

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTIETH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO
WRIT PETITION NO: 13779 OF 2025



Between:

1. Modugu Prasad, S/o. Thirupathaiah, Aged about 46 years, Occ: 15th Ward Counsellor, R/o. D.No.6-2-76, CPM Officer Road, Thiruvuru, N.T.R District.
2. Gumma Venkateswari, W/o.Papa Rao, Aged about 39 Years, Occ. 12th Ward Counsellor, R/o.3-61-3, P T Kotturu, Patha Thiruvuru, NTR District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Department of Home, Secretariat Velagapudi, Guntur District.
2. The Commissioner of Police, N.T.R District, Vijayawada.
3. The Circle Inspector of Police, Tiruvuru Circle, N.T.R District.
4. The Station House Officer, Tiruvuru Police Station, N.T.R District.
5. The State Election Commission, Rep. By its Election Commissioner, 1st floor. New HODs Building, M.G. Road, Vijayawada, NTR District.
6. The District Collector, District Election Authority, Vijayawada, Krishna District.
7. The Thiruvuru Nagar Panchayat., Rep by its., Commissioner, Thiruvuru Nagar Panchayat, N.T.R District.

Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not providing adequate police protection to all the voters in the present Elections for the post of Chairperson, Tiruvuru Nagar Panchayat, NTR District as arbitrary, illegal and violative of the fundamental rights guaranteed to me under Constitution of India and consequently direct the Respondents to provide police protection to the members of the Tiruvuru Nagar Panchayat for participating in the elections to the Post of Chairperson, Tiruvuru Nagar Panchayat, NTR Mandal on 20.05.2025 at 11.00 AM

IA NO: 1 OF 2025

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to provide police protection to the Counsellors of the Tiruvuru Nagar Panchayat for participating in the elections to the post of Chairperson, Tiruvuru Nagar Panchayat, NTR Mandal scheduled on 20.03.2025 at 11:00 AM

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. PAPUDIPPU SASHIDAR REDDY, Advocate for the Petitioners and of GP FOR HOME for the Respondent Nos. 1 to 4;

The Court made the following ORDER:

This Writ Petition is moved by way of house motion and My Lord the Hon'ble Chief Justice is pleased to allot the same to this Bench.

- 2. House motion proceedings are taken up at 10:00 A.M.**
- 3. The Writ Petition has been filed declaring the inaction of the respondents in providing adequate police protection to all the voters in the elections for the post of chairperson, Tiruvuru Nagar Panchayat, NTR District as arbitrary, illegal and violative of the fundamental rights**

guaranteed to the petitioners under the Constitution of India and consequently direct the respondents to provide police protection to the members of Tiruvuru Nagar Panchayat for participating in the elections to the post of Chairperson, Tiruvuru Nagar Panchayat on 20.05.2025 at 11:00 A.M. To ensure free, fair and transparent elections, the Writ Petition is filed.

4. The petitioner No.1 is the 15th Ward Counselor of Y.S.R. Congress Party. The petitioner No.2 is 12th Ward Counselor from Y.S.R. Congress Party. To fill vacancy for the post of Chairperson, Tiruvuru Nagar Panchayat, respondent No.5/State Election Commission issued notification dated 12.05.2025, scheduling the elections on 19.05.2025 at 11:00 A.M. However, the election was not taken place on 19.05.2025 and it is postponed to this day i.e., 20.05.2025. The Tiruvuru Nagar Panchayat, comprises 20 segments. The petitioners would contend that the 1st petitioner is one of the members elected on behalf of Y.S.R. Congress Party which holds a clear majority in Tiruvuru Nagar Panchayat. When the petitioners started proceeding to attend the meeting for participating in the elections, on 19.05.2025, they were highhandedly restricted by the followers of M.L.A. for gaining their political motive. Therefore, the petitioners could not attend the elections.

5. It is further contended that a representation is addressed to the 5th respondent/State Election Commission on 19.05.2025 informing the incidents that had taken place in Tiruvuru Nagar Panchayat. The petitioners apprehend that they may not be permitted to participate in the election on 20.05.2025 and the members of the ruling party are trying to abort them and resort to violent acts to restrict the petitioners from participating in the elections, so, they need police protection to ensure their safety and free and fair participation in the elections.

6. Mr. P.Sashidar Reddy, learned counsel for the petitioners, reiterated the apprehensions of the petitioners as mentioned in the affidavit of the Writ Petition.

7. Learned Standing Counsel for respondent No.5 submits that the representations of the petitioners were received and the State Election Commissioner has forwarded their representation to the Director General of Police marking a copy to the concerned including Commissioner of Police Vijayawada for taking necessary action, vide letter No.87/SEC-F2/2025-1 dated 19.05.2025 of the State Election Commissioner appending with the representation given by one Sri Lella Appi Reddy, Member of Legislative Assembly and the State Principal Secretary of Y.S.R. Congress Party informing about their grievance to the State Election Commissioner.
8. Mr. P.Sashidar Reddy, learned counsel for the petitioners would contend that another representation dated 20.05.2025, which is submitted across the bench, is addressed to the State Election Commissioner by Sri Lella Appi Reddy, Member of Legislative Assembly and the State Principal Secretary Y.S.R. Congress Party informing about the place where the counselors of Y.S.R. Congress Party are taking shelter and seeking for police protection.
9. Smt. A.Jayanthi, learned Government Pleader for Home submits that the petitioners have not informed to the police about the place where they are staying, and if the petitioners are residing in their house, the police would have given protection to them.
10. On the other hand, learned counsel for the petitioners submits that the police officials especially Mr. Prasad Rao, Deputy Superintendent of Police and Mr. Giri Babu, Inspector of Police have taken away forcefully Smt. K.Nirmala, 1st Ward Counselor from Tiruvuru Municipal special meeting on 19.05.2025.
11. It is informed in the letter dated 20.05.2025 that Sri R.Manjula, Counselor is temporarily in the house of one Sri N.Swami Das in Shanti Nagar, Tiruvuru for security reasons.
12. This Court has directed the registry to forward the letter dated 20.05.2025 addressed to the State Election Commissioner by Sri Lella Appi Reddy to the learned Government Pleader for Home to forward the

same to the police officer concerned and take necessary security measures to the petitioners and other counselors for participating in the election process freely and without fear and adjourn the case for half an hour to ascertain who is the responsible police officer for ensuring the protection to the petitioners and others for freely casting their votes in the election process.

13. The learned counsel for the petitioners submits that there are total eleven voters, including the present petitioners, who are willing to cast their vote if proper protection is given to them.

14. Learned Government Pleader for Home submits now that Sri Maheswara Raju, Deputy Commissioner of Police would oversee the free and fair election process. She further submits that Sri Maheswara Raju, Deputy Commissioner of Police would give necessary protection to the petitioners and also nine other members who intend to cast their vote.

15. Therefore, the Commissioner of Police/respondent No.2 is directed to cause necessary protection to the petitioners and nine other persons belonging to Y.S.R. Congress Party to participate in the election process of Tiruvuru Nagar Panchayat and submit a report to that effect by 29.05.2025.

16. List the matter on 29.05.2025.

Sd/- K.J. Raja Babu

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, The State of Andhra Pradesh, Secretariat Velagapudi, Guntur District. (BY SPECIAL MESSENGER)
2. The Commissioner of Police, N.T.R District, Vijayawada. (BY SPEED POST)
3. The Circle Inspector of Police, Tiruvuru Circle, N.T.R District.
4. The Station House Officer, Tiruvuru Police Station, N.T.R District.

5. The Election Commissioner, The State Election Commission, 1st floor.
New HODs Building, M.G. Road, Vijayawada, NTR District.
6. The District Collector, District Election Authority, Vijayawada, Krishna District.
7. The Commissioner, The Thiruvuru Nagar Panchayat., Thiruvuru Nagar Panchayat, N.T.R District. (Addressee Nos. 3 to 7 BY RPAD)
8. One CC to Sri. PAPUDIPPU SASHIDAR REDDY, Advocate [OPUC]
9. Two CCs to GP FOR HOME, High Court Of Andhra Pradesh. [OUT]
- 10. One spare copy**

HIGH COURT

DR. YLR, J

DATED:20/05/2025

LIST THE MATTER ON 29.05.2025.

ORDER

WP.No.13779 of 2025

DIRECTION

