HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

WRIT PETITION (SR) No.45228 OF 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	24.10.2026	**PKC, J:** Heard Sri Attuluri Datta Sanjeev, learned counsel for petitioner, appeared through virtual mode and Sri N. Ashwani Kumar, learned Standing Counsel, representing for respondent Nos.2 to 4. Learned counsel for petitioner submits that the present Writ Petition is filed challenging the impugned order of respondent No.4/Municipal Commissioner–cum- Returning Officer, who did not consider the objection of the petitioner that the respondent No.5 by the time of filing the nomination was holding the office of Vijayawada Zonal APSRTC as Zonal Chairperson. Learned counsel has placed document stating that respondent No.5 applied for resignation, and the same was accepted on 22.10.2026 for the said post. Whereas by 21.10.2026 respondent No.4 released list of persons contesting for the Eluru Municipal Corporation with names of respondent No.5 at serial No.3 apart from 8 members.	

		The grievance of the petitioner is that by the time he filed the nomination for the said post, respondent No.5 was holding the office of profit. Learned counsel for respondent Nos.2 to 4 submitted that the returning officer has taken decision rejecting the objection. In view of the said rejection the remedy lies by way of election petition before appropriate forum, but do not lie before this Court under Article 226 of Constitution of India. He relied on ***Meenakshi Natarajan v. Election Commission of India & Anr***[1]. In refuting that the learned counsel for petitioner submitted that as held in the case of ***Dravida Munnetra Kazhagam (DMK) v. Tamil Nadu State Election Commissioner***[2], the Writ Petition is maintainable. Both learned counsels could not place on record when the resignation letter was sent. I have considered the submissions of both the learned counsels. The grievance of the petitioner is against the respondent No.5. This Court is of the view that the presence of respondent No.5 is required so as to take ANY decision. As he is going to be the affected party. Following the principles of justice, I am	

[1] 2026 INSC 643
[2] W.P. Nos. 24078 of 2011 and batch, decided on 26.04.2012

		of the view that notice to respondent No.5 is required. So that he can make representation and place the fact. Hence, issue notice to respondent No.5. The petitioner is permitted to take out personal notice to respondent No.5 through speed post and file proof of service. Post on 26.10.2026. **PKC, J** sj/cvv	
