THE HONOURABLE MS. JUSTICE B. S. BHANUMATHI

Writ Petition (SR) No:48239 of 2026

ORDER:

The writ petition is filed to declare the action of the respondents in failing to consider and undertake verification of the electoral roll pertaining to Lalamkoduru Village, Rambilli Mandal, Anakapalli District, despite the specific representation dated 13.11.2026 concerning the deceased, duplicate and permanently shifted / non-resident voters, as arbitrary, unreasonable, illegal and contrary to Sections 11 and 12 of the Andhra Pradesh Panchayat Raj Act, 1994 (in short "A.P.P.R. Act"), Section 22 of the Representation of the People Act, 1950, (in short "R.P. Act") and the applicable provisions of the Registration of Electors Rules, 1960, (in short "R.E. Rules") and consequently, direct the respondents, particularly respondent Nos.3 to 7, to forthwith undertake a time-bound, door-to-door and documentary verification of the disputed entries in the electoral roll of Lalamkoduru Village, including the approximately 59 the deceased voters, 200 suspected duplicate entries and more than 400 permanently shifted / non-resident voters, and take appropriate action in respect of entries found to be ineligible, strictly in accordance with law by directing the 2nd respondent / Andhra Pradesh State Election Commission to ensure that the Photo Electoral Roll pertaining to Lalamkoduru Gram Panchayat is prepared and published in accordance with Section 11(1) of the A.P.P.R. Act, the Circular dated 14.10.2026 and the directions of the Supreme Court, dated 09.10.2026, in Civil Appeal arising out of SLP (C) No.35791 of 2026, as well as the order dated 10.11.2026 passed by this Court in W.P.No.30781 of 2026 and to pass such other order or orders as this Court deems fit.

2. The case of the writ petitioner, stated briefly, is as follows:

(a) The electoral roll pertaining to Lalamkoduru Village presently consists of approximately 1,895 registered voters. However, the personal enquiry made by the petitioner revealed that some of them died and some of them left the village and settled elsewhere and they are no longer residents of this village.

(b) Section 22 of the R.P. Act, specifically empowers and obligates the Electoral Registration Officer, upon an application or on his motion to undertake inquiry and correct, transpose or delete an entry where the person concerned is dead, has ceased to be ordinarily resident in the constituency or is otherwise not entered in the electoral roll. Such action is required to be taken after proper verification. Similarly, Rule 21-A of the R.E. Rules, provides for deletion of the names of the deceased persons and persons who have ceased to be, or are not ordinarily resident in the constituency, subject to the procedure prescribed therein. Thus, the statutory authorities are required to examine the complaints and take appropriate action. That apart, Section 11(1) of the A.P.P.R. Act, provides that the electoral roll for a Gram Panchayat shall consist of the relevant part of the electoral roll of the assembly constituency, as revised or amended under the R.P. Act, upto the qualifying date. Its proviso further stipulates that amendments, transpositions, deletions and inclusions made under Sections 22 and 23 of the R.P. Act up to the date of election notification shall be carried out in the electoral roll of the Gram Panchayat.

(c) The Supreme Court of India, in the order dated 09.10.2026 in SLP (C) No.35791 of 2026, clarified that if the final electoral roll

prepared by the Election Commission of India, upon completion of the Special Intensive Revision is published before the date of election notification by the State Election Commission, such revised electoral roll shall be treated as the final electoral roll for conducting elections and in the event, the revised electoral roll is not published before the election notification, the elections shall be conducted on the basis of the previously existing electoral roll in accordance with Sections 11 and 12 of the A.P.P.R. Act. Under the similar circumstances, this High Court in W.P.No.30781 of 2026, dated 10.11.2026, ordered that the publication of the Photo Electoral Roll in respect of the subject Gram Panchayat shall be in accordance with the provisions of Section 11(1) of the A.P.P.R. Act and the instructions in the Circular dated 14.10.2026 issued by the State Election Commission in this regard.

3. Heard Sri V.Sai Kumar, learned counsel for the petitioner and Sri N.Ashwani Kumar, learned Standing Counsel representing the Andhra Pradesh State Election Commission and learned Assistant Government Pleader for Panchayat Raj and Rural Development, who appeared online.

4. Though the relief claimed is a little different, learned counsel for the petitioner, finally concluded his arguments saying that the order as in the W.P.No.30781 of 2026 may be passed in this Writ Petition as well, because the facts are identical. Learned Standing Counsel representing the A.P.S.E.C. submitted that there is no objection for such a relief being granted, but no other relief can be granted as it is the realm of the Election Commission of India regarding the electoral roll for any kind of change.

5. Considering the submissions of both sides, the Writ Petition is disposed of on the same lines as in the order in W.P.No.30781 of 2026, by directing the respondent No.2/the Andhra Pradesh State Election Commission that the publication of the Photo Electoral Roll in respect of the subject Gram Panchayat shall be in accordance with the provisions of Section 11(1) of the Andhra Pradesh Panchayat Raj Act, 1994 and by taking into consideration the Circular instructions dated 14.10.2026 issued by the respondent No.2 in this regard.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dt. 14.11.2026 **B.S. BHANUMATHI, J.**
SCS