



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 10046 OF 2026 (GM-RES)

BETWEEN:

MR. A. ALAM PASHA,
AGED ABOUT 62 YEARS,
S/O LATE P. AMEER SAB
RESIDING AT NO. 674,
9TH 'A' MAIN, 1ST STAGE, 10TH CROSS,
INDIRANAGAR,
BANGALORE - 560038.

...PETITIONER

(BY SRI. NEERALGI JEEVANBABU JAGADISH., ADVOCATE)

AND:

1. ELECTION COMMISSION OF INDIA,
REPRESENTED BY THE CHIEF ELECTION
COMMISSIONER,
NIRVACHAN SADAN,
ASHOKA ROAD,
NEW DELHI-110001.
2. THE CHIEF ELECTORAL OFFICER,
KARNATAKA,
NIRVACHANA NILAYA,
MAHARANI'S COLLEGE CIRCLE,
SHESHADRI ROAD,
BENGALURU 560001.
3. THE RETURNING OFFICER,
107-DAVANAGERE SOUTH ASSEMBLY





CONSTITUENCY
DAVANGERE DISTRICT,
KARNATAKA.

...RESPONDENTS

(BY SRI. S.R. DODWAD, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DIRECTING RESPONDENT NOS. 1 AND 3 TO RECEIVE AND TAKE ON RECORD THE PHYSICAL, DULY NOTARIZED NOMINATION PAPERS AND FORM 26 AFFIDAVITS OF THE PETITIONER FOR THE 107-DAVANGERE SOUTH AND 24-BAGALKOT ASSEMBLY CONSTITUENCIES, AND TO CONSIDER THE SAME IN ACCORDANCE WITH LAW, WITHOUT REJECTING THEM SOLELY ON THE GROUND OF DELAY OCCASIONED DUE TO THE FAILURE OF THE RESPONDENTS DIGITAL NOMINATION SYSTEM. B. DIRECTION DECLARING THE ADMINISTRATIVE DIRECTIVE CLOSING THE 'SUVIDHA' PORTAL ONE DAY PRIOR TO THE STATUTORY DEADLINE AS ILLEGAL, ARBITRARY, AND ULTRA VIRES TO SECTION 33(1) OF THE REPRESENTATION OF THE PEOPLE ACT, 1951.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is filed seeking a direction against respondents 1 and 3 to receive and take on record the physical, duly notarized nomination papers and Form No.26 affidavits of the petitioner for 107-Davangere South



and 24-Bagalkot Assembly Constituencies and to consider the same in accordance with law.

2. Learned counsel appearing for the petitioner sought to persuade this Court by contending that the online portal provided by the Election Commission for enabling candidates to undertake online data entry of personal particulars in the nomination form was made available only for a limited duration. It is his specific grievance that the said portal was abruptly shut down one day prior to the last date prescribed for submission of nomination papers. According to the petitioner, such premature closure of the portal has the effect of virtually depriving the petitioner of a meaningful opportunity to contest the by-elections pertaining to Davangere and Bagalkote constituencies. It is urged that the action of the authorities in disabling access to the portal before the expiry of the statutory timeline is arbitrary and runs counter to the principles of fairness governing the electoral process.



3. Per contra, learned counsel appearing for the respondents, on instructions, has placed reliance on the detailed guidelines issued by the Election Commission of India governing the filing of nomination papers. Drawing the attention of this Court to Clause 24 of the said instructions, he would contend that the facility of online data entry is purely optional in nature and is only intended to facilitate candidates in filling up the nomination forms. It is submitted that the petitioner has not availed even this optional facility within the time it remained operational. Learned counsel would further submit that even in cases where a candidate utilizes the online data entry facility, the statutory requirement is not dispensed with. The candidate is mandatorily required to take a printout of the nomination form generated online, which contains a QR code, and thereafter sign the same along with the signatures of two proposers. The completed nomination form is then required to be physically delivered by hand either by the candidate himself or by one of his proposers



to the Returning Officer between 11:00 a.m. and 3:00 p.m. on or before the last date fixed for filing nominations. It is emphatically contended that the petitioner has failed to undertake this essential statutory exercise within the stipulated timeframe and, therefore, cannot seek any indulgence from this Court.

4. Heard the counsels on record. Perused the writ papers.

5. This Court also notes that though the petitioner has sought to challenge the administrative action in closing the 'Suvidha' portal one day prior to the statutory deadline, as contemplated under Step 5 of Clause 24 of the Election Commission's instructions, there is no challenge laid to the constitutional validity of Section 33(1) of the Representation of the People Act, 1951, which governs the presentation of nomination papers. In the absence of such a challenge, the statutory mandate requiring physical submission of nomination papers within



the prescribed time remains unassailed. Consequently, the petitioner cannot circumvent the statutory requirements by placing reliance solely on the alleged inconvenience caused due to the closure of the online portal.

6. In view of the aforesaid discussion, and having regard to the undisputed fact that the petitioner has not tendered the nomination papers in accordance with the statutory procedure and within the stipulated timeline, this Court finds no grounds to exercise its discretionary jurisdiction under Article 226 of the Constitution of India. Accordingly, the writ petition stands dismissed.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB
List No.: 4 SI No.: 4