

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

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 29293 OF 2025



Between:

Telaprolu Nageswara Rao, S/o. Satya Narayana, Aged 53, R/o. D.No. 13-121/2, Gopal Nagar, Kothapeta, Vetapalem Mandal, Bapatla District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Department of Panchayat Raj and Rural Development, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The AP State Election Commission, Rep. by its Secretary, 1st floor, New HODs Building, M.G. Road, Vijayawada, NTR District.
3. The Commissioner, Panchayat Raj and Rural Development, Tadepalli, Guntur District.
4. The District Election Officer/District Collector, Bapatla, Bapatla District.
5. The District Panchayat Officer, Bapatla, Bapatla District.
6. The Gram Panchayat Secretary, Kothapeta Gram Panchayat, Vetapalem Mandal, Bapatla 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 pass an order or direction especially one in the nature of Writ of Mandamus declaring G.O.Ms. No. 85 P.R. & R.D. Department, dated

29.09.2025 issued by the 1st respondent Government and the Notification No. 241/SEC-B2/2025, dated 21.10.2025 issued by the 2nd respondent State Election Commissioner as contrary to law, illegal, arbitrary and against the principles of Natural justice and consequently set aside the same.

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 suspend the operation of the G.O.Ms. No. 85 P.R. & R.D. Department dated 29.09.2025 issued by the 1st respondent Government, Pending disposal of WP 29293 of 2025, on the file of the High Court.

IA NO: 2 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 suspend the operation of the Notification No. 241 /SEC-B2/2025 dated 21.10.2025 including consequential orders issued by the 2nd respondent State Election Commissioner, Pending disposal of WP 29293 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated. 23.10.2025, made herein and upon hearing the arguments of Sri N A RAMACHANDRA MURTHY Advocate for the Petitioner, GP FOR PANCHAYAT RAJ RURAL DEV for the Respondent Nos.1 ,3 & 5; and of SRI S.VIVEK CHANDRA SEKHAR, Standing Counsel for the Respondent No.2, GP for General Administration for the Respondent No.4; Sri M. Sudhir, Standing Counsel for the Respondent No.6 and the Court made the following

WRIT PETITION NO: 29293/2025

Heard the learned counsel for the petitioner, the learned Standing Counsel for respondent No.6 and the learned Government Pleader for the other respondents.

Learned counsel for the petitioner submits that the original Kothapeta Gram Panchayat consisting the villages of Kothapeta, Sampath Nagar, Prasad Nagar, Prathibha Bharati Nagar, Vaddesangam. Respondent No.1-Government while exercising power under Section 3 of the A.P. Panchayat Raj Act, 1994 (hereafter referred as 'Act, 1994') r/w Rule 6 of the Andhra Pradesh Gram Panchayats (Declaration of Villages) Rules, 2007 (hereinafter referred as 'Rules, 2007'), issued G.O.Ms.No.221 dated 31.12.2019 notifying bifurcations, amalgamations and constituting certain Gram Panchayats. Kothapeta is one of such Gram Panchayat. By virtue of the said G.O., Prathibha Bharathi Nagar and Vaddesangam areas were bifurcated from the Kothapeta Gram Panchayat. These two areas were amalgamated into Papayapalem Gram Panchayat. The said G.O. was issued without following procedure contemplated under Rule 9 of the Rules. Aggrieved by the bifurcation of the Gram Panchayat vide G.O.Ms.No.221 dated 31.12.2019, three villagers filed Writ Petition No.96 of 2020 assailing the said action before this Court on the ground the said bifurcation of the Gram Panchayat was done contrary to the procedure contemplated under Section 6 of the A.P. Panchayat Raj Act r/w Rule 9 of Rules, 2007.

After hearing the matter, this Court was pleased to allow the Writ Petition by setting aside the G.O.Ms.No.221 dated 31.12.2019 vide order dated 21.10.2024. He further submits that in view of the said order dated 21.10.2024, the original Kothapeta Gram Panchayat consisting of the villages of Kothapeta, Sampath Nagar, Prasad Nagar, Prathibha Bharati Nagar, Vaddesangam were restored (as status-quo ante). While things stood thus, to the surprise of the villagers particularly the petitioner, respondent No.1 again issued G.O.Ms.No.85 dated 29.09.2025 de-notifying certain habitations and to re-constitute original jurisdiction of Kothapeta Gram Panchayat. As per the subject notification, while de-notifying certain habitations and reconstituting original jurisdiction of Kothapeta Gram Panchayat and two new habitations were merged with the Kothapeta Gram Panchayat. After reconstitution of the Kothapeta Gram Panchayat by merging two new habitations ie., ILTD Colony, which is consisting of survey Nos.170, 171, 178 to 197, 462 to 472, 476 to 498, 506 to 509, 513, 514 and VV Nagar consisting of Sy.Nos.172 to 177 and extended the jurisdiction of the Kothapeta Gram Panchayat than the original jurisdiction. He further submits that no reasons were assigned for amalgamation. The said new two habitations consisting with the survey numbers as stated supra fell within the original jurisdiction of Gram Panchayat. While so, after constitution of new Gram Panchayat without following due procedure as contemplated under Section 11 and 12 of the Act, 1994 r/w Rules 5 and 6 of A.P. Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules 2000 (hereinafter referred as 'Rules, 2000'), the 2nd

respondent should not proceed with the election process pursuant to the notification dated 21.10.2025. He further submits that the reconstitution of the Gram Panchayat was taken place on 29.09.2025 and the schedule of election notification was issued on 21.10.2025 i.e., within a period of twenty days from the date of constitution of new Gram Panchayat. He further submits that for conducting elections, there should be a publication Gram Panchayat electoral rolls as per the Act 1994 r/w Rules, 2000. As per the provisions stated above, in the absence of the such statutory compliance, any election to be conducted in respect of local authority i.e., subject Gram Panchayat is nothing but taking away the democratic rights of the people of village and will become farce. Hence, the election schedule notification dated 21.10.2025 is liable to be set aside.

On the other hand, learned Standing Counsel submits that the electoral roll of subject Gram Panchayat was notified, published along with all other Gram Panchayats within Chirala Assembly Constituency, Bapatla District. Therefore, the electoral roll of the subject Gram Panchayat out of the electoral of assembly constituency can be adopted for conducting subject elections as per Section 11 of Act, 1994. Therefore, respondent No.2 is empowered to conduct elections pursuant to the election schedule notification dated 21.10.2025.

Considering the submissions of the learned counsel for both sides, this Court is of the considered view that it is necessary to verify whether the respondents have complied with the statutory requirements or not. For the

purpose of such determination, reference is made to Sections 11, 11(2), 11(4), and 12 of Act, 1994, and Rules 5 and 6 of the Rules, 2000, which are extracted hereunder:

A.P. Panchayat Raj Act, 1994:

"11. Preparation and publication of electoral roll for a Gram Panchayat:— (1) *The '[x x x] electoral roll for Gram Panchayat shall be prepared by the person authorised by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Gram Panchayat shall come into force immediately [upon its publication] in accordance with the rules made by the Government in this behalf. The '[x x x] electoral roll for the Gram Panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950, (Central Act 43 of 1950) as: revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof:*

[Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the electoral Registration Officer under Section 22 or Section 23, as the case may be, of the Representation of

the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the last Ward].

Explanation:— Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the village, all persons whose names are entered in such roll under the registration area comprising the village and whose addresses as entered are situated in the village shall be entitled to be included in the electoral roll for the Gram Panchayat prepared for the purposes of this Act.

'[2] The electoral roll for a Gram Panchayat—

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,—

(i) before each ordinary election; and

ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and member of a Gram Panchayat; and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity or continued operation of the said electoral roll, shall not thereby be affected.]

(4) The electoral roll for the Gram Panchayat shall be divided into as many parts as there are wards so that each part consists of the voters residing in the concerned ward and for this purpose the electoral roll may be rearranged if such rearrangement is found necessary.

12. Rearrangement and republication of electoral rolls:—

Where, after the electoral roll for the gram panchayat has been published under sub-section (1) of Section 11, the village is divided into wards for the first time or the division of the village into wards is altered or the limits of the village are varied, the person authorised by the State Election Commissioner in this behalf shall in order to give effect to the division of the village into wards or to the alteration of the wards, or to the variation of the limits, as the case may be; authorise a rearrangement and republication of the electoral roll for the gram panchayat or any part of such roll in such manner, as the State Election Commissioner may direct.”

A.P. Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000

“5. Publication of copies of rolls :- (1) As soon as the roll is prepared in accordance with these rules, the District

Panchayat Officer shall, make arrangements to print or cyclostyle or write in manuscript as many copies of the roll as may be directed by the State Election Commission, from time to time. He shall publish the same for inspection by general public:

(a) on the notice board kept in the office of the District Panchayat Officer.

(b) on the notice board kept in the office of the Gram Panchayat; and

(c) at three conspicuous places in the concerned village.

(2) The electoral roll published under sub-rule (1) shall indicate the ward division made under sub-section (4) of section 11 or as the case may be, under Section 12 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994), hereinafter in these rules referred to as "the Act".

(3) Upon such publication under this rule, the roll shall be the electoral roll of the Gram Panchayat and shall remain in force till a fresh electoral roll is prepared and published.

6. Procedure for lodging claims and objections :- All omissions of names in any part of the roll or objections to any entry in the roll, at any point of time after its publication under rule 5, shall be settled only after a suitable amendment to the relevant entry in the electoral roll of the Legislative Assembly

Constituency, based on which the Gram Panchayat roll was prepared. Anybody wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 (Central Act 43 of 1950), to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of section 11 of the Act, and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the District Panchayat Officer shall carry out consequential amendments in the Gram Panchayat electoral roll. In case of any clerical or printing error or both, or when the Parties deviate from the particulars of the Assembly Electoral roll, the District Panchayat Officer may cause such errors rectified, so as to bring it in conformity with the particulars of the Assembly Electoral roll concerned. However, the District Panchayat Officer shall not resort to suo motu revision of the rolls by way of deletions or additions or modifications."

On perusal of the provisions as extracted above, this Court can hold the respondents herein have not followed the procedure as contemplated either

for publication or declaration of the electoral roll in respect of respondent/Gram Panchayat. By bear reading of the proceedings issued by the respondents i.e., reconstitution of the Gram Panchayat on 29.09.2025 and election schedule notification dated 21.10.2025, the time provided in between reconstitution and election schedule notice is only twenty days. In such a short period, statutory compliances which are mandatory in nature, as stated supra cannot be complied with, within the limited period. Therefore, the action and issuance of election schedule notification for conducting elections in respect of respondent Gram Panchayat within a period of twenty days, is contrary to the law and also contrary to the principles of natural justice. It is further brought to the notice of this Court, the general elections for all the local bodies for the entire State are due by February, 2026. Therefore, the general elections for all the local bodies/authorities should be conducted on or after February, 2026, i.e., within a period of four(4) months hereafter. More so, the subject election notification is for filling up of existing vacancies (as by elections) which is only for a tenure of four(4) months period. Even on merits and for the sake of local representation, for a period of four(4) months by spending of the huge amount from the public exchequer of the state is a factor to be considered.

In view of the reasons stated above, there is a prima facie case and balance of convenience in favour of the petitioner. Hence, there shall be an interim suspension of election notification dated 21.10.2025, for a period of four(4) weeks.

For filing counter-affidavit, list the matter after two(2) weeks.

**Sd/-M.SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Panchayat Raj and Rural Development, The State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.[By Special Messenger]
2. The Secretary, The AP State Election Commission, 1st floor, New HODs Building, M.G. Road, Vijayawada, NTR District.
3. The Commissioner, Panchayat Raj and Rural Development, Tadepalli, Guntur District.
4. The District Election Officer/District Collector, Bapatla, Bapatla District.
5. The District Panchayat Officer, Bapatla, Bapatla District.
6. The Gram Panchayat Secretary, Kothapeta Gram Panchayat, Vetapalem Mandal, Bapatla District. (2 to 6 by RPAD)
7. One CC to SRI. N A RAMACHANDRA MURTHY Advocate [OPUC]
8. One CC to Sri M. Sudhir, Standing Counsel [OPUC]
9. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR General Administration, High Court of Andhra Pradesh. [OUT]
11. One CC to SRI S.VIVEK CHANDRA SEKHAR, Standing Counsel
12. **One spare copy**

PSR

HIGH COURT

NV,J

DATED:24.10.2025

NOTE: LIST THE MATTER AFTER TWO (2) WEEKS.

ORDER

WP.No.29293 of 2025

DIRECTION

