

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).37476/2026

[Arising out of impugned final judgment and order dated 18-10-2026 in IA No. 4/2026 passed by the High Court of Andhra Pradesh at Amravati]

YUVAJANA SRAMIKA RYTHU CONGRESS PARTY

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

Respondent(s)

IA No. 327849/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 21-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Maninder Singh, Sr. Adv.
Mr. Nikhil Goel, Sr. Adv.
Mr. Mahfooz Ahsan Nazki- 2744, AOR
Mr. Vivek Rajan D.B, Adv.

For Respondent(s) :Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Mr. Dammalapati Srinivas, AG
Mr. Guntur Prabhakar, Adv.
Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Arijeet Shukla, Adv.
Mr. Dhruv Yadav, Adv.
Mr. Keshav Sehgal, Adv.
Mr. Suhail Ahmad, Adv.
Mr. Parv Arora, Adv.
Ms. Rakshita, Adv.

Mr. K. Parameshwar, Sr. Adv.
Mr. Amit Pai, AOR
Mr. N. Ashwani Kumar, Adv.
Ms. Pankhuri Bhardwaj, Adv.
Mr. Sai Kaushal, Adv.
Mr. Arjun Sagar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Issue notice.

2. Mr. Guntur Pramod Kumar, AOR and Mr. Amit Pai, AOR, accept notice on behalf of respondents.

3. The petitioner is a registered political party and the principal opposition party in the State of Andhra Pradesh. The State Election Commission issued an election schedule for holding municipal elections in the State on 14.10.2026. The schedule runs as follows:

SCHEDULE FOR 2ND ORDINARY ELECTIONS TO LOCAL BODIES IN ANDHRA PRADESH, 2026

S.No.	Activity	ULBs (100)	MPTCs/ZPTCs	Gram Panchayats		
				Phase – I	Phase-II	Phase – III
1	Election Notification by APSEC	14.10.2026	19.10.2026	13.11.2026	16.11.2026	19.11.2026
2	Election Notice by RO/EO	16.10.2026	21.10.2026	15.11.2026	18.11.2026	21.11.2026
3	Last Date for Receipt of Nominations	18.10.2026	23.10.2026	17.11.2026	20.11.2026	23.11.2026
4	Scrutiny of Nominations	19.10.2026	24.10.2026	18.11.2026	21.11.2026	24.11.2026
S	Appeal against rejected Nominations	No Appeals for ULBs	25.10.2026	19.11.2026	22.11.2026	25.11.2026
6	Appeal Disposal		26.10.2026	20.11.2026	23.11.2026	26.11.2026
7	Last Date for Withdrawal of Candidatures	21.10.2026	27.10.2026	21.11.2026	24.11.2026	27.11.2026
8	Final List of Contesting Candidates	21.10.2026	27.10.2026	21.11.2026	24.11.2026	27.11.2026
9	Conduct of Poll	28.10.2026	03.11.2026	26.11.2026	29.11.2026	02.12.2026
10	Re-Poll, if any	29.10.2026	04.11.2026	27.11.2026	30.11.2026	03.12.2026
11	Counting of Votes & Declaration of Results	30.10.2026	05.11.2026	26.11.2026	29.11.2026	02.12.2026

Indirect Elections

1	Notification by APSEC	28.10.2026	03.11.2026	13.11.2026	16.11.2026	19.11.2026
2	Serving of Notices of Members on or before	01.11.2026	07.11.2026	26.11.2026	29.11.2026	02.12.2026
3	Conduct of Election (Special Meeting)	05.11.2026/ 06.11.2026	11.11.2026/ 12.11.2026	26.11.2026/ 27.11.2026	29.11.2026/	02.12.2026 / 03.12.2026

4. Prior to the notification, the petitioner had approached the High Court alleging widespread violence and apprehending that its party members would be prevented from filing nominations in the ensuing municipal elections. Accordingly, the party prayed as follows:

“that the Hon’ble Court may be pleased to issue a writ more particularly in the form of Writ of Mandamus declaring the inaction of respondents in not taking adequate measures to ensure the safe and free filing of the nominations in the ensuing elections of the Municipalities, MPTCs and ZPTCs in the State of Andhra Pradesh, in spite of the threats and intimidation brought to their notice, as illegal, arbitrary and violative of Articles 14, 19(1)(a), 21, 243K and 243ZA of the Constitution of India, and consequently direct the respondents to take immediate steps for establishment of an additional and optional nomination facility at each District Headquarters before the District Collector, the District Election Officer or a Returning Officer designated by 4th respondent to receive the nomination papers of all the said local bodies in the District, with adequate security at and around such facility during the entire nomination period, and with procedures for safe custody of the papers, issue of acknowledgment to the candidates and their prompt and secure forwarding to the concerned Returning Officers for scrutiny, and designate neutral nomination centres in place of those near the strongholds of the ruling party, and to pass such order(s) as the Hon’ble Court deems fit in the interest of justice and in the circumstances of the case.”

5. An interim relief directing the Election Commission to consider the representations made by the petitioner on 09.10.2026 was also made before the High Court.

6. The learned Single Judge dismissed the writ petition as premature holding as follows:

"8. Having regard to the contentions advanced, and request made on behalf of the petitioner that liberty may be granted to them to approach the Election Officer seeking notifying any other place other than the designated place in the notification for submission of a nomination papers, this Court is of the view that the said request of the petitioner cannot be considered as an omnibus request. However, the respective individual intending candidates, in case of any threat being posed to him/her, he/she is at liberty to approach the Election Officer by filing an application seeking designation of any other place for submission of the nomination papers other than the notified center, within the limits of his territorial jurisdiction. Upon filing of such application, the Election Officer shall pass appropriate orders on the same in accordance with law. Needless to observe that filing of the application by the contesting candidate and consideration and disposal of the same by the authority shall be in conformity with the time schedules as notified under the subject Election Notification."

7. The petitioner appealed against the order and in the appeal proceedings, it took out an interlocutory application, placing on record representations and/or materials supporting its claim that its candidates had been forcibly prevented from filing nominations. Accordingly, a prayer was made to extend the time for receipt of nomination by one day. Upon hearing the parties, the interlocutory application was dismissed, *inter alia*, on the ground:

- (i) Such relief was beyond the scope of the writ petition;
- (ii) The decision of the State Election Commission on the representations was not on record; and

(iii) As the election process had begun and time for submission/filing nomination had already expired, it would be imprudent for the Court to interfere with such election process.

8. Aggrieved by such decision, the petitioner is before us.

9. Mr. Maninder Singh, Mr. Nikhil Goel, learned senior counsel along with Mr. Mahfooz Ahsan Nazki, learned AOR, vociferously argued that there was widespread violence in the State, and the election process has been degenerated to a one-sided affair as more than 63.5% of its candidates were not allowed to submit nomination in 19 out of 100 Urban Local Bodies. He further contends that the directions issued by the Election Commission vide orders dated 16.10.2026, to provide police protection, CCTV coverage at nomination centres etc., were not complied with and contempt notices have been served upon the authorities concerned. Accordingly, he prayed that the last date for filing nomination as well as declaration of the final list of candidates be extended and further adequate security arrangements be put in place to ensure their effective participation in the municipal elections.

10. Per contra, Mr. Parameshwar, learned Senior Counsel for the State Election Commission, denied and disputed such allegations and contends that necessary remedial measures had been taken by directing the Director General of Police to provide police *bandobast* and CCTV coverage in and around the election offices where the nominations were to be filed to ensure a fair and transparent manner of filing nominations. He placed on record various other orders passed by the High Court at the behest of contesting candidates to provide police protection and contended

that due supervision of compliance of such orders have been made. In places where law and order situation had impeded in filing of nominations like Mydukur Municipality, the election process has been postponed.

11. Mr. Sidharth Luthra, learned Senior Counsel for the State, supported Mr. Parameshwar and further contended that the petitioner has not come with clean hands. He submitted that it is the petitioner and their supporters who are engendering violence and have brought in anti-social elements from other States, resulting in registration of criminal cases against them.

12. We have heard learned Senior Counsels at the Bar and perused the relevant materials on record. Free and fair elections are a basic structure of the Constitution. Right to freely participate in such election by filing nomination papers without hindrance is a facet of the free and fair election process. It is a constitutional duty vested on the State Election Commission under Article 243ZA to conduct and supervise Municipal elections in a free and fair manner. Discharge of such duty would necessarily include all steps to ensure unhindered filing of nomination papers by all contesting candidates. The power of the constitutional Courts to exercise judicial review, though deferential in election matters, cannot be said to be wholly negated when the discharge of such constitutional duty of the State Election Commission is hampered due to widespread violence impairing peace and tranquility and thereby skewing a level playing field in filing nominations.

13. The philosophy of judicial deference to the control and superintendence of elections by the Election Commission has grown

from a doctrine of necessity that the election process which is entrusted in the hands of an independent constitutional authority be permitted to be concluded within a prescribed timeline and not be mired in the quagmire of intermediate judicial interference. All grievances to such election process may be agitated in an election petition after the process is over. However, when the principal opposition political party in the State had approached the High Court even prior to the commencement of the election process and had placed on record ample representations and materials expressing serious apprehension and/or instances of use of force and coercion during filing of nomination papers, the power of judicial review cannot be muted on the plea of non-interference in election matters. In such cases, judicial intervention is imperative to ensure a fair and impartial conclusion to the election process and cannot be eschewed as "calling in question an election" prior to its conclusion as noted below in *Election Commission of India through Secretary v. Ashok Kumar and others* [(2000) SCC Online SC 1234]:

"Any decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.

Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law."

14. In *Union Territory of Ladakh and Others VS. Jammu and Kashmir National Conference, through its General Secretary and Another*, [(2024) 18 SCC 643], this Court again emphasized the need for judicial intervention to ensure a level playing field during elections, observing as follows:

“37. We would indicate that the restraint, self-imposed, by the Courts as a general principle, laid out in some detail in some of the decisions *supra*, in election matters to the extent that once a notification is issued and the election process starts, the Constitutional Courts, under normal circumstances are loath to Where, apropos Article 324 powers of the ECI, this Court held “However, it has to be stated this power is not unbridled. Judicial review will still be permissible, over the statutory body exercising its functions affecting public law rights.” Where the learned 3-Judge Bench has considered a catena of the precedents relevant to the issue(s) before it. interfere, is not a contentious issue. But where issues crop up, indicating unjust executive action or an attempt to disturb a level-playing field between candidates and/or political parties with no justifiable or intelligible basis, the Constitutional Courts are required, nay they are duty-bound, to step in. The reason that the Courts have usually maintained a hands-off approach is with the sole salutary objective of ensuring that the elections, which are a manifestation of the will of the people, are taken to their logical conclusion, without delay or dilution thereof.....”

15. In similar vein, noting that instilling confidence in election process is vital for the maintenance of constitutional democracy and rule of law, this Court in *Bharatiya Janata Party, West Bengal v. State of West Bengal and others* [(2018) SCC Online SC 337] observed as follows:

"16. We hope and trust that in order to ensure fair and free election to the panchayats, the State Election Commission shall take appropriate steps to remove the apprehensions of the petitioner and/or intending candidates and they may not be deprived of their chance to contest the panchayat elections. With the aforesaid observations, the writ petition is disposed of."

16. These authorities above unequivocally state while constitutional courts would ordinarily not interfere with election process, but their hands are not tied when appropriate interventions are necessary to ensure that elections are conducted in a free and fair manner and are not marred by extra-constitutional or illegal means, for eg. muscle power.

17. Keeping in mind these propositions governing election law and the materials in the form of representations supported by documents/electronic evidence, we are of the *prima facie* opinion that the petitioner has made out a case to pass the following directions:

(i) The State Election Commission shall postpone the publication of the final list of candidates till 25.10.2026. In the meantime, the State Election Commission shall consider the representations made by petitioner party and/or various candidates, including evidentiary material as well as electronic evidence placed before it and take a decision to extend the last date of filing nominations in urban local bodies wherever it is of the view that candidates were unable to file their nominations due to law and order situation. Such decision shall be taken by the Election

Commission positively by tomorrow and wherever the Election Commission chooses to extend the time, such time shall be extended not less than 48 hours from the time of publishing such decision by amending the election notification.

(ii) The Commission shall also make additional arrangements to file nominations at the District Headquarters before the District Collector, wherever necessary.

(iii) In addition to the aforesaid, State Election Commission shall take all necessary steps to remove apprehensions from the mind of the petitioner and prospective candidates that they have a free and fair chance of participating in the election by filing their nominations. The Election Commission shall submit its compliance report on the adjourned date.

(iv) The Director General of Police shall take all necessary steps to maintain police *bandobast*, CCTV coverage at nomination centers and provide necessary protection to candidates who would come to the centres concerned to file their nominations and file compliance report before this Court on the adjourned date.

18. Post the matter on 27.10.2026.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PARVEEN KUMAR RAWAT)
COURT MASTER (NSH)