

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPEAL NO.....OF 2026**  
**@ SLP(C) NO.19848 OF 2025**

**JAI SINGH GAUTAM** **...APPELLANT(S)**

**VERSUS**

**NEHA GAUTAM AND ORS.** **...RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO.....OF 2026**  
**@ SLP(C) NO..... OF 2026 @ D.NO.11520 OF 2026**

**ANSHU** **...APPELLANT(S)**

**VERSUS**

**NEHA GAUTAM AND ORS.** **...RESPONDENT(S)**

**ORDER**

1. Delay is condoned and permission to file special leave petition is granted in SLP(C)Diary No. 11520/2026.
2. Leave granted.
3. The present appeals arise from the interim order dated 18.07.2025 passed by the High Court of Uttarakhand at Nainital in Writ Petition (M/B) No. 554 of 2025, whereby the High Court stayed the order dated 09.07.2025 passed by the Returning Officer rejecting the nomination of respondent No. 1, Neha Gautam, for the post of Gram Pradhan, Gram Panchayat Firozpur, District Udham Singh Nagar, and further directed that she be allotted an election symbol and be permitted to participate in the election process.

4. For the sake of convenience and clarity, the appeal arising out of Special Leave Petition (Civil) No. 19848 of 2025, filed by Jai Singh Gautam, shall be treated as the lead matter. The connected appeal arises out of Special Leave Petition (Civil) No. 011278 of 2026, filed by Anshu, the other contesting candidate. Jai Singh Gautam, who is the appellant in the lead matter, was arrayed as respondent No. 5 in the writ proceedings before the High Court and claims to be the original complainant before the Returning Officer. Anshu, who is the appellant in the connected appeal, claims that upon rejection of the nomination of respondent No. 1 and upon completion of the withdrawal stage, she remained the sole surviving validly nominated candidate and was thereafter declared elected unopposed. She was, however, not impleaded as a party in the writ proceedings before the High Court. Since both appeals assail the same impugned order and arise out of the same writ proceedings, they are being decided by this common judgment.

5. The facts giving rise to the present appeals are as follows:

5.1. Pursuant to the election notification dated 28.06.2025 issued by the State Election Commission, Uttarakhand for the Three-Tier Panchayat Elections, 2025, the election process commenced for the post of Gram Pradhan, Gram Panchayat Firozpur, Development Block Kashipur, District Udham Singh Nagar.

5.2. During the nomination period from 02.07.2025 to 05.07.2025, four candidates, namely, Saupna Gautam,

Neha Gautam, Manju and Anshu, submitted their nomination papers for the aforesaid post.

- 5.3. On 07.07.2025, an objection came to be lodged before the Returning Officer questioning the eligibility of Neha Gautam. The objection was founded on the allegation that her family was in unauthorized occupation of Government or forest land and that such circumstance attracted disqualification under the applicable statutory framework.
- 5.4. The record further reflects that Neha Gautam submitted her reply denying the allegations and asserting that she was residing separately with her husband in her matrimonial household. Thereafter, on 09.07.2025, the Returning Officer passed an order rejecting her nomination. The nomination of Saupna Gautam also came to be rejected on the same date.
- 5.5. On 11.07.2025, Manju withdrew her candidature. As a consequence thereof, Anshu remained the only surviving candidate in the fray for the said post.
- 5.6. Thereafter, on 16.07.2025, Neha Gautam instituted Writ Petition (M/B) No. 554 of 2025 before the High Court of Uttarakhand at Nainital assailing the order dated 09.07.2025 passed by the Returning Officer rejecting her nomination.
- 5.7. The High Court, by the impugned interim order dated 18.07.2025, stayed the operation of the order dated 09.07.2025 passed by the Returning Officer. The High Court further directed that Neha Gautam be allotted an election symbol and be permitted to participate in the

election process for the post of Gram Pradhan, Gram Panchayat Firozpur, District Udham Singh Nagar.

5.8. Aggrieved by the aforesaid interim order, Jai Singh Gautam, who claims to be the original complainant before the Returning Officer, preferred Special Leave Petition (Civil) No. 19848 of 2025 before this Court.

5.9. This Court, on 23.07.2025, issued notice in the said Special Leave Petition and stayed the operation of the interim order dated 18.07.2025 passed by the High Court, while observing that the election process may continue in accordance with law and that the result would remain subject to the final outcome of the proceedings.

5.10. In the meantime, Anshu, who claims to have become the sole surviving validly nominated candidate upon completion of the withdrawal stage, has placed on record a certificate dated 31.07.2025 issued by the Election Officer stating that she had been elected unopposed to the post of Gram Pradhan, Gram Panchayat Firozpur, subject to the final outcome of the proceedings.

5.11. Subsequently, Anshu also approached this Court by filing Special Leave Petition (Civil) No. 011278 of 2026 assailing the same interim order dated 18.07.2025 passed by the High Court and asserting that the said order had been passed without impleading her, despite her being directly affected.

5.12. Since both the appeals arise out of the same writ proceedings, assail the same impugned interim order, and involve overlapping questions of fact and law, they have

been heard together and are being decided by this common judgment.

6. Having heard the learned counsel appearing for the parties and upon perusal of the material on record, the primary question that falls for our determination is whether the High Court was justified, in exercise of its jurisdiction under Article 226 of the Constitution of India, in entertaining the writ petition and granting interim relief in the course of an ongoing election process, notwithstanding the constitutional bar contained in Article 243-O of the Constitution of India and the statutory framework governing election disputes under the Uttarakhand Panchayati Raj Act, 2016.
7. The High Court appears to have proceeded on two principal premises. First, that the writ petition did not call an election in question, but merely assailed the rejection of the nomination of respondent No. 1. Second, that no efficacious alternative remedy was available to respondent No. 1, and therefore, interference in exercise of jurisdiction under Article 226 of the Constitution of India was warranted. In our considered view, neither of the aforesaid premises can be sustained in law.
8. At the outset, it must be borne in mind that Article 243-O of the Constitution of India places an express embargo on judicial interference in electoral matters relating to Panchayats. Clause (b) thereof stipulates that “no election to any Panchayat shall be called in question except by an election petition” presented in the manner provided by the law made by the Legislature of the State. The State of Uttarakhand has enacted the Uttarakhand Panchayati Raj Act, 2016, and Section 131H

thereof specifically provides the statutory mechanism for questioning an election, including on the ground that the result of the election has been materially affected by the improper acceptance or rejection of any nomination. Thus, once the statute itself provides a complete forum and remedy in relation to rejection of nomination, the constitutional bar and the statutory framework must be given full effect.

9. This very issue now stands squarely covered by the decision of this Court in **Sandeep Singh Bora v. Narendra Singh Deopa & Ors.**<sup>1</sup>. In that case, this Court, while dealing with a challenge arising from rejection of nomination in the course of Panchayat elections in the State of Uttarakhand under the very same enactment, held in clear terms that where a law enacted by the State Legislature provides for the remedy of an election petition, the High Court is precluded from exercising jurisdiction under Article 226 of the Constitution of India. This Court further held that the election process cannot be lightly interdicted or stalled at the behest of an individual grievance and that in respect of such grievances, the ultimate and exclusive remedy lies by way of an election petition. The principle laid down therein is directly attracted to the facts of the present case.
10. The reliance placed on the decision of this Court in **Election Commission of India v. Ashok Kumar**<sup>2</sup>, and the submission that the impugned directions were merely in furtherance of the election process and not in derogation thereof, also do not assist respondent No. 1. There can be no dispute with the principle

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<sup>1</sup> 2026 INSC 105

<sup>2</sup> (2000) 8 SCC 216

that constitutional courts may, in a given case, exercise restraint while ensuring that the election process is not unjustifiably derailed. However, that principle cannot be read in a manner that nullifies the express constitutional embargo contained in Article 243-O of the Constitution of India where the statute itself provides a complete mechanism to question an election, including on the ground of improper rejection of nomination. Rejection of nomination is not an event dehors the election. It is one of the statutory stages of the election process itself. Once the Legislature has expressly provided a remedy in respect of improper rejection of nomination under Section 131H of the Uttarakhand Panchayati Raj Act, 2016, the High Court cannot, by characterizing its intervention as facilitative of the election process, assume a jurisdiction which the Constitution and the statute require to be exercised only in the manner prescribed by law. In the facts of the present case, the distinction sought to be drawn between interference with an election and restoration of candidature is without substance.

11. Once that be the legal position, the grievance raised by respondent No. 1 before the High Court was plainly one arising within the election process itself and was required to be worked out before the forum designated by the statute. The distinction sought to be drawn between a challenge to an election and a challenge to rejection of nomination cannot, in the facts of the present case, be accepted.
12. In the facts of the present case, the impropriety of the High Court's interference becomes even more evident. The order rejecting the nomination of respondent No. 1 was passed on

09.07.2025. The withdrawal stage thereafter ran its course, and it is the specific case of appellant Anshu that upon withdrawal of the remaining candidate on 11.07.2025, she remained the sole surviving candidate in the fray and was subsequently declared elected unopposed. Whether that declaration ultimately attains finality or is liable to be questioned in appropriate proceedings is not an issue on which we propose to pronounce finally in these appeals. However, what is clear is that the High Court, by its interim order dated 18.07.2025, reopened a stage of the election process which had already moved beyond scrutiny and withdrawal, and by judicial direction reintroduced respondent No. 1 into the contest. Such an exercise was plainly contrary to the constitutional discipline governing election matters.

13. The contentions urged on behalf of respondent No. 1 do not persuade us to take a different view. The contention that the Returning Officer lacked jurisdiction, the submission that no competent forest authority had recorded any finding of unauthorized occupation, the plea founded on Section 8(5) of the Uttarakhand Panchayati Raj Act, 2016 and Section 61A of the Indian Forest Act as applicable in the State, and the reliance placed on her post-marital status and the family register, ration card and residence-related documents, all pertain to the merits of the rejection of nomination. These are matters for adjudication before the forum prescribed by the statute. They cannot furnish a ground to bypass the statutory remedy itself.
14. The other circumstances relied upon by respondent No. 1 also do not alter the position in law. The fact that respondent

No. 1 had earlier contested and won the election in the year 2019, the absence of any finding by the Divisional Forest Officer with regard to unauthorized occupation, and the circumstance that pursuant to the impugned order the election authorities had allotted a symbol and taken further steps in compliance therewith, are all of no assistance in determining the issue presently before us. The first two aspects pertain to the merits of the rejection of nomination and to the correctness of the disqualification alleged against respondent No. 1. Those are matters to be agitated before the forum prescribed by the statute. The last circumstance is merely a consequence of the interim order passed by the High Court and cannot confer legality upon an order which was otherwise beyond the permissible limits of writ jurisdiction in electoral matters. Neither the factual merits sought to be urged on behalf of respondent No. 1 nor the subsequent implementation of the impugned order can justify assumption of writ jurisdiction in the teeth of Article 243-O of the Constitution of India and Section 131H of the Uttarakhand Panchayati Raj Act, 2016.

15. The argument that an election petition is not an efficacious remedy because a candidate unlawfully excluded from contest would lose the immediate opportunity to participate in the election also cannot be accepted. That line of reasoning stands displaced by the law declared in **Sandeep Singh Bora (supra)**, wherein this Court, after considering the constitutional scheme and the decisions in **Harnek Singh v. Charanjit Singh**<sup>3</sup>,

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<sup>3</sup> (2005) 8 SCC 383

***Laxmibai v. Collector***<sup>4</sup> and ***N.P. Ponnuswami v. Returning Officer, Namakkal Constituency***<sup>5</sup>, reiterated that the right to contest and the right to call an election in question are statutory rights and must be exercised strictly in the manner contemplated by the statute. Once the Constitution and the statute channel the grievance into an election petition, recourse to Article 226 cannot be justified on the ground that such remedy is not immediate enough.

16. We are also unable to overlook that appellant Anshu, who claims to be the directly affected candidate and who is stated to have been declared elected unopposed, was not impleaded in the writ proceedings before the High Court. The interim order dated 18.07.2025, though passed in proceedings to which she was not a party, had the direct effect of altering the electoral position which had emerged after scrutiny and withdrawal. The High Court thus proceeded not only in derogation of the constitutional and statutory limitations governing electoral disputes, but also without affording a hearing to a person whose rights stood directly affected by the order.

17. For all the aforesaid reasons, we are of the considered view that the impugned interim order dated 18.07.2025 passed by the High Court cannot be sustained. The grievance of respondent No. 1, whether founded on alleged illegality in the rejection of her nomination or on the merits of the disqualification attributed to her, was required to be worked out in accordance with the statutory mechanism under the

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<sup>4</sup> (2020) 12 SCC 186

<sup>5</sup> (1952) 1 SCC 9

Uttarakhand Panchayati Raj Act, 2016. The High Court was not justified in entertaining the writ petition and granting interim relief in the manner it did.

18. In view of the foregoing discussion, the present appeals are accordingly allowed.
19. The interim order dated 18.07.2025 passed by the High Court of Uttarakhand at Nainital in Writ Petition (M/B) No. 554 of 2025 is set aside.
20. Consequently, the writ petition filed by respondent No. 1 before the High Court shall stand dismissed as not maintainable.
21. It is, however, made clear that we have expressed no opinion on the merits of the rival claims with regard to the rejection of the nomination of respondent No. 1, and it shall be open to her to avail such remedy as may be available to her in law under the Uttarakhand Panchayati Raj Act, 2016.
22. Pending application(s), if any, shall stand disposed of.

.....**J.**  
**[VIKRAM NATH]**

.....**J.**  
**[SANDEEP MEHTA]**

**NEW DELHI;**  
**MARCH 23, 2026**