning Officer in the said regard, being the appropriate authority to issue notification in Form-I under Rule 6 of the Rules 2006 with regard to the stand taken by the

SEC that District Election Authorities would take the ultimate decisions on Nomination Receiving Centers keeping in view the ground level situations, the learned counsel for the petitioner would submit that District Election Authority has no jurisdiction to take any decision with regard to the centralization and it is within the sole domain of the Returning Officer.

8. Sri N.Ashwani Kumar, learned Standing Counsel appearing for the SEC, would further submit that having regard to the law and order issues, appropriate decision with respect to nomination centers would be taken by the DEA/the Returning Officer.

9. Learned Standing Counsel appearing for the respondent No.5 would submit that the proceedings impugned in the writ petition are only internal correspondence of the respective authorities and it is not the final notification, notifying any centers as such.

10. Considered the submissions.

11. The definition of "***Returning Officer"*** as defined under Rule 2(l) of the Rules, 2006 means any officer of the local authority or the Government authorized or appointed by the Collector and DEA (District Election Authority) to do any Act or perform any function in connection with the conduct of elections under the Rules.

12. The Explanation to the said Rule further provides that the Collector and DEA may appoint one or more persons who shall be an Officer or Officers of the local authority or the Government, as Assistant Returning

Officer or Officers to assist the Returning Officer in the performance of his functions and every Assistant Returning Officer so appointed shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer and it further Explains that the expression Returning Officer shall be deemed to include such Assistant Returning Officer also.

13. In the light of the submissions made on behalf of SEC that in Stage-I, Gram Panchayat election process, one Returning Officer would be appointed for a group/cluster of 2 to 4 Gram Panchayats. The Returning Officer will sit in the Major Panchayat or the Panchayat which is convenient for all the Gram Panchayats in that cluster to receive the nomination papers from all the Gram Panchayats.

14. This Court is of the view that upon such appointment of the Returning Officer it is for the Returning Officer so appointed to issue Form-I under Rule 6 of the Rules, 2006 specifying the details as contained under the said Form. While issuing so, if any Assistance is taken by the Returning Officer from any of the Assistant Returning Officer (ARO) appointed by the DEA, and any proceedings issued in connection thereto by the ARO's which are in the nature of providing assistance to Returning Officer, the said proceedings/assistance cannot be said to be without jurisdiction.

15. With the above observations, 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.

JUSTICE KIRANMAYEE MANDAVA

Dated: 11.11.2026

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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