**W.P.(SR).No.48240 of 2026**

**ORDER:**

This petition is filed under Article 226 of the Constitution of India to declare the action of the respondents, particularly the respondent Nos.2 to 6, in raising any objection to the petitioner's candidature or in refusing to receive, consider or accept her nomination for the forthcoming elections to the Kavali Municipality as illegal, arbitrary, discriminatory and contrary to the principles of natural justice.

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

The correct name of the petitioner is Makke Durga Bhavani as is reflected in her identity cards like Aadhar card and Rice card (ration card). Whereas, her surname name was wrongly recorded as Mokka Durga Bhavani in the electoral list. She is an aspirant to contest the election to a Counselor for Kavali Municipality. Due to the error in the surname recorded in the electoral role, she approached this court by filing this writ petition as it is likely to be taken as an objection for her candidature. The petitioner submitted an application in Form-8 to the Election Commission of India for correction of the name on 13.11.2026. Initially, the petitioner has not impleaded the Election Commission of India as a party. Therefore, IA No.02/2026 was filed to implead the Election Commission of India. After hearing both sides, the petition has been allowed today.

**3.** Heard Sri V.Sai Kumar, learned counsel for the petitioner, Ms.K.Thanusha, learned counsel, representing the learned standing counsel for

the Election Commission of India, and Sri N. Aswini Kumar, learned standing counsel for the State Election Commission and the officers relating to the elections.

**4.** The learned counsel for the petitioner submitted that as per Rule 9(2) and 12 of the Andhra Pradesh Municipalities / Nagara Panchayats (Conduct of Elections for Chairpersons and Ward Members in Municipalities and Nagara Panchayats) Rules, 2026, the R.D.O., who is the Election Officer / Returning Officer has discretion to consider the relevant material, if there is any typographical error or the same kind and accept the nomination.

**5.** The learned standing counsel for State Election Commission submitted that the petition is premature as she has not even filed nomination yet and this court, while exercising jurisdiction under article 226 of the constitution of India, does not interfere in the matters of election and that the Returning Officer has absolute discretion to consider and abides by the rules which were cited in the arguments of the learned counsel for the petitioner.

**6.** In reply, the learned counsel for the petitioner submitted that he has oral instructions that the petitioner has submitted an application today and therefore, it may not be a premature approach and requested to pass appropriate order.

**7.** For the purpose of clarity, the relevant provisions are excerpted herebelow:

*"**9. Verification of Entry in the Electoral Roll** :-*

*(1) On the presentation of a nomination paper, the Election Officer or other authorized person referred to in sub-rule (4) of Rule 8 may require the person or persons presenting the same to produce a copy of the electoral roll in which the candidate and his proposer are registered or the necessary entries therein and shall satisfy himself that the name and number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll.*

*(2) The Election Officer may so interpret an entry in the electoral roll, as to overlook merely clerical or printing errors but he shall record the interpretation adopted by him together with the reasons therefor."*

*"**12. Scrutiny of Nomination Papers** :-*

*(1) On the date appointed for the scrutiny of nominations, the candidates, their election agents, one proposer of each candidate and one other person duly authorized in writing by each candidate and no other person, except for the purpose of assisting the Election*

*Officer may attend at such time and place as may be specified under Rule 11 and the Election Officer shall give such persons all reasonable facilities to examine the nomination papers of all candidates which have been received within time.*

*(2) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary reject any nomination on any of the following grounds:*

*(i) that the candidate is ineligible for election under Sections 13, 13-A, 14, 15, 15A and 15B of the Act; or*

*(ii) That the proposer is a person whose name is not registered in the electoral roll of the concerned ward; or*

*(iii) that there has been any failure on the part of the candidate or his proposer to comply with any of the provisions of Rules 8 and 10; or*

*(iv) that, in case the seat is reserved for any community or for women, the candidate does not belong to that community or is not a woman, as the case may be;*

*Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer as entered on the electoral roll, if the identity of the candidate or proposer as the case may be, is established beyond reasonable doubt:*

*Provided further that the Election Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.*

*(3) …*

*(4) …"*

**8.** Keeping in view limitations on the jurisdiction of this court under Article 226 of the Constitution of India in matters relating to elections, the Writ Petition is disposed of observing that the Election Officer i.e., the respondent No.6 would strictly follow the rules 9(2), and 12(2), particularly its proviso, of the Andhra Pradesh Municipalities / Nagara Panchayats (Conduct of Elections for Chairpersons and Ward Members in Municipalities and Nagara Panchayats) Rules, 2026, during the scrutiny of the nomination of the petitioner, if any submitted, and is in accordance with law in all other respects. There shall be no order as to costs.

As a sequel there to, the miscellaneous applications if any shall stand closed.

**JUSTICE B.S.BHANUMATHI**

Dt.15.11.2026.
KSK