

**IN THE HIGH COURT OF ANDHRA PRADESH [3446]
AT AMARAVATI**

APHC010142582026

**I.A.No.1 of 2026****In****WRIT PETITION NOS: 7528 of 2026 & 8229 of 2026**

Lakkina Boyina Esteramma

...Petitioner

Vs.

The State Of A.P and Others

...Respondent(s)

Advocate for Petitioner:

GUNDALA SIVA PRASADA REDDY

Advocate(s) for Respondent(s):

THENEPALLI NIRANJAN SC FOR
CENTRAL. GOVT,Gudapati Lakshminarayana SC For
Municipalities in Rayalaseema
Region,GP FOR REVENUE, GP FOR
GENERAL ADMINISTRATION, GP
MUNCIPAL ADMN AND URBAN DEV
AP**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R RAGHUNANDAN RAO****DATE : 23.04.2026**

P C :

Heard Sri Gundala Siva Prasad Reddy learned counsel appearing for the petitioners and the learned Advocate General, appearing for the respondents.

2. The term of the elected members of the Urban Local Bodies as well as the Gram Panchayats etc., have expired. The State Election Commission should have conducted elections for these bodies, even before the tenure of the earlier office bearers of these local bodies had expired. However, such elections have not been conducted. Section 143(3), Section 62-A(1) of the Andhra Pradesh Municipalities Act and Section 17(1) of the Andhra Pradesh Municipal Corporations Act permit the government to appoint Special Officers/Persons in-charge/Committees etc., to function as the Urban Local Bodies and Panchayat Raj Institutions till a fresh elected body comes into office. The government exercising such powers had issued G.O.Rt.No.284, dated 10.03.2026, appointing Special Officers to 11 Municipal Corporations and 75 Municipalities/Nagar Panchayats. Similarly, the government also issued G.O.Ms.No.47, dated 11.03.2026, authorising the concerned District Collectors, to appoint Special Officers for a Gram Panchayat or a group of Gram Panchayats, from the category of Tahsildar/MPDO/MEO/Deputy MPDO or of similar or higher rank.

3. The petitioner in W.P.No.7528 of 2026 is the Chairperson of a Municipality in the State of Andhra Pradesh. She was elected as the Chair

Person of the said Municipality in the year 2021 and completed her tenure on 17.03.2026. The petitioner has approached this Court contending that the 7th respondent-State Election Commission, has failed to discharge it's duty, to conduct elections, immediately prior to the completion of the tenure of the elected body. The petitioner contends that the inaction of the 7th respondent in conducting the elections to the Urban Local Bodies, in the State of Andhra Pradesh requires this Court to intervene and to grant a direction to the respondent, for conduct of the elections, for the Urban Local Bodies. The petitioner would also contend that appointment of Special Officers in Urban Local Bodies is in violation of the 74th Amendment to the Constitution and that a direction be issued to the 1st respondent to continue the petitioner as the Chairman of the Municipality.

4. The petitioners in W.P.No.8229 of 2026 are all elected Sarpanchs of various Gram Panchayats in the State of Andhra Pradesh. The tenure of these petitioners, as Sarpanchs was completed on 02.04.2026. The petitioners contend that the State Election Commission is mandated with the duty of conducting elections in the Gram Panchayats before the expiry of the term of the earlier elected Sarpanchs and Officers holders. However, such election has not been held and the same requires the intervention of this Court for a direction to be issued to the State Election Commission to conduct the elections.

5. The petitioners also contend that the appointment of persons incharge, till the conduct of elections is also not correct and that there should be a direction to the 1st respondent to continue the petitioners as Sarpanchs of the concerned Gram Panchayat until assumption of office of the Sarpanchs who are elected in accordance with due process.

6. Sri Siva Prasad Reddy Gundala, learned counsel appearing for the petitioners raises the following issues:

- i) The appointment of Mandal Level Officers as persons in charge for two or more Gram Panchayats, is clearly arbitrary and requires to be set aside;
- ii) The Mandal Level Officers, are required to discharge various duties, in their respective departments and would have no time or place or meeting with the residents of the Gram Panchayats and solving their problems;
- iii) The Mandal Level Officers, their various departments, are equipped to handle specific duties within their departments and do not have the ability or competence to handle general administration of the Gram Panchayats;
- iv) The Mandal Level Officers would all be posted for the Mandal Head Quarters and inordinate hardship is caused on residents of villages who would have to travel long distances to meet these Mandal Level Officers for resolving their grievances;

- v) The Mandal Level Officers should not be appointed as persons incharge and it would only be appropriate if members of the armed forces are appointed as persons incharge;
- vi) The petitioners have been elected by the people and have been running the Gram Panchayats properly. In such circumstances, they should be permitted to continue in office till the next elections are held and new Sarpanchs are elected;
- vii) The central Government, which grants various funds to local bodies, has a clear policy of not releasing funds unless there is an elected body in place. In such circumstances, it would be appropriate to continue the petitioners as Sarpanchs so as to ensure that the flow of funds from the Central Government is not effected;

7. The learned Advocate General, would contend that the Writ Petition itself is not maintainable on the ground that G.O.Ms.No.47, dated 11.03.2026, which empowers the District Collectors to appoint a persons in charge etc., has not been challenged. As such, the prayer for prohibiting appointment of persons in charge is not maintainable.

8. The learned Advocate General would also rely upon the judgment of a Division Bench of the erstwhile High Court of Andhra Pradesh in the case

of **State Election Commission vs. State of Andhra Pradesh and Another**¹.

The learned Advocate General, relying upon this Judgment would contend that Article 243-E permits postponement of elections to local bodies if supervening difficulties are made out. The learned Advocate General would also contend that Article 243-E stipulates that the electoral body would demit office strictly in accordance with the time lines and there can be no question of extension of the tenure of the petitioners as Sarpanchs or as the Chairperson of the Municipality.

9. It may be noted that other petitions are also contending on the question of conduct of elections to the local bodies. In that view of the matter, the main Writ petitions would have to be heard along with the said cases.

10. This Court is presently dealing only with the Interlocutory applications made by the petitioners for their continuation as Chairperson/Sarpanchs of their respective local body.

11. Article 243-E(1) reads as follows:

243E. Duration of Panchayats, etc.

(1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

¹ 2000 SCC Online AP 234: (2000) 3 ALD 456

12. This provision makes it amply clear that the panchayat can only continue for a period of five years. By the words “No longer”, the Constitution has mandated that no local body, either on account of extension of tenure or on account of fresh elections not being conducted can seek to extend its tenure.

13. In **State Election Commission Vs. State of Andhra Pradesh**, a similar request for extension of tenure of the local bodies/Sarpanchs was made before the erstwhile High Court of Andhra Pradesh. In that case also, the contention was that the tenure should be extended on the ground that elections were not being conducted despite the expiry of tenure, for local bodies. The Division Bench, answered the said contentions in the following manner:

58. During the course of hearing of these writ petitions, the term of the Mandal Parishads and Zilla Parishads expired on 17-3-2000 and 19-3-2000 respectively and the transitional arrangement made through the impugned Ordinance No. 3 of 2000 was given effect to by appointing the Special Officers to these bodies. Though some of the writ petitioners have pleaded that the elected members to these bodies whose term came to an end by 17-3-2000 and 19-3-2000 be permitted to be continued in office till the ordinary elections are held, we do not think, such request could be accepted in view of the mandatory provision under Article 243-E(1) of the Constitution of India which contemplates that every panchayat unless sooner dissolved under any law for the time being in force shall be continued for five years from the date appointed for its first meeting and no longer. Since the constitutional mandate under this provision has permitted

dissolution of the Panchayat before the five year term but no extension is permitted beyond five years, we do not think we can accept this request. We accordingly reject the said request.

14. We are in respectful agreement with the said view of the Division Bench of the erstwhile High Court of Andhra Pradesh. We may also note that while Section 243-E fixes the tenure of panchayats. Section 243-U fixes the tenure of municipalities, for a period of five years and no longer. Consequently, the request of the petitioner in W.P.No.7528 of 2026 would also have to be rejected on that ground.

15. We would also like to refer to Section 13 of the A.P. Panchayat Raj Act and more specifically Section 13(1) which reads as follows:

13. Term of office of members:-(1) Save as otherwise provided in this Act the term of office of members elected at ordinary elections shall be five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary elections.

16. The language in Section 13(1) is similar to the language in Article 243-E of the Constitution of India. Though the words “No longer”, do not find a place in Section 13(1), this Court is of the view that the said words would have to be taken into account while interpreting Section 13(1) of the Panchayat Raj Act.

17. In the present case, the petitioners are not seeking appointment as persons in charge, as provided under Section 143 of the Panchayat Raj

Act. They are seeking extension of their continuation as Chairperson/Sarpanchs. In view of the express language in Article 243-E and Article 243-U read with the relevant provisions of the A.P.Panchayat Raj Act, 1994 and A.P. Municipalities Act, it would have to be held that the petitioners are not entitled to continue as Chair Person or Sarpanchs.

18. Accordingly, I.A.No.1 of 2026 in W.P.No.7528 & I.A.No.1 of 2026 in W.P.No.8229 of 2026 are dismissed.

DHIRAJ SINGH THAKUR, CJ

R RAGHUNANDAN RAO, J

RJS

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

&

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

I.A.No.1 of 2026

In

WRIT PETITION NOs: 7528 of 2026 & 8229 of 2026

(per Hon'ble Sri Justice R.Raghunandan Rao)

23.04.2026

RJS