APHC010601602026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3311]
(Special Original Jurisdiction)

Friday, the 13th day of November, 2026

Present

Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No: 32959 of 2026

Between:

Botta Appalaraju **... Petitioner**

and

The State of Andhra Pradesh and others **... Respondents**

Counsel for the petitioner:

1. Seshu Kumar Nali

Counsel for the respondents:

1. G.P. for Panchayat Raj Rural Dev.
2. G.P. for Revenue

The Court made the following:

ORDER:

This writ petition is filed to direct the respondent No. 3 to verify and rectify the electoral rolls of Papayapalem and P.S. Palem Gram Panchayats of Anakapalli District by including the eligible voters in their respective Gram Panchayats in accordance with their territorial jurisdiction and applicable law, and consequently, direct the authorities to proceed with the panchayat election process, only after such correction.

02. The case of the petitioner is, stated briefly, as follows:

a. The petitioner is the resident of Papayapalem Gram Panchayat and previously contested for the post of sarpanch. During the assembly and parliamentary elections, 2024, voters of both Papayapalem and P.S. Palem Gram Panchayats were provided with a common polling booth in P.S. Palem Gram Panchayat as both these gram panchayats fall within the same assembly constituency. Therefore, there was no difficulty in holding elections.

b. However, at present, since each gram panchayat has separate election process for the election of sarpanch and ward members, there cannot be a common electoral roll for both gram panchayats. As such, the petitioner and others submitted a representation on 22.10.2026 to the Revenue Divisional Officer to verify and correct the electoral rolls of both the Papayapalem and P.S. Palem Gram Panchayats. Then the Tahsildar, Anakapalli addressed a letter dated 24.10.2026 to the Mandal Development Officer, Anakapalli to take necessary action to resolve the issue, but officials had not taken any action, despite the discripencies pointed out and genuine grevience. As such, this writ petition was filed.

03. Sri K. Ajay Kumar, learned counsel, representing the learned Standing Counsel for the Andhra Pradesh State Election Commission / respondent No. 3 severely opposed the petition stating that the Courts cannot intervene in the matters of election after notifications were issued and therefore, the petition is not maintainable. He placed reliance on the decision of the Supreme Court in **Meenakshi Natarajan Vs. Election Commission of India and another**[1], wherein at paragraph No. 12 it is held as follows:

> "12. It seems to me that the word "election" has been used in Part XV of the Constitution in the wide sense, that is to say, to connote the entire procedure to be gone through to return a candidate to the legislature. The use of the expression "conduct of elections" in Article 324 specifically points to the wide meaning, and that meaning can also be read consistently into the other provisions which occur in Part XV including Article 329(b). That the word "election" bears this wide meaning whenever we talk of elections in a democratic country, is borne out by the fact that in most of the books on the subject and in several cases dealing with the matter, one of the questions mooted is, when the election begins."

04. He further placed reliance on the decision of the Supreme Court in **State of Karnataka and others Vs. Gunjahalli Nagappa and others**[2]**,** wherein at paragraph No. 11, it is held as follows:

> "11. That takes us to the alternative argument advanced by the learned Solicitor General on behalf of the State Government. He

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[1] 2026 SCC OnLine SC 1133
[2] 1975 SCC OnLine SC 211

contended that in any event even if the impugned order was bad and the election process was liable to be continued from the stage at which it was interrupted, the poll could be taken only on the basis of the revised Electoral Roll which had come into being, in the meanwhile, in February 1975 and, therefore, it was necessary for the designated officer to correct the divisional lists of voters so as to bring them in accord with the revised Electoral Roll. This contention is also without force. It is true that there is no provision in the Act similar to Section 23, Sub-section (3) of the Representation of the People Act, 1950 providing that no amendment, trans-position or deletion of any entry in the 1ist of voters for a division shall be made and no direction for the exclusion of any name in such list of voters shall be given after the last date for making nominations for an election in the division. But the scheme of the Act and particularly Sections 14 and 15 make it clear that it is one list of voters for each division that is contemplated to be in force during the entire process of election. The list of voters is to be prepared for the election and 'election' means the entire process consisting of" several stages and embracing several steps by which an elected member is returned, whether or not it is found necessary to take a poll. Vide **N.P. Ponnuswami v. Returning Officer, Namakkal Constituency and Ors.** 1952 SCR 218. The list of voters must, therefore, a fortiori remain the same throughout the process of election. There cannot be one list of voters for determining the eligibility to stand as a candidate and another for determining the eligibility to vote, at the same election. That would not only be irrational, but would also introduce confusion and uncertainty in the election process. Candidates would not know at the time

when they file their nominations as to what is the strength and composition of the electorate in the division in which they are contesting the election. They would also be handicapped in canvassing for votes. It would indeed be a strange and anomalous position if there were two or more different lists of voters at different, stages of the same election. Sub-section (1) of Section 14 does not contemplate a list of voters which keeps on changing from time to time during the election process. It deems the Electoral Roll for the territorial area of the division, in force at the relevant time to be the list of voters for the division "for the purpose of the Act", that is for the purpose of election which is the whole process culminating in a candidate being declared elected and not merely polling ., The same list of voters is, therefore, to prevail for all stages in the election. This we find emphasised also in Sub-section (3) of Section 14 which enacts that every person whose name is in the list of voters referred lo in Sub-section (1) shall be qualified to vote at the election of a member for the division to which such list pertains. Sub-section (2) of Section 15 also points in the no same direction. It says that "the list of voters shall be conclusive evidence for the purpose of determining under this section whether the person is qualified is not qualified to vote or is qualified or is not qualified to be elected as the case may be, at an election". The reference here, as a matter of plan grammar, indisputably to the same list of voters which is to be conclusive evidence for both purposes. It is, therefore, clear, on a proper interpretation of the provision of the Act that the Legislature did not intend that the list of voters should change from time to time during process of election and the relevant Electoral Roll for the purpose of preparation of the list of

> voters must consequently be taken to be the Electoral Roll in force at the date when the election process commenced, that is, the date when the calendar of events was published. The same view was taken by a Division Bench of the Mysore High Court in **Shivappa Chanamallappa Jogendra v. Basavannappa, Gadlappa Bankar**, 1965 Mysore L.J. 289. We are in agreement with that view. The poll in the present case must, therefore, be taken on the basis of the list of voters for each division prepared with reference to the Electoral Roll in force on 7th December, 1974, that being the date on which the calendar of events was published by the Returning Officer."

05. The petitioner and others have given a representation well before the commencement of the electoral process by notification, yet, apperant error has not been rectified by proper means. Therefore, the petitioner cannot be blamed for inaction on the part of the respondents to do the needful to stick to the constitutional mandate to conduct elections in democratic process.

06. Recently, keeping in view all the settled legal positions on the electoral process, the Supreme Court in its order dated 21.10.2026 in **Yuvajana Sramika Rythy Congress Party Vs. The State of Andhra Pradesh and others** in SLP (C) No.37476 of 2026, dated 21.10.2026, at paragraph No. 16, it is held as follows:

> "16. These authorities above unequivocally state while constitutional courts would ordinarily not interfere with election process, but their hands are not tied when appropriate interventions are necessary to ensure that elections are

conducted in a free and fair manner and are not marred by extra-constitutional or illegal means, for eg. muscle power."

07. Sri K. Ajay Kumar, learned counsel further submitted that the Supreme Court initially passed above cited interim order in **Yuvajana Sramika Rythy Congress Party Vs. The State of Andhra Pradesh and others** (supra) and passed final order on 27.10.2026 giving directions at paragraph No.13, which reads as follows:

"Learned senior counsel for the appellant also submitted that candidates in the other local body elections, namely, the Mandal and Zilla Parishad Territorial Constituencies and the Gram Panchayats in the State, are facing similar difficulties. To do complete justice, we make the following directions in respect of the elections to all local bodies in the State:

(i) The Commission shall take all necessary steps to allay the apprehensions of political parties and prospective candidates and ensure that they have a free and fair chance to contest such elections.

(ii) The Commission shall ensure that its directions vide Order No.840/SEC-F1/2026 dated 16.10.2026 for the ULBs shall apply to elections in other local bodies for effective participation in a free and fair election.

(iii) Wherever representations are made before the Commission by political parties and/or their candidates alleging breach of law and order impeding the filing of nominations, the Commission shall consider such representations and, if satisfied, shall take appropriate remedial measures, including extending the last date

for filing nominations and arranging for receipt of nominations before the District Collector at the District Headquarters concerned, wherever necessary.

(iv) In the event there is obstruction resulting in any candidate not being able to file nomination, such candidate would be entitled to file an election petition in accordance with law.

(v) The Director General of Police shall ensure due compliance with these directions as well as the directions issued by the Commission, provide adequate police bandobast at the nomination centres to ensure smooth and unhindered filing of nominations by all prospective candidates in the ensuing elections to all local bodies, and maintain law and order throughout the election process.

(vi) Videography/CCTV camera coverage shall be arranged at the centres receiving nominations, the offices of the Returning Officers, the polling stations, the strong rooms and the counting centres. The footage shall be preserved till the expiry of the period of limitation for filing an election petition and, where one is filed, till its final disposal. It shall be made available to the Election Tribunal upon requisition and to any party to such petition on application."

08. Considering the peculiarity in the present case, where there is a common list of both gram panchayats, which would result in utter breach of democratic process, in the light of the observation of the Supreme Court that Constitutional Courts cannot be prevented from interfering with the election process when appropriate interferences are necessary, it is a case fit for such interference.

09. Accordingly, the writ petition is disposed of directing the respondents Nos.3, 4 and 6 to do the needful forthwith to undo the anomaly pointed out in the writ petition.

There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE B.S. BHANUMATHI

Date: 13.11.2026

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