S.R.No.48244 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.1 and the concerned electoral authorities in processing and disposing of the petitioner's form VIII application dated 14.11.2026 wherein acknowledgment No.S0111408C1411261200003 filed under Rules 13(3) and 26 of the Registration of Electors Rules, 1960, seeking correction of her name and photograph in the existing electoral roll and issuance of a corrected electoral photo identity card as illegal, arbitrary, and consequently direct the respondents to forthwith consider and dispose of the petitioner's application and issue fresh electoral photo identity card within such time as may be fixed by this court, preferably before the last date of filing nominations i.e., 16.11.2026 and further direct and the concerned returning officer and other election authorities not to reject, refuse to receive or treat her nomination as invalid solely on account of the illegible, defective or distorted photograph on her election photo identity card and to pass any other order as is necessary to do justice.

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

The petitioner is a registered voter and an elector in the 114-Kavali Assembly Constituency, A. P. The Election Commission of India/Respondent no.1 issued an electoral photo identity card bearing EPIC No.BZT1898709 to the

petitioner. The photo thereon is extremely unclear, distorted and does not reflect the actual appearance of the petitioner. The defect is attributable to the issuing authority. The identity particulars of the petitioner are correctly established through her Aadhar Card and Rice Card issued by the competent authorities. The name of the petitioner reflected in them is “Samadhi Lakshmi”, but it was recorded as “Lakshmi Samadhi” in the electoral photo identity card and the electoral application. Such variation does not create any ambiguity. In order to rectify the above said defects and to avoid complications during the ensuing elections, the petitioner, as a matter of abundant caution, on 14.11.2026 successfully submitted an application in Form-8 under Rules 13(3) and 26 of the Registration of Electors Rules, 1960, along with necessary supporting documents, through the official website maintained by the Election Commission of India, vide acknowledgment No.S0111408C1411261200003. So far no final decision has been communicated to the petitioner. She intends to contest in the ensuing elections. Under these circumstances this writ petition was filed.

3. Heard Sri V.Sai Kumar, learned counsel for the petitioner. Mrs.K.Thanusha, learned counsel, representing the learned standing counsel for the Election Commission of India, and Sri Trinath Kolla, learned counsel, representing the 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 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 representing State Election Commission submitted that the State Election Commission adopts the electoral roll prepared by the Election Commission of India and any changes made up to the date of notification for election will be considered and thereafter no changes shall be made as per Section 11 of the Municipalities Act, 1965 whereas in the present case, since notification had been issued and the application of the petitioner for corrections in the election photo identity card has not be finalised, no changes can be made. He further submitted that 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 the petitioner requests to pass appropriate order by this Court giving the Election

Officer suitable directions to follow the rules cited above while considering the nomination without any deviation.

7. For the purpose of clarity, the relevant provisions of Rules 9 and 12 of the Andhra Pradesh Municipalities / Nagara Panchayats (Conduct of Elections for Chairpersons and Ward Members in Municipalities and Nagara Panchayats) Rules, 2026, and Section 11 of the A. P. Municipalities Act, 1965 are excerpted herebelow:

> *"**9. Verification of entry in the electoral roll** :-*
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> *(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) …"

"11. Preparation and publication of electoral roll for a municipality.

(1)The electoral roll for a municipality shall be prepared and published by the person authroised by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll for a municipality shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for a municipality shall consist of such part of the electoral roll for the Assembly constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, up to qualifying date as relates to municipality or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or Section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the municipality and any such names included shall be added to the part relating to the concerned ward.

Explanation. - When in the case of any Assembly Constituency there is no district part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.”

8. As rightly submitted by the learned counsel representing SEC, since the application of the petitioner has not yet been decided for rectifications, and admittedly the election notification was issued, even if any change in her electoral photo identity card is made by the Election Commission of India, no change can be made by the State Election Commission at this juncture. The only remedy is with the discretion of the Election Officer, while considering the nomination of the petitioner as per the Rules 9(2) and 12(2) noted above.

9. 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 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.

10. As a sequel there to, miscellaneous application pending if any shall stand closed.

JUSTICE B.S.BHANUMATHI

Dt.15.11.2026.
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