APHC010495842026

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

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 26957 & 28389 OF 2026

WRIT PETITION NO: 26957 OF 2026

Between:

1. MAKIREDDY BULLI DORA, S/o. Makireddy Nooka Raju, Aged about 44 years, Occ Ex-Ward Councillor, 15t11Ward, Narsipatnam Municipality, Narsipatnam, Anakapalle District.

2. Koneti Ramakrishna, Son of Late Apparao Aged about 52 years Occupation Ex Ward Councillor 8th Ward Narsipatnam Municipality Anakapalle District

3. Sirasapalli Narasinga Paparao also known as Nani, Son of Late Bangaraju Aged about 48 years Occupation Ex Ward Councillor 2nd Ward Narsipatnam Municipality Anakapalle District

...Petitioners

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Principal Secretary Municipal Administration and Urban Development Department Secretariat Buildings Velagapudi Guntur District 522238

2. The Commissioner and Director of Municipal Administration, Prime Hill Crest 4th Floor Near DGP Office Beside Ultratech Ready Mix Plant Vaddeswaram Village Mangalagiri Mandal Guntur District 522502

3. The District Collector, Anakapalle District Anakapalle 531001

4. The Narsipatnam Municipality, Narsipatnam Anakapalle District Represented by its Commissioner 531116

5. The Commissioner, Narsipatnam Municipality Narsipatnam Anakapalli District 531116

6. The State Election Commission, Represented by its Commissioner Door No 133 1st Floor New Hods Building Opposite Indira Gandhi Municipal Stadium M G Road Vijayawada 520010

...Respondents

Counsel for the Petitioners: P. NANILU NAIDU

Counsel for the Respondents: N ASHWANI KUMAR

Counsel for the Respondents: GP FOR REVENUE

Counsel for the Respondents: SIREESHA RANI VALLABHANENI SC For MUNICIPALITIES

Counsel for the Respondents: GP MUNCIPAL ADMN AND URBAN DEV AP

WRIT PETITION NO: 28389 OF 2026

Between:

1. S.Basavaraju,, S/o.Late Sammeta Chinna Siddaiah Swamy Aged about 50 years, Occ Ex-Municipal Councilor, Rio. D.No.8/646-3, Vakkalapeta, Kadapa, Y.S.R. Kadapa District.516001

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi, Guntur District.522238

2. The Commissioner and Director of Municipal Administration, Prime Hill Crest, 4th Floor, Near DGP Office, Beside Ultratech Ready Mix Plant, Vaddeswaram Village, Mangalagiri Mandal, Guntur District-522502.

3. The Kadapa Municipal Corporation, Kadapa, Rep., by its Commissioner.516001

4. The State Election Commission, rep., by its Commissioner, Door No.133, 1st Floor, New Hods Building, Opp Indira Gandhi Municipal Stadium, M.G. Road, Vijayawada-520010

...Respondents

Counsel for the Petitioner: V R REDDY KOVVURI

Counsel for the Respondents: POTHAM VENGALA REDDY SC For M.Corporation in Rayalaseema region In

Counsel for the Respondents :GP FOR MUNCIPAL ADMN URBAN DEV

Counsel for the Respondents: N ASHWANI KUMAR

The Court made the following Common Order:

Heard Sri V.R.Reddy Kovvuri, learned counsel appearing for Sri P.Nanilu Naidu, learned counsel appearing for the petitioner(s), learned Advocate General Sri Dammalapati Srinivas, appearing for respondent Nos.1 to 3, Ms. Sireesha Rani Vallabhaneni, learned Standing Counsel for Municipalities appearing for respondent Nos.4 & 5 and Sri N.Ashwani Kumar, learned Standing Counsel for APSEC appearing for respondent No.6.

2. Challenging the Gazette Notification in R.C.No.10/2026-G1, dated 13.09.2026, issued by respondent No.5, which divided Narsipatnam Municipality

into 40 wards, with variation in the population ratio, the W.P.No.26957 of 2026 is filed.

3. Challenging the Gazette Notification in R.C.No.190/2026/G1/CMDA, dated 13.09.2026, issued by respondent No.3, by the Kadapa Municipal Corporation dividing Corporation into 66 wards with variation in the population, the W.P.No.28389 of 2026 is filed.

4. The issue raised in the instant Writ Petitions is common. The matters were heard together. Therefore, the Writ Petitions are accordingly disposed of by this common order.

5. It is contended that the division of wards is contrary to Section 10 of the Andhra Pradesh Municipalities Act, 1965, and Rules 5 & 6 of the Andhra Pradesh Municipalities (Division of Nagar Panchayats and Municipalities into Wards) Rules, 1994 and the provisions of Andhra Pradesh Municipal Corporations (Delimitation of Wards) Rules, 1966, respectively. The said division/delimitation of wards has a huge variation in population, contrary to the respective Rules. It is contended that this variation exceeds the permissible limit of 10%.

6. The petitioner(s) contends that pursuant to the Notification issued in Form-I dated 05.09.2026 calling for objections; the petitioner(s) have filed his objections on 06.09.2026. Rejecting the petitioner(s) objections, the 4th respondent issued

proceedings dated 11.09.2026. Thereafter, the impugned Gazette Notification was issued (W.P.No.26957 OF 2026).

7. The only challenge to the impugned Gazette Notifications in both the Writ Petitions is that it varies with ward population figures, which is more than 10%. It is contended that the said notification does not refer to the population figures or the wards, though the respondent No.4 is obligated to furnish the population figures, he did not do so. The petitioner(s) contends that there is significant variation of population ratio/voting strength between the wards, exceeding 10%.

8. Sri V.R.Reddy Kovvuri, learned counsel for the petitioner(s) submits that since the Election Notification has not yet been issued, the circumstances of the case warrant intervention of this Court, under Article 226 of the Constitution of India, where the violation of the prescribed Rules is glaring. It is contended that the respondent authorities, under a clear mandate to follow the Rules scrupulously, have violated them. And without any basis for dividing the wards, have issued impugned proceedings. When the Rule requires due regard must be had to population figures, its violation calls for interference by this Court under Article 226 of the Constitution of India.

9. It is further contended that, after filing the Writ Petitions, the respondent authorities have issued the Notification publishing the electoral rolls. Mere

publication of electoral rolls does not bar the Court's jurisdiction to interfere until Election Notification is issued.

10. In this regard, the learned counsel for the petitioner(s) relies on the judgment of the Honble Supreme Court in the case of ***State of Goa Vs. Fouziya Imtiaz Shaikh***[1], wherein the Hon'ble Supreme Court held that:

> *"68.1 Under Article 243-ZG(b), no election to any municipality can be called in question except by an election petition presented to a Tribunal as is provided by or under any law made by the Legislature of a State. This would mean that from the date of notification of the election till the date of the declaration of result a judicial hands-off is mandated by the non-obstante clause contained in Article 243-ZG debarring the writ court under Articles 226 and 227 from interfering once the election process has begun until it is over. The constitutional bar operates only during this period. It is therefore a matter of discretion exercisable by a writ court as to whether an interference is called for when the electoral process is "imminent" i.e, the notification for elections is yet to be announced."*

11. Learned counsel for the petitioner(s) further relies on the judgment of the Honble Supreme Court in the case of ***Kishorchandra Chhanganlal Rathod vs. Union of India and others***[2], wherein it was held that:

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[1] (2021) 8 SCC 401
[2] (2024) 13 SCC 237

"5. Although Article 329 undeniably restricts the scope of judicial scrutiny re: validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, it cannot be construed to have imposed for every action of delimitation exercise. If judicial intervention is deemed completely barred, citizens would not have any forum to plead their grievances, leaving them solely at the mercy of the Delimitation Commission. As a constitutional court and guardian of public interest, permitting such a scenario would be contrary to the Court's duties and the principle of separation of powers.

6. This understanding is supported by a three-judge bench decision of this Court in Dravida Munnetra Kazhagam v. State of T.N. where the Court was called upon to interpret Articles 243-O and 243-ZG of the Constitution, which mirror the aforementioned Article 329. Rejecting the contention that these provisions place a complete bar on judicial intervention, it was noted that a constitutional Court can intervene for facilitating the elections or when a case for mala fide or arbitrary exercise of power is made out. Using this, the Court directed delimitation to be conducted for nine new districts. Recently, a three-judge bench of this Court in State of Goa v. Fouziya Imtiaz Shaikh, affirmed the ratio of the above-cited decision while discussing principles on Article 329(a), and rejected the contention which sought to prove it as per incuriam.

7. Therefore, while the Courts shall always be guided by the settled principles regarding scope, ambit and limitations on the exercise of judicial review in delimitation matters, there is nothing that precludes them to check the validity of orders passed by Delimitation Commission on the touchstone of the Constitution. If the order is found to be manifestly arbitrary and irreconcilable to the constitutional values, the Court can grant the appropriate remedy to rectify the situation."

12. Sri Dammalapati Srinivas, learned Advocate General appearing for respondent Nos. 1 to 3 submits that the petitioner(s) objections to Form-1 were with specific reference to non-disclosure of population figures. The Authorities rejected the petitioner(s) objections dated 11.09.2026, stating that Form-1 does not provide for publishing population figures.

13. The learned Advocate General relying on the Judgment of the Hon'ble Supreme Court in the case of ***Fouziya Imtiaz Shaikh*** *(referred supra)* contends that, Article 243-ZG of the Constitution of India, bars exercise of jurisdiction under Article 226 of the Constitution of India.

14. It is further argued that it has not been averred by the petitioner(s) if any of his personal rights have been violated by the impugned proceedings. In the absence of any such averment, or any infringement of his rights, placing reliance on the judgment rendered by the Coordinate Bench of this Court dated 03.09.2026 in W.P.Nos.15045 of 2026 and batch; it is argued that the Writ

Petition is not maintainable. The relevant extract of the said the judgment is as hereunder:

> *"25. When the geographical area or the territorial limits of Municipality/Corporationwould remain unchanged on account of delimitation of Wards. This Court is of the considered view that no prejudice shall be caused to the petitioners and the fundamental right to vote in the ensuing local body election is in any way not impacted".*

15. The learned Advocate General further placing reliance on the judgment rendered by the Division Bench of this Court dated 24.09.2019 in W.P.(PIL).No.118 of 2019, wherein it is stated that:

> *"7. The main question before this Court in the Writ Petition is about delimitation of wards and affording an opportunity to both SCs & STs equally. In Annexure-III, i.e. voters list for the Municipal Corporation General Elections 2019, there are variations in the voters for each ward and unless these wards are delimited equally, affording an opportunity to the SCs and STs to contest in the elections, it amounts to violation of fundamental rights guaranteed under Articles 14, 15 and 21 of the Constitution of India. Thus, it is clear from the relief claimed in the writ petition pertains to delimitation of wards basing on the voters, including voters belonging to SCs and STs and allotment of voters to each ward. But Article 243-ZG of Constitution of India created an interdict to interfere with such matters by the Courts. According to Clause (a) of Article*

243-ZG of the Constitution of India, the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243-ZA shall not be called in question in any Court. In view of this bar, the petitioners are not entitled to claim any relief in this petition and this Court is not entitled to interfere with such delimitation. Article 243-ZA of the Constitution of India, deals with elections to the Municipalities. Delimitation of wards is a part of the process of election. Therefore, in view of the bar under Article 243-ZG of the Constitution of India, this Court cannot interdict the process of election at this stage. Even otherwise, according to Section 8 of the Municipal Corporations Act, 1994, for the purpose of election of members of the Corporation, the Government shall, by notification in the Andhra Pradesh Gazette, divide the City into as many wards as the number of members notified under sub-section (1) of section 5 in such manner as may be prescribed. Therefore, it is only an exercise being done in terms of Section 8 (1) of the Municipal Corporation Act, and as such, delimitation of wards cannot be questioned."

16. The learned Advocate General further placing reliance of the judgment of Punjab and Haryana High Court in the case of ***Hardev Singh Vs. State of Punjab and others***[3].

17. Considered the submissions.

[3] CWP-3129-2026 (O&M) & connected cases

18. The procedure under the Andhra Pradesh Municipalities (Division of Nagar Panchayats and Municipalities into Wards) Rules, 1994 (hereinafter referred to as 'the Rules, 1994'). The Rules do not provide for filing objections regarding population figures, be it in the case of Municipalities or Municipal Corporations.

19. The scheme of the Rules envisages that the appropriate authority, while proposing division of Municipalities, must have due regard to maintain the population in the wards as approximately equal and voting strength is uniform as far as possible, with due regard to maintenance of natural boundaries, geographical features, and contiguity of the area, duly keeping in view, the suggestions received from the public and legislators, if any. The Rule 4(i) of the Rules, 1994 provides for filing of suggestion in Form I. The said Form I does not enable a person to file objections regarding the population ratio. It is only limited to filing of objections with regard to boundary description. Similarly, in the case of Municipal Corporations it provides for filing of objections with reference to Boundary description not population figures. The proviso to Rule 6 of the Rules, 1994 provides that if the number of voters in a ward is not proportionate to the population, the voting strength shall be the basis for dividing the Municipality/Nagar Panchayat into Wards. By balancing the several parameters, as prescribed under the respective Rules, the delimitation or division of wards has been brought into effect.

20. Challenge to the said Notification, in the absence of any allegation that the procedure prescribed under law has not been followed, or in the absence of any averment about infringement of the respective rights of the petitioner(s), the challenge to the notification is not sustainable.

21. In the said context, it is pertinent to refer to the observations of the Punjab and Haryana High Court in the case of ***Hardev Singh*** *(referred supra)*, as relied upon by the Learned Advocate General, wherein it was observed as follows:

> *"25. It may be noticed that the legislative functions are not inherently subject to rules of natural justice rather same are to be performed keeping in view the liberty granted under the rules to the general public qua said aspect. The rules governing 'delimitation process' stipulate taking of objections/suggestions by affected persons. The purpose is to delimit the wards. It is to be noted that delimiting of a ward is primarily a function of the State and unless and until the process of delimitation is being undertaken in a manner which is shockingly illegal to the procedure prescribed. In the present cases, the factual averments clearly go to show that the requirement envisaged under Rule-8 of 1972 Rules and Rule 8 of 1995 Order have already been complied with so as to invite objections/suggestions and such objections/suggestion received have already been taken into consideration and common reply to the writ petitions states such process undertaken, which assertion of the respondent-State has gone unrebutted.*

26. Applicability of said rule of raising objections/suggestions is being stretch to such an extent that the suggestions/objections so raised by affected person are to be discussed and reasons are to be given for each and every such objection raised for accepting or rejecting the same cannot be accepted. The word used in rule-8 is 'consideration'. While performing legislative function, the term 'consideration' would mean that the objections so raised have to be kept in mind while deciding the issue in hand so that a fair chance is given to all the concerned. The contention by learned counsel for the petitioner(s) that a speaking order should be passed so as to deal with each objection/suggestion raised, is only required when administrative action is being performed and that too on a punitive side rather than while performing legislative function such as 'delimitation of ward' or 'extension of limit of a Municipal Council or Municipal Corporation'."

22. By following the judgment of the Hon'ble Supreme Court in the case of ***Fouziya Imtiaz Shaikh*** *(referred supra)*, wherein it was held that:

"68.7. The bar contained in Article 243ZG(a) mandates that there be a judicial hands-off of the writ court or any court in questioning the validity of any law relating to delimitation of constituency or allotment of seats to such constituency made or purporting to be made under Article 243-ZA. This is by virtue of the non-obstante clause contained in Article 243-ZG. The statutory provisions dealing with delimitation and allotment of seats cannot therefore be questioned in any

> *court. However, orders made under such statutory provisions can be questioned in courts provided the concerned statute does not give such orders the status of a statutory provision."*

and in the light of the constitutional bar as envisaged in Article 243-ZG(a) of the Constitution of India, I am of the considered view that the Writ Petitions are not maintainable. The Writ Petitions are accordingly dismissed. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 13-10-2026
MSI

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 26957 & 28389 OF 2026

Dated: 13-10-2026
MSI