APHC010535142026

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

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 29184/2026

Between:

1. MR. MARUPUDI SURENDRANATH,, S/O MARUPUDI SIVA RAMA KRISHNAIAH, AGED ABOUT 51 YEARS, OCCUPATION - BUSINESS, R/O H.NO.29, 0PP. BLIND HOSTEL, BRUNDAVAN GARDENS 4TH LANE, PATTABHIPURAM, GUNTUR, ANDHRA PRADESH - 522006.

2. MRS. MARUPUDI SYAMALA,, W/O MARUPUDI SURENDRANATH, AGED ABOUT 42 YEARS, OCCUPATION - HOUSEWIFE, R/O H.NO.29, 0PP. BLIND HOSTEL, BRUNDAVAN GARDENS 4TH LANE, PATTABHIPURAM, GUNTUR, ANDHRA PRADESH - 522006.

3. MR. MARUPUDI SUHAS,, S/O MARUPUDI SURENDRANATH, AGED ABOUT 20 YEARS. OCCUPATION - STUDENT, R/O H.NO.29, OPP. BLIND HOSTEL, BRUNDAVAN GARDENS 4TH LANE, PATTABHIPURAM, GUNTUR, ANDHRA PRADESH - 522006.

...PETITIONER(S)

AND

1. THE STATE ELECTION COMMISSION, ANDHRA PRADESH, REP. BY ITS SECRETARY, OFFICE AT 1ST FLOOR, NEW HOD'S BUILDING, MG ROAD, VIJAYAWADA - 520010

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238

3. THE COMMISSIONER, GUNTUR MUNICIPAL CORPORATION, OFFICE AT OPPOSITE GANDHI PARK, GUNTUR, ANDHRA

PRADESH, PINCODE - 522003

4. THE DISTRICT COLLECTOR AND DISTRICT ELECTION OFFICER, GUNTUR DISTRICT, OFFICE AT COLLECTORATE, GUNTUR - 522003.

5. THE ELECTORAL REGISTRATION OFFICER, 94-GUNTUR WEST ASSEMBLY CONSTITUENCY-CUMADDITIONAL COMMISSIONER, GUNTUR MUNICIPAL CORPORATION, GUNTUR - 522003.

6. THE BOOTH LEVEL OFFICER, PART NO. 64 (JUTEMILL RING ROAD), 94-GUNTUR WEST ASSEMBLY CONSTITUENCY, O/O THE ELECTORAL REGISTRATION OFFICER, GUNTUR - 522003.

...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 a Writ, Order or Direction more particularly one in the nature of Writ of MandamusDeclare the refusal of Respondents, on 01.10.2026 and 03.10.2026, to include the Petitioners' names in the ward-wise photo electoral roll of the Guntur Municipal Corporation, and their consequential statement that the Petitioners' enrolment will not be considered, as illegal, arbitrary and without authority of law, and violative of Article 14 of the Constitution of India a b. Declare the inaction of Respondents in not including the Petitioners' in the ward-wise photo electoral roll of the Guntur Municipal Corporation, though they stand enrolled in Part No. 64 of the electoral roll of 94-Guntur West Assembly Constituency at SI. Nos. 1027 to 1029, as illegal and contrary to the proviso to Section 12(1) of the Municipal Corporations Act, 1955 read with Section 14 of the A.P. Municipal Corporations Act, 1994, Rule names 3 of the A.P. Municipal Corporations (Preparation and Publication of Electoral Rolls) Rules, 2001, the Judgment of this Hon'ble Court dated 01.10.2026 in W.A. No.1063 of 2026 and batch, and Articles 14 and 243ZA of the Constitution of India and Consequentially, direct the Respondents forthwith to include the Petitioners' names in a supplementary list appended to the main ward-wise photo electoral roll of the Guntur Municipal Corporation, in the relevant part, ward of the Guntur Municipal Corporate, before the issuance of the election notification, so as to enable the 1st Petitioner to contest the forthcoming election to the office of Mayor of the Guntur Municipal Corporation and enable the 2nd and 3rd Petitioners in exercising their right to vote and c. Direct Respondents to dispose of the Petitioners' representation dated 05.10.2026 forthwith

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 direct Respondents 1, 3 and 4 to consider the Petitioners' application and representation dated 05.10.2026 to include the Petitioners' names in a supplementary list appended to the ward-wise photo electoral roll of the Guntur Municipal Corporation before the issuance of the election notification pending disposal of the above writ petition

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 restrain the Respondents from excluding the Petitioners from the electoral roll of the Guntur Municipal Corporation on the ground that they were enrolled after 01.01.2026 pending disposal of the above writ petition

IA NO: 3 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 direct that, if the election notification is issued before such inclusion, the Returning Officer for the election to the office of Mayor of the Guntur Municipal Corporation shall receive and consider the 1st Petitioner's nomination treating his name as included in the electoral roll of the Corporation on the basis of his enrolment at SI. No. 1028, Part No. 64, 94-Guntur West Assembly Constituency, subject to the result of the Writ Petition pending disposal of the above writ petition

Counsel for the Petitioner(S):

1. JYOTHI RATNA ANUMOLU

Counsel for the Respondent(S):

1. D S SIVADARSHAN
2. N ASHWANI KUMAR
3. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 29184/2026

ORDER:

Heard Sri O. Manohar Reddy, learned Senior Counsel appearing for Ms. Jyothi Ratna Anumolu, learned counsel for the petitioners; learned Government Pleader for Municipal Administration and Urban Development, appearing for respondents, Sri N. Ashwini Kumar, learned Standing Counsel appearing for respondent No.1, Sri Vankayalapati N. Praveen, learned Standing Counsel appearing for respondent No.3 and Sri D. S. Sivadarshan appearing for respondent Nos.7 & 8.

2. The petitioners contend that they are currently residing in Guntur city. In 2008, they moved from Ponnur to Guntur. However, for business purposes, they resided in Hyderabad for some time and have now moved to Guntur to settle down.

3. The 1st petitioner proposes to contest the upcoming Guntur Municipal Corporation Elections for the post of Mayor, in this regard, it is contended that their names in the electoral roll are reflecting in the Ponnur Assembly Constituency. Therefore they seek to have their names included in the electoral roll of Guntur Assembly Constituency. In furtherance thereof, the petitioners filed an application in Form-7 for deletion of their names in the Ponnur Assembly Constituency and filed a Form-8 application for enrollment in the Guntur Assembly Constituency. Accordingly, the 5th respondent had enrolled them in the Guntur West Assembly constituency. The petitioners

were given to understand that their names would not be included in the electoral roll of the ensuing Urban Local Body Elections, as the qualifying date for such incorporation was 01.01.2026. It is contended by the petitioners, placing reliance on the provisions of Section 12(1) of the A.P. Municipal Corporations Act and Sections 22 and 23 of the Representation of the People Act, 1950, that, until the issuance of the election notification, the respondents are obligated to enroll and accordingly publish the list of voters. It is further contended that the Election Commission, by its Circular dated 01.10.2026, had instructed all the Chief Electoral Officers that voter enrollment is a continuous process and that any person not yet enrolled may apply at any point of time, and the Electoral Registration Officer is the competent authority to decide such cases under the 1950 Act and the Registration of Electoral Rules. In this regard, the petitioners had approached the respondents by way of a representation seeking publication of their names in the electoral rolls. Since the election notification has not yet been issued, the petitioners pray for inclusion of their names in the electoral rolls. The petitioners have also filed a screenshot of their application status, downloaded from the web portal. A perusal of the same reflects that the application was accepted on 15.09.2026. As the representation of the petitioners has not yet been considered, the petitioners have approached this Court by way of an instant Writ Petition, apprehending that the election would be issued shortly.

4. The learned Senior Counsel Sri O. Manohar Reddy, appearing for the petitioners contends that Sec.12 of the A.P. Municipal Corporations Act,

1955, provides that additions or deletions, or transpositions in the Electoral Roll of the Assembly Constituency made by the Electoral Registration Officer under Sec.22 and 23 of the Representation of the People Act, 1950, up to the date of election notification for any election held under the APMC Act shall be carried out in the electoral roll of the Corporation. Any such names included shall be added to the Part relating to the concerned Ward. In light of the clear and unambiguous provisions of the Act, the respondent authorities cannot ignore the said provisions, if any individual submits an application seeking transposition. It is contended that, under the A.P. Municipal Corporations Act and the Representation of the People Act, 1950, the respondent authority is obligated to incorporate all available voter names until the election notification is issued. He further argues that the provisions of Representation of the People Act, further provides for such inclusion till the last date of the nominations. Having regard to the same, it is contended that the respondents have got every authority to entertain an application received for inclusion or deletion, transposition till the date of filing of nominations. The powers conferred on the authority under the Act are wide and the same cannot be interpreted in a narrowed manner. Accordingly, since the petitioners filed the applications as early as 08.09.2026, prays for a direction to the respondents to consider the request of the petitioner for inclusion of their names in the electoral roll before the notification is issued for the Urban Local Bodies.

5. The learned Standing Counsel Sri N. Ashwani Kumar, appearing for the respondent Commission argues that the Election Commission of India

is proper and necessary party to the Writ Petition. Without impleading the ECI, the Writ Petition is not maintainable. The State Election Commission would be abide by the Circulars, Notifications issued by the ECI. Any inclusions and publication of the electoral roll would be in accordance with the latest notification dated 15.09.2026, and any further additions to the electoral roll, if any, is required to be made having regard to the provisions of Sec.12 of the A.P.M.C. Act and the Rules, before the election notification is issued, the same would be published be by way of a supplementary roll.

6. Considered the submissions.

7. Having regard to the rival contentions advanced, as the 1st petitioner is stated to have been proposing to contest in the ensuing Municipal elections. As it is expressed at the Bar that the election Notification for conducting of elections to ULBs would issued soon, in light of the provisions of Section 12 of the A.P. Municipal Corporation Act, read with Rule 3 of A.P. Municipal Corporation Preparation and Publication of Electoral Rules, 2001, and the provisions of Representation of the People Act,1950, having regard to the status of the application of the petitioners, as reflected in the portal displaying the application of the petitioners being accepted on 15.09.2026, this Court deems it appropriate to direct respondent Nos.1, 3 and 4 or the authorized officer in the said regard, to pass appropriate orders on the representation of the petitioners dated 05.10.2026 forthwith to publish the

name of the petitioners in the photo electoral rolls before the election notification for Urban Local Bodies is issued.

8. With the above directions, the Writ Petition is disposed. There shall be no order as to costs.

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

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JUSTICE KIRANMAYEE MANDAVA

Dated:09.10.2026
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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 29184 of 2026

Date:09.10.2026

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