APHC010547582026

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

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 30103 OF 2026

Between:

1. YUVAJANA SRAMIKA RYTHU CONGRESS PARTY(YSRCP), Rep. by its State General Secretary, Sri Lella Appi Reddy, MLC, S/o. Lella Sambi Reddy, Aged about 59 years, Occ Politics, Having its State Office at 47, Bharatha Matha Road, Tadepalli, Guntur District, Andhra Pradesh 522501.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its principal Secretary, Panchayat Raj and Rural Development Department, Secretariat Buildings, Velagapudi Village, Amaravathi.522237

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi Village, Amaravathi.522237

3. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Velagapudi Village, Amaravathi.522237

4. The Andhra Pradesh State Election Commission, Rep. by the, State Election Commissioner, 1st Floor, New HODs Building, M.G. Road, Vijayawada 520010.

5. The Commissioner of Panchayat Raj and Rural Development, Government of Andhra Pradesh, Tadepalli, Guntur District.522501

6. The Commissioner and Director of Municipal Administration, Government of Andhra Pradesh, Mangalagiri, Guntur District.522501

7. The Director General of Police, State of Andhra Pradesh, Police Headquarters, Mangalagiri, Guntur District.522591

...Respondents

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 to issue a writ more particularly in the form of Writ of Mandamus declaring the inaction of the respondents in not taking adequate measures to ensure the safe and free filing of nominations in the ensuing elections to the Municipalities, MPTCs and ZPTCs in the State of Andhra Pradesh, in spite of the threats and intimidation brought to their notice, as illegal, arbitrary and violative of Articles 14, 19(1)(a), 21,243K and 243ZA of the Constitution of India, and consequently direct the Respondents to take ilmmediate steps for establishment of an additional and optional nomination facility at each District Headquarters before the District Collector, the District Election Officer or a Returning Officer designated by the 4th respondent to receive the nomination papers of all the said local bodies in the District, with adequate security at and around such facility during the entire nomination period, and with procedures for safe custody of the papers, issue of acknowledgement to the candidates and their prompt and sectire forwarding to the concerned Returning Officers for scrutiny, and designate neutral nomination centres in place of those near the strongholds of the ruling party,

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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 direct the 4th Respondent to positively consider the representation of the Petitioner dated 09.10.2026 and pass appropriate orders thereon before the

issuance of the election notification for the ensuing elections to the Urban Local Bodies, pending disposal of the writ petition,

Counsel for the Petitioner: VMR LEGAL

Counsel for the Respondents: GP FOR PANCHAYAT RAJ RURAL DEV

Counsel for the Respondents: GP FOR HOME

Counsel for the Respondents: GP FOR MUNCIPAL ADMN URBAN DEV

The Court made the following Order:

Heard Sri P. Veera Reddy, learned Senior Counsel appearing for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development, Sri Dammalapati Srinivas, learned Advocate General for the respondent Nos.1 to 3 and Sri N. Ashwani Kumar, learned Standing Counsel for the respondent No.4/APSEC.

2. The instant writ petition is filed, challenging the respondents' inaction in taking adequate measures to ensure the safe and free filing of nominations in the ensuing elections to the municipalities, MPTCs, and ZPTCs in the State of Andhra Pradesh, despite the threats and intimidation brought to their notice. It is contended that the said inaction by the State Election Commission violates Article 243-ZA of the Constitution of India. It is contended that the petitioner is a registered, recognized political party in power in the State from 2019 to 2024 and is the primary opposition party in the State. It is contended that the petitioner will participate in the ensuing/scheduled elections to municipal corporations/urban local bodies for Mandal Praja Parishad Territorial Constituencies and Zilla Parishad Territorial Constituencies. The

petitioner/political party, alleging/referring to the past incidents of violence during the course of the previous election process, prays for a direction to the authorities to ensure the safe and free filing of nominations in the ensuing elections, and prays for a direction to provide additional and optional nomination facility at each District Headquarters in the office of the District Collector, a District Election Officer or a Returning Officer designated by the State Election Commission, to receive the nomination papers of all the said local bodies in the district. The learned Senior Counsel Sri P.Veera Reddy appearing for the petitioner places reliance on the judgment of the Apex Court in the case of Bharatiya Janata Party Vs State of West Bengal. The learned Senior Counsel further argues that the State Election Commission must provide a conducive atmosphere for filing nomination papers, as the ruling party often threatens opposition candidates. The State Election Commission, as the appropriate authority and the agency responsible for overseeing the conduct of elections to urban local bodies throughout the State, is therefore incumbent upon it to permit nomination papers to be submitted at designated places at district headquarters or at such other additional places as may be provided other than the designated areas under the election notification.

3. The learned Advocate General Sri Dammalapati Srinivas appearing for the respondent, placing reliance on the judgments of the Apex Court in the case of Association for Democratic Reforms v. Election Commission of India[1], contends that the claim of the petitioner is premature and is only an

[1] 2025 (2) SCC 732

apprehension and the same is contrary to the provisions of the Rule 6 of AP Municipalities (Conduct of Elections of Members) Rules, 2005 (for short 'the Rules') submits that as per Rule 6(d) of the said Rules it is for the Election Officer on the basis of the election notification issued by the State Election Commission to prepare and publish a notice at the specified place in each ward of the municipality, the date up to which, the places at which and the hours between which and to whom the nomination papers shall be presented, to take a decision on the said issue and it is not the State Election Commission which is authorized in the said regard. And no omnibus direction, without due regard to the specific incidents of violence, can be issued for designating a specified place other than the notified areas for submission of the nomination papers. It is contended that such a request is unfounded and the same cannot be considered on mere allegation and apprehensions.

4. Considered the submissions.

5. While a political party sitting in opposition may apprehend that the ruling party would resist the opposition party candidates from filing their respective nominations. The very purpose of elections to the local body is to have decentralized governance. In this regard, the petitioner's request is for providing a facility at the District headquarters in the office of the District Collector, to enable contesting candidates of its Political Party to submit their nomination papers would amount to Centralizing the decentralization process. Without compromising the principles of decentralization, under the Rules, it is

for the Election Officer is empowered to designate the places for submitting nomination papers. An omnibus direction in this regard cannot be issued to the State Election Commission to notify district headquarters or the office of the District Collector as a designated place to submit the nomination papers on the mere apprehension of the petitioner. The judgment relied upon by the learned Senior Counsel refers to certain untoward incidents that occurred after issuance of the Election notification. In those circumstances, the Hon'ble Apex Court had observed that it is for the State Election Commission to take appropriate steps to remove the apprehensions. As no such circumstance has been pointed out in the present case, this Court is not inclined to issue any such directions in the said regard directing the SEC to designate the office of the District Collector as the designated place to submit the nomination papers.

6. The learned counsel for the petitioner prays that the liberty may be granted to the petitioner to approach the election officer to notify any other place other than the designated place for submission of the nomination papers.

7. This Court is conscious of the fact that election notification was issued yesterday shortly after (as was informed to the Court) the matter was taken up for consideration yesterday. However, placing reliance on the Judgment of the Hon’ble Apex Court in the case of ***Election Commission of India through Secretary Vs Ashok Kumar and others,*** held as under:

> *“Any decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.*
>
> *Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.”*

8. Having regard to the contentions advanced, and request made on behalf of the petitioner that liberty may be granted to them to approach the Election Officer seeking notifying any other place other than the designated place in the notification for submission of a nomination papers, this Court is of the view that the said request of the petitioner cannot be considered as an omnibus request. However, the respective individual intending candidates, in case of any threat being posed to him/her, he/she is at liberty to approach the Election Officer by filing an application seeking designation of any other place for submission of the nomination papers other than the notified center, within the limits of his territorial jurisdiction. Upon filing of such application, the Election Officer shall pass appropriate orders on the same in accordance with law. Needless to observe that filing of the application by the contesting candidate and consideration and disposal of the same by the authority shall be in conformity with the time schedules as notified under the subject Election Notification.

9. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Dated: 15-10-2026

Note: Issue CC today
B/o.
MSI

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