APHC010624212026

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

MONDAY, THE 23rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 34184 OF 2026

Between:

1. GUDIMETIA SUNDARARAMI REDDY,, S/O SOMI REDDY, AGED ABOUT R/O H.NO. 2-22/1, MALLIPUDI VILLAGE, PENUMANTRA MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH-534124.

...PETITIONER

AND

1. THE ANDHRA PRADESH STATE ELECTION COMMISSION, REP. BY ITS STATE ELECTION COMMISSIONER, D.NO. 133, 1ST FLOOR, NEW HODS BUILDING, OPPOSITE INDIRA GANDHI MUNICIPAL STADIUM, M.G. ROAD, VIJAYAWADA, ANDHRA PRADESH- 520010.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH- 522238.

3. THE DISTRICT COLLECTOR AND DISTRICT ELECTION AUTHORITY, BHIMAVARAM, WEST GODAVARI DISTRICT, ANDHRA PRADESH.

4. THE DEPUTY DISTRICT ELECTION AUTHORITY AND REVENUE DIVISIONAL OFFICERCUMAPPELLATE AUTHORITY, SUB-COLLECTOR OFFICE, NARASAPURAM, WEST GODAVARI DISTRICT, ANDHRA PRADESH.

5. THE RETURNING OFFICER STAGE1, MALLIPUDI GRAM PANCHAYAT, PENUMANTRA MANDAL, WEST GODAVARI

DISTRICT, ANDHRA PRADESH- 534124.

6. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.

7. THE EXECUTIVE OFFICER, SRI MADANA GOPALA SWAMY TEMPLE, MALLIPUDI VILLAGE, PENUMANTRA MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH- 534124.

8. DANDU NAGARAJU D NAGARAJU, S/O SATYANARAYANA RAJU, AGED ABOUT 50 YEARS, R/O MALLIPUDI VILLAGE, PENUMANTRA MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH- 534124.

...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 any writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the 4th Respondent passing the Proceedings Roc.No.1156/2026/A dated 20.11.2026 as illegal, arbitrary, without jurisdiction, contrary to Section 18(1) read with Section 14(6) of the Andhra Pradesh Panchayat Raj Act, 1994 and Section 22(1)(b) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, and violative of Articles 14 and 243-K of the Constitution of India, and consequently quash / set aside the Proceedings Roc.No.1156/2026/A dated 20.11.2026 and ii. direct the 1st, 3rd and 5th Respondents to delete the name of the 8th Respondent from the final list of contesting candidates and the ballot paper for the office of Sarpanch of Mallipudi Gram Panchayat,

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 may be pleased to suspend the operation of the Proceedings Roc.No.1156/2026/A dated 20.11.2026 of the 4th Respondent, and consequently direct the 1st, 3rd and 5th Respondents not to include the name of the 8th Respondent in the final list of contesting candidates and the ballot paper for the office of Sarpanch of Mallipudi Gram Panchayat, , pending disposal of the Writ Petition, and to pass such

IA NO: 2 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 may be pleased to direct that the election to the office of Sarpanch of Mallipudi Gram Panchayat, and the declaration of its result shall be subject to the outcome of the Writ Petition, pending disposal of the Writ Petition, and to pass such

Counsel for the Petitioner:

1. C SUMON

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2.

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 34184 OF 2026

ORDER:-

Heard Sri C Sumon, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj & Rural Development and Sri N.Ashwani Kumar, learned Standing Counsel for the State Election Commission appearing for the respondents.

2. The instant writ petition is filed challenging the order passed by the 4th respondent in allowing the appeal filed by the unofficial respondent No.8 accepting the nomination of the 8th respondent, consequently sought a direction to respondent Nos.1, 3 & 5 to delete the name of the 8th respondent from the final list of contesting candidates and the ballot paper for the office of Sarpanch of Mallipudi Gram Panchayat.

3. Learned counsel for the petitioner submits that the unofficial respondent No.8 is ineligible to contest for the office of Sarpanch of Mallipudi Gram Panchayat, in view of the fact that he was one of the Trustees of the Temple Sri Madana Gopala Swamy Temple, Mallipudi of the Board of Trustees and was elected as the Chairman of the Trust Board. Having regard to the disqualification contemplated under Section 18 of the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as 'the Act'), the 5th respondent had rejected the nomination of the unofficial respondent No.8. However, the appellate authority allowed the appeal preferred by the unofficial

respondent No.8 without properly considering the relevant statutory disqualification.

4. Learned counsel for the petitioner further argues that the unofficial respondent No.8 submitted his resignation to the office of the Member of the Trust Board only after filing his nomination papers on 17.11.2026 at 11:30 AM. The said resignation was accepted on 19.11.2026, i.e., on the day following the scrutiny of the nomination papers. It is contended that, as on the date of scrutiny of the nomination papers, the unofficial respondent No.8 continued to hold the office of Board of Trustees/Chairman of the Board. Consequently, his nomination was liable to be rejected on the ground of disqualification. However, the appellate authority did not take into consideration the event of acceptance of his resignation on 19.11.2026 which was subsequent to the date of scrutiny and allowed the appeal filed by the 8th respondent observing that:

> *"On Conclusion, In this case the appellant, Sri Dandu Nagaraju instants resigned to the post of chairman by submitted the proof of submission of resignation on 17.11.2026, i.e., before the scrutiny day, dt.18.11.2026, and later forwarded to the District Endowment Officer, West Godavari, Bhimavaram and then the resignation has already taken legal effect before the scrutiny and the resignation formal acceptance orders also received on the day of appeal, dt. 19.11.2026. And hence an opportunity is to be given to the appellant to contest on principle of natural justice.*

Basic on the above grounds, the nomination is accepted."

5. Thus, learned counsel for the petitioner further argues that, in view of the provisions of Section 18 of the Andhra Pradesh Panchayat Raj Act, 1994, a person suffering from the disqualification as prescribed therein shall not be **qualified to be chosen as a member of the Gram Panchayat**. He further places reliance on the provisions of Section 19(2) of the said Act and contends that the relevant date for determining the eligibility or otherwise of a candidate is the date of scrutiny of the nomination papers. Accordingly, the subsequent acceptance of the resignation of unofficial respondent No.8 on 19.11.2026 cannot cure the disqualification subsisting as on the relevant date.

6. In support of his contentions, learned counsel for the petitioner relies on the decision of the Hon'ble Supreme Court in the case of Moti Ram vs. Param Dev[1].

7. Referring to the provisions of Section 22 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, learned counsel for the petitioner, Sri C.Sumon, contends that a person holding the office of a trustee or chairman of a Trust Board, would be ineligible for being chosen as or for being a member of the Gram Panchayat. It is further argued that under the provisions of Section 22 of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, vacancy to the office of the Member of the Trust Board in cases of resignation

[1] 1993 (2) SCC 725

would arise only upon such member's resignation is accepted by the competent authority. Thus it is argued that the date of accepting the resignation of the unofficial respondent was subsequent to the scrutiny of nomination, thus the office of Member, of the Trust board which the 8th respondent was holding continues to hold as on the relevant date of scrutiny of nominations. He, placing reliance on the provisions of Section 19 of the Andhra Pradesh Panchayat Raj Act, 1994 argues that the 8th respondents' nomination was irregularly accepted by the order of the appellate authority, despite the resignation of the unofficial respondent No.8 was accepted only after the scrutiny of the nomination papers. Therefore, the acceptance of his nomination is contrary to the statutory provisions.

8. Considered the submissions.

9. Section 18 of the Andhra Pradesh Panchayat Raj Act, 1994, contemplates certain disqualifications for **being chosen as, or for being, a member of a Gram Panchayat**. It specifies the categories of persons who shall not be qualified for being chosen as, or for being, a member of a Gram Panchayat, having regard to the nature of the office held by them and the circumstances as prescribed therein.

10. On the other hand, Section 19 of the Act also deals with **disqualifications of candidate** for being chosen as a member, if, on the date fixed for scrutiny of nominations for election or on the date of nomination under Sub-section (2) of Section 16 of the Act, if, he is of unsound mind,

adjudicated insolvent or interested in a subsisting contract made with or any work for the Gram Panchayat etc., and such other situations as contemplated in Section 19 of the Act. The relevant date for determining the disqualification under Section 19 of the Act is the date of scrutiny of nomination or the date of nomination, whereas, there is no such specific mention under Section 18 of the Act. It is not the case of the petitioner that the 8th respondent would fall under any of the **disqualifications** envisaged under Section 19 of the Act. His specific contention is that the 8th respondent's case would fall under the disqualification as prescribed under Section 18 of the Act and upon the grounds specified therein, however the same should be tested with reference to the date of his (8th respondent) nomination. In my considered view the said submission is not tenable as Section 18 of the Act, 1994 do not stipulate any specific date as relevant date, to determine the persons disqualification to be chosen as a member, it only prescribes that the person shall not be **eligible to be chosen as or for being chosen as a Member.** In the absence of any specific date being mentioned therein a plain reading of the provisions of Section 18 of the Act, would imply that a member should not be shown to the electors of the Gram Panchayat, as a contesting candidate. To be more specific it would mean, that in the list, comprising the list of contesting candidates, the ineligible candidates to contest, shall not be reflected. In other words, as on the date of his being displayed/exhibited as a contestant candidate in the list of contesting candidates, he should not hold any office as specified under Section 18 of the Act. In the facts of the case the date of

acceptance of resignation even if it is considered as 19.11.2026, the same was before the publication of list of contesting candidates, which was stated to have been published on 21.11.2026.

11. Thus, Sections 18 & 19 of the Act contemplates distinct situations and operates in different contexts. A distinction is, therefore, required to be drawn between the disqualifications contemplated under Sections 18 & 19 of the Act. The persons who suffer disqualification as under Section 19 of the Act as on the date of nomination or scrutiny shall not be eligible to file nomination at all. The disqualifications mentioned under Section 19 and Section 18 of the Act is different. While Section 19(2) of the Act refers to the date fixed for scrutiny of nominations to determine the existence of disqualifications, no such specific stipulation is incorporated in Section 18 of the Act. The date of nomination or scrutiny of nomination cannot be automatically imported into or applied to cases falling under Section 18 of the Act.

12. In view of the above distinction, this Court is of the considered view that the contention advanced on behalf of the petitioner that the unofficial respondent No.8 was holding the office of profit, therefore, ineligible to be chosen as on the date of scrutiny of nominations and, therefore, his nomination was liable to be rejected, does not merit consideration and is not sustainable and is accordingly rejected.

13. The petitioner is, however, at liberty to avail the alternative remedies as are available under as is at liberty to raise all the issues before the appropriate

authority in accordance with law. Needless to observe that the observations made herein are confined to the adjudication of the present writ petition. In the event of any such alternative remedies availed by the petitioner, the competent appellate authority shall consider the same on the basis of merits not being influenced by any of the observations made herein above.

14. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date: 23.11.2026
BSK

35

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 34184 OF 2026

Date: 23.11.2026

BSK

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE: WRIT PETITION NO: 34184 OF 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
02.	23.11.2026	**KM,J** The Writ Petition is dismissed. (Vide Separate Order) **KM, J** BSK	