

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

Bench
Sr.Nos:-
3 to 6
[3584]

APHC010477112026



**Writ Appeal No: 1063 of 2026
along with
W.A.Nos.1048, 1049, 1050, 1059,
1075, 1087, 1091, 1096, 1101, 1102 of 2026;
W.P.(PIL).No.44 of 2026;
W.P.Nos.8229, 7528, 24306 of 2026**

1. WRIT APPEAL NO: 1063 of 2026

Paka Suresh	...Appellant
Vs.	
Union of India and Others	...Respondent(s)

2. WRIT APPEAL NO: 1048 of 2026

Chitikina Venkateswarama	...Appellant
Vs.	
The State of Andhra Pradesh and others	...Respondent(s)

3. WRIT APPEAL NO: 1049 of 2026

Gudidesi Srinivasarao and anr.	...Appellant(s)
Vs.	
The State of Andhra Pradesh and others	...Respondent(s)

4. WRIT APPEAL NO: 1050 of 2026

K. Guravaiah and others	...Appellant(s)
Vs.	
The State of Andhra Pradesh and others	...Respondent(s)

5. WRIT APPEAL NO: 1059 of 2026

Vutukuru Nagarjun	...Appellant
Vs.	
The State of Andhra Pradesh and others	...Respondent(s)

6. WRIT APPEAL NO: 1075 of 2026

Pitta Balaji and anr.	...Appellant(s)
Vs.	
The State of Andhra Pradesh and others	...Respondent(s)

7. WRIT APPEAL NO: 1087 of 2026

Parvathareddy Chandrasekhar Reddy	...Appellant
Vs.	
The State of Andhra Pradesh and others	...Respondent(s)

- 8. WRIT APPEAL NO: 1091 of 2026**
Kalapala Ambedkar ...Appellant
Vs.
The State of Andhra Pradesh and others ...Respondent(s)
- 9. WRIT APPEAL NO: 1096 of 2026**
Narasimha Pratap Bhagavatula and anr. ...Appellant(s)
Vs.
The State of Andhra Pradesh and others ...Respondent(s)
- 10. WRIT APPEAL NO: 1101 of 2026**
Booragala Robert and anr. ...Appellant(s)
Vs.
The State of Andhra Pradesh and others ...Respondent(s)
- 11. WRIT APPEAL NO: 1102 of 2026**
P. Dasardharami Reddy ...Appellant
Vs.
Union of India ...Respondent(s)
- 12. WRIT PETITION (PIL) NO: 44 of 2026**
Thandava Yogesh ...Appellant
Vs.
The State Election Commission ...Respondent(s)
- 13. WRIT PETITION NO: 8229 of 2026**
Pulicherla Lakshamma and others ...Appellant
Vs.
The State of Andhra Pradesh ...Respondent(s)
- 14. WRIT PETITION NO: 7528 of 2026**
Lakkina Boyina Esteramma ...Appellant
Vs.
The State of AP ...Respondent(s)
- 15. WRIT PETITION NO: 24306 of 2026**
Yuvajana Sramika Rythu Congress Party ...Appellant
Vs.
The State Election Commission ...Respondent(s)

Reserved for orders on : 23.09.2026 (Writ Appeals)
24.09.2026 (Writ Petitions)
Pronounced on : 01.10.2026
Whether only operative part of the judgment is pronounced or whether full judgment is pronounced : Full

**CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN
DATE : 1st October, 2026.**

Present:

Advocate(s) for Appellant(s): Mr. S. Sriram, Id. Senior Counsel with Mr. V. R. Reddy Kovvuri(W.A.Nos.1063, 1075, 1101, 1102 of 2026),

Mr. C. Raghu, Id. Senior Counsel with
Mr. Sripathi Ravi Teja (W.A.No.1048 of 2026),

Mr. K. S. Murthy, Id. Senior Counsel with Mr.
Ponnada Sree Vyas (W.A.No.1096 of 2026),

Ms. R. Sudha Rani (W.A.No.1049 of 2026),

Mr. V. Ch. Naidu (W.A.No.1050 of 2026),

Mr. Papudippu Sashidar Reddy (W.A.No.1059
of 2026),

Mr. Medapati Santosh Reddy (W.A.Nos.1087,
1091 of 2026),

Mr. Gundala Siva Prasada Reddy
(W.P.Nos.8229, 7528 of 2026),

Mr. S. Sriram, Id. Senior Counsel with
Mr. C. Sumon (W.P.No.24306 of 2026)

Party-in-Person: Mr. Thandava Yogesh [WP(PIL).No.44 of
2026],

Advocate(s) for Respondent(s): Mr. D. Srinivas, Id. Advocate General with
Mr. D. Yathindra Dev, Id. Special GP,

Mr. Jupudi V K Yagnadutt, Id. CGC,

Mr. N. Ashwani Kumar, Id. Standing Counsel
for State Election Commission.

LISA GILL, CJ:

All the abovesaid matters i.e., eleven Writ Appeals and four Writ Petitions are being disposed of by way of common decision, as issues raised in all of them are intrinsically interlinked. Common thread which runs through all matters is regarding aspects qua holding of elections to local bodies.

2. It is to be noted that all these matters were being heard in continuum. Writ Appeal Nos.1063, 1048, 1049, 1050, 1059, 1075, 1087, 1091, 1096, 1101, 1102 of 2026, were reserved for decision on 23.09.2026 and W.P.(PIL).No.44 of 2026, W.P.Nos.8229, 7528, 24306 of 2026 were reserved on 24.09.2026.

3. All the abovesaid writ appeals arise from a common order dated 03.09.2026 passed by learned Single Bench whereby writ petitions filed for challenging proposed action of respondent-State in undertaking delimitation process of various Municipal Corporations and Municipalities in State on the ground of being illegal, arbitrary and violative of circulars issued by Registrar General and Census Commissioner of India, besides being contrary to provisions of Census Act, 1948, Articles 243R, 245 246, 254, 256 and 257 of Constitution of India, Census Rules 1990, Andhra Pradesh Municipalities

(Delimitation of Nagar Panchayats and Municipalities into Wards) Rules, 1994, and other applicable laws, were dismissed.

4. It is to be noticed at this stage that learned Advocate General had pointed out that consequent to dismissal of writ petitions on 03.09.2026, fresh notifications had been issued, objections called for and process of delimitation has already been carried out; notifications in respect to various local bodies have been issued between 14.09.2026 and 17.09.2026, therefore, present appeals are rendered infructuous. This was refuted by Mr. S. Sriram, learned Senior Counsel and other learned counsel representing appellants while submitting that incase this issue is not decided it would lead to perpetuating an illegality committed by respondents.

5. **Writ Petition (PIL) No.44 of 2026** has been filed in public interest seeking a declaration that non-issuance of election notification by State Election Commission for conduct of Gram Panchayat Elections for 13,325 Gram Panchayats in State of Andhra Pradesh whose term has expired on 02.04.2026 and 123 Urban Local Bodies, whose term has expired on 17.03.2026, to be illegal, arbitrary and in violation of Articles 14, 243E, 243B, 243K, 243U, 243Q, 243ZA and Article 40 of Constitution of India. Petitioner seeks a direction to respondents to issue election notification immediately and complete election process strictly in accordance with Articles 243E3, 243U3 of Constitution of India.

6. **Writ Petition No.8229 of 2026** has been filed by erstwhile elected Sarpanches, seeking a direction to respondents to hold elections to Gram Panchayats, immediately, in accordance with Constitutional mandate. They further seek a direction to allow them to continue as Sarpanches till next elected Sarpaches are appointed, besides directing release of funds to Local Bodies.

7. **Writ Petition No.7528 of 2026** has been filed by erstwhile elected Chairman of Addanki Municipality who seeks a direction to respondents to hold elections to Urban Local Bodies, immediately, in accordance with Constitutional mandate and also seeks a direction to allow her to continue as Chairman, till next elected Chairman is appointed, besides directing release of funds to Local Bodies.

8. **Writ Petition No.24306 of 2026** has been filed for declaring action of State Election Commission in initiating and proceeding with process of election to Urban Local Bodies and Rural Local Bodies in State of Andhra Pradesh including preparation and publication of Ward electoral rolls with reference to 01.01.2026 as qualifying date, before completion of Special Intensive Revision of Electoral Rolls undertaken by Election Commission of India, to be illegal, arbitrary and unconstitutional.

9. It is pleaded in W.P.No.24306 of 2026 that before adoption of final electoral rolls, to be published on completion of Special Intensive Revision, State Election Commission should not initiate or notify the process of election

to Urban Local Bodies (ULBs) or Rural Local Bodies (RLBs) and that Ward electoral rolls should be prepared with reference to said final electoral rolls.

Writ Appeal Nos. 1063, 1048, 1049, 1050, 1059, 1075, 1087, 1091, 1096, 1101, 1102 of 2026

10. The writ appeals are taken up first for adjudication. It was agreed by learned counsel for parties that reference to facts of individual writ appeals is not required, as there are common questions of law which arise for adjudication, which are as under:

“(i) Whether the State could undertake the exercise of delimitation after declaration of freezing of boundaries of administrative units for Census-2027 *vide* Circular No.1 dated 13.08.2025, issued by Registrar General and Census Commissioner, India, Census Division?

(ii) Whether the action of State suffers from vice of repugnancy inasmuch as action taken by State under Andhra Pradesh Municipalities Act, 1965 and Andhra Pradesh Municipal Corporations Act, 1994, is in violation of and in conflict with Central legislation that is the Census Act, 1948 and Census Rules, 1990?”

11. Brief facts necessary for adjudication of these appeals are that appellants/ writ petitioners filed writ petitions for declaring G.O.Ms.No.64, Municipal Administration and Urban Development(G) Department, dated 24.03.2026, Circular in Roc.No.13032/2/2026/H1-V, dated 01.04.2026, revised schedules dated 07.04.2026, 25.04.2026 and all action taken in

pursuance thereof to be unconstitutional, illegal, arbitrary and violative of Census Act, 1948, Articles 243R, 245, 246, 254, 256 and 257 of Constitution of India, Census Rules, 1990, Andhra Pradesh Municipalities (Delimitation of Nagar Panchayats and Municipalities into Wards) Rules, 1994 and Census of India/2027/Circular No.1 vide No.9/36/2017-CD(CEN), dated 13.08.2025.

12. It is the case of writ petitioners that Circular No.1, dated 13.08.2025, was issued by Registrar General and Census Commissioner of India, Census Division in respect to planning for Census-2027, jurisdictional changes and lists of Districts, Tehsils/ Talukas/ C.D. Blocks, towns and villages. *Vide* said circular, it was directed that there would be freezing of boundaries of administrative units for Census-2027 from 01.01.2026 up to 31.03.2027. It was directed that all jurisdictional changes as may be required should be made on or before 31.12.2025. State, in fact, fully endorsed and followed circular dated 13.08.2025, but somehow notwithstanding issuance of said circular, Commissioner and Director of Municipal Administration issued circulars dated 01.04.2026 and 07.04.2026 directing an elaborate Ward delimitation exercise for 13 Municipal Corporations, Municipalities and Nagar Panchayats commencing from 02.04.2026. It is stated that there was complete bypass of Circular dated 13.08.2025 which imposed freezing of all administrative boundaries including Ward boundaries with effect from 01.01.2026 till 31.03.2027.

13. It was contended by writ petitioners that Parliament has exclusive legislative power over subject of Census. Census Rules 1990, promulgated

under Census Act, 1948 are applicable and State does not have power to undertake process of delimitation in the wake of specific directions by Census Commission for freezing of boundaries of Wards. Circular, dated 13.08.2025, it is stated, carries statutory force under Rule 12 of Census Rules, 1990. Commissioner and Director of Municipal Administration were fully aware of said directions as is evident from letter dated 10.09.2025, to all Collectors and District Magistrates, communicating direction of Central Government regarding freezing of boundaries and directing that all proposals for change in boundaries be finalized and implemented on or before 31.12.2025 and that no changes whatsoever in boundaries of administrative units shall be made during freeze period from 01.01.2026 to 31.03.2027. However, despite the same, impugned circulars were issued in complete and flagrant violation of law.

14. Strength of existing Wards in some Municipal Corporations was sought to be enhanced, which it was contended, affected electoral rights of writ petitioners. Furthermore, Census-2027, Phase I, House Listing and Houses Census, is scheduled from April, 2026 to September, 2026. Ward boundaries serve as a basis for delineating census enumeration block. Any change in Ward boundaries during Phase 1 operations would necessarily disrupt already commenced process of mapping enumeration blocks, creating duplication and omissions in census coverage. Such disruptions to foundational data infrastructure of Census-2027 would cause irreparable harm to data integrity, affecting governance, welfare allocation and Parliamentary delimitation for a

decade. Census data integrity would be compromised. Thus any changes made by process of delimitation in existing Wards after 31.12.2025 should not be permitted.

15. Writ Petitions were opposed by State on ground that Census operation is not in any manner concerned with process of delimitation. Neither Census Act, 1948 nor Census Rules, 1990, empower Census Commissioner to issue circulars prohibiting delimitation of Wards. Rule 8 (iv) of Census Rules, 1990 is in regard to administrative boundaries of Districts, Tehsils, Towns etc. and cannot be enlarged to include a Ward. Nomenclature of an administrative unit cannot be extended to a Ward. Various other grounds were raised.

16. Learned Single Bench on considering facts and circumstances found no merit in the writ petitions which were accordingly dismissed. It was held that Circular dated 13.08.2025 issued by Central Government freezing boundaries of administrative units for Census-2027 has to be considered only for purpose of Census and collection of Census data and cannot be made applicable to delimitation of Wards which cannot be taken to be an Administrative Unit. It is the Municipality or Municipal Corporation which has to be considered to be an administrative unit for issuance of administrative orders. Administrative unit is distinct from a Ward. Geographical area or territorial limits of Municipality/ Corporation would remain unchanged on account of delimitation of Wards and said process has no concern with ongoing Census. Aggrieved therefrom, present appeals have been filed.

17. As noted in foregoing paragraphs, learned Advocate General had submitted that on dismissal of writ petitions on 03.09.2026 fresh notifications had been issued calling for objections from all stakeholders and subsequent thereto, process of delimitation has been carried out. Thus, rendering present appeals infructuous.

18. Mr. S. Sriram, learned Senior Counsel, representing appellants eloquently denied the same while submitting that basic question as raised by writ petitioners still survives for adjudication. We are inclined to accept the same and hold that writ appeals are not rendered infructuous only by way of issuance of subsequent notifications as above, therefore, proceed with adjudication of the matter.

Submissions on behalf of writ appellants:

19. Arguments as addressed before learned writ Court were reiterated by learned Senior Counsel representing appellants. It was submitted that issue of permissible interplay between Entry 69 in List I and Entry 5 in List II of Constitution of India does not permit of process of delimitation being undertaken by State in given circumstances. Pursuant to issuance of Circular dated 13.08.2025, State itself at first instance had issued follow up circulars dated 10.09.2025, 16.09.2025 and all authorities were working in tandem and for reasons unknown, there was a sudden U-turn by the State with issuance of impugned circulars. It was submitted that Wards in year 2019 had been fixed on basis of 2011 Census. Even as on date, it is population figures of 2011,

which have to be taken into account for purpose of delimitation. It was contended that there has been an increase in number of Wards in 13 Municipal Corporations. Very basis thereof is also missing.

20. It was argued that, first and foremost, process of delimitation itself could not have been carried out and furthermore there is no basis for increase of Wards as has been done by respondent-State.

21. It was reiterated that action of respondent-State is absolutely illegal as exercise of delimitation after declaration of freezing of boundaries of administrative units *vide* circular dated 13.08.2025, was not permissible. It was vociferously contended by all learned counsel for appellants that it is a 'Ward' which is the administrative unit and bare reading of Rule 8(iv) of Census Rules, 1990 clearly indicates the same.

22. Learned Single Bench, it was submitted, has erred in holding that 'Ward' cannot be accepted as an administrative unit. It was asserted that Rule 8(iv), Census Rules, 1990 provides 'freezing of administrative boundaries of districts, tehsils, towns etc. from the date to be intimated by Census Commissioner', which in the present case is 01.01.2026 to 31.03.2027. When provision is read *ejusdem generis*, the term 'etc.' clearly indicates inclusion of a 'Ward' in Rule 8(iv) of Census Rules, 1990. Reference was also made to definition of 'Wards Committee' in Section 2(g) of the Andhra Pradesh Municipal Corporations Act, 1994, (for short, APMCA, 1994) to submit that it is the Ward which is the administrative unit.

23. Mr. C. Raghu, learned Senior Counsel representing appellant in W.A.No.1048 of 2026, submitted that, in respect to Machilipatnam Municipal Corporation, Wards have been increased to 60 without any basis. Other learned counsel also pointed out that there is no substratum for increase in number of wards. By placing reliance on proviso to Rule 3 of Andhra Pradesh Municipal Corporations (Fixation of Strength of Elected Members) Rules, 2005 issued in G.O.Ms.No.328, dated 20.04.2005, it is contended that number of wards within Municipal Corporation area cannot be altered till next census are finalized, thus increase of wards from 50 to 60 is clearly contrary to said Rules. While interrupting submissions, learned Advocate General brought to our notice that after dismissal of writ petitions, Government has issued G.O.Ms.No.176, Municipal Administration & Urban Development (G) Department, dated 12.08.2026, whereby proviso (ii) under Rule 3 came to be omitted, thus there is no impediment for State now to increase number of wards.

24. Mr. K. S. Murthy, learned Senior Counsel, representing appellants in W.A.No.1096 of 2026 expresses an apprehension that process of delimitation may adversely impact collection of data in respect to Phase I of Census-2027 i.e. house listing and houses census which commenced from April, 2026 and to be completed in September, 2026. It was submitted by all learned counsel for appellants that there is no attempt on part of any of appellants to stall elections. Only anxiety was to maintain purity thereof and ensure that elections to local bodies are carried out in accordance with law. Learned

counsel for appellants thus sought setting aside of impugned order dated 03.09.2026 and for conduct of elections on the basis of existing Wards. Learned counsel for all appellants thus prayed that appeals be allowed; impugned order dated 03.09.2026 be set aside and writ petitions be allowed as prayed for. To support and buttress aforesaid submissions, reliance was placed on judgment of High Court of Madhya Pradesh rendered in the case of **Naresh Singh Chouhan vs. The State of Madhya Pradesh and others**, in WP-10222-2021 (PIL).

Submissions on behalf of respondents in Writ Appeals:

25. Learned Advocate General while reiterating arguments as raised before learned Single Bench sought dismissal of appeals. It was reiterated that no legal right of any of appellants has been affected, as delimitation of Wards does not impact their right to either vote or contest municipal elections. It was asserted that Circular No.1, dated 13.08.2025, comprises of executive instructions and that there is no provision prohibiting delimitation of municipal Wards when the boundaries of administrative unit are not in question. In other words delimitation or re-division of Wards within unchanged external boundaries of a municipality does not alter the identity or territorial extent of that “administrative unit” nor affects census enumeration. There is thus no contravention of Rule 8 (iv) of Census Rules, 1990 nor is there any impediment in Census-2027 operations and that there is no question of integrity of data collection being compromised. It was asserted that delimitation of municipal Wards falls within State’s exclusive legislative

domain. Learned Advocate General also submitted that Writ Petitions are not maintainable in view of specific bar as contained in Article 243ZG of Constitution of India. Dismissal of appeals was sought.

26. We heard learned counsel for parties at length and perused the files carefully.

Analysis and Conclusion in Writ Appeals:

27. In regard to question of legislative competence of State, it is to be noticed that Entry 5 in List II of Seventh Schedule and Articles 243ZA(2) and 243ZG(a) of the Constitution of India vest the State Legislature with authority over Municipal Elections including delimitation of Wards and allotment of seats. There was no serious challenge to legislative competence of State to carry out process of delimitation as such. It is thus held that action taken by State for delimitation of Wards and allotment of seats is well within its legislative competence.

28. It was further argued by learned counsel for appellants that action so taken by State is in direct contradiction and violation of Census Act, 1948 and Rule 8 of Census Rules, 1990, in view of circular dated 13.08.2025, which has been issued for freezing boundaries of administrative units in terms of Rule 8(iv). At this stage, it is useful to refer to Rule 8 of Census Rules, 1990, which reads as under:

“8. Notifications, Orders and Instructions to be issued by State Government - The State Governments and the Union territory Administrations shall;

(i) republish the intention of taking a census notified by the Central Government in their State or Union territory Gazettes;

[(ia) republish the census schedules and questionnaires notified by the Central Government in their States or Union Territory Gazettes.]

(ii) publish a notification directing the public to cooperate in furnishing accurate and unambiguous information in respect of the questions that may be put to them through census alongwith an extract of penalties prescribed under section 11 of the Act;

(iii) republish in the gazette the reference date for the census and the period during which houselisting operations and population census will take place under section 3 of the Act;

(iv) freeze the administrative boundaries of districts, tehsils, towns, etc. from the date to be intimated by the Census Commissioner which shall not be earlier than one year from the census reference date and till the completion of the census; (Emphasis added)

(v) nominate a senior officer of the State Government at State Head Quarters as Nodal officer to liaise between Director of Census Operations and other Officers in Census work;

(vi) impose restrictions on the Head of Department/ Officer on the transfer of officers/ officials once appointed as Supervisor/ Enumerator, without the proper consent of Principal/District Census Officer; and

(vii) give wide publicity of the census through radio, audiovisuals, posters etc."

29. As per Rule 8(iv) of Census Rules, 1990, State Government is enjoined upon to freeze administrative boundaries of Districts, Tehsils, Towns, etc. from the date to be intimated by Census Commissioner, which shall not be earlier than one year from Census reference date and till completion of Census.

30. In the present case, boundaries of administrative units were directed to be freezed from 01.01.2026 till 31.03.2027, *vide* Circular dated 13.08.2025. Admittedly, there is no definition of the term 'Ward' in Census Act. It is so defined in Andhra Pradesh Municipal Corporations (Delimitation of Wards) Rules, 1996, as under:

“2(v) ‘Ward’ means the Territorial Constituency for the conduct of Elections for the offices of members to the Corporation.”

31. Thus as per Rule 2(iii) of Andhra Pradesh Municipalities (Division of Nagar Panchayat and Municipalities into Wards) Rules, 1994, Ward means territorial constituency in a municipal area.

32. Issue raised was that, in view of freezing date, as announced *vide* circular dated 13.08.2025, process of delimitation by State is in violation to Central Act, therefore, unsustainable. For this purpose, argument raised was that a Ward is an administrative unit, therefore, would fall within the ambit of Rule 8(iv) of Census Rules, 1990.

33. In this context, reference can be made to Part IX-A of Constitution of India. Article 243P, detailing relevant definitions reads as under:

***“Article 243P: Definitions-** In this Part, unless the context otherwise requires:-*

(a) “Committee” means a Committee constituted under article 243S;

(b) “district” means a district in a State;

(c) *“Metropolitan area” means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;*

(d) *“Municipal area” means the territorial area of a Municipality as is notified by the Governor;*

(e) *“Municipality” means an institution of self government constituted under article 243Q;*

(f) *“Panchayat” means a Panchayat constituted under article 243B;*

(g) *“population” means the population as ascertained at the last preceding census of which the relevant figures have been published.”*

34. Article 243Q of Constitution of India provides for constitution of Municipalities and reads as under:

“Article 243Q: Constitution of Municipalities- (1) *There shall be constituted in every State,*

(a). *a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;*

(b). *a Municipal Council for a smaller urban area; and*

(c). *a Municipal Corporation for a larger urban area,*

in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other

factors as he may deem fit by public notification, specify to be an industrial township.

(2) In this article, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part."

35. Article 243S of Constitution of India provides for constitution and composition of Wards Committees etc. and reads as under:

"Article 243S: Constitution and composition of Wards Committees, etc.- (1). *There shall be constituted Wards Committees, consisting of one or more Wards, within the territorial area of a Municipality having a population of three lakhs or more.*

(2). The Legislature of a State may, by law, make provision with respect to –

(a). the composition and the territorial area of a Wards Committee;

(b). the manner in which the seats in a Wards Committee shall be filled.

(3). A member of a Municipality representing a Ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4). Where a Wards Committee consists of –

(a). one Ward, the member representing that Ward in the Municipality; or

(b). two or more Wards, one of the members representing such Wards in the Municipality elected by the members of the Wards Committee,

shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the Constitution of Committees in addition to the Wards Committees.”

36. Perusal of abovesaid provisions clearly indicates that it is a ‘Municipality’ be it a transitional area, Municipal Council or Municipal Corporation that is an administrative unit of an Urban Local Body within Part IX-A, Constitution of India. A Ward is a territorial division within such Municipality and does not in its own right constitute an independent administrative unit. It is the Municipality which is vested with attributes of local self government.

37. Provision of Ward Committees as such does not indicate that administrative unit would be a Ward. For all intents and purposes, administrative unit is a ‘Municipality, Nagar Panchayat, Municipal Council or a Municipal Corporation’. Therefore, to say that Rule 8(iv) of Census Rules, 1990, brings within its ambit a Ward by virtue of insertion of term ‘etc.’ after words ‘districts, towns & tehsils’ in Rule 8(iv) above, is not tenable or correct.

38. Reference by learned counsel for appellants to Section 2(g) of APMCA, 1994, wherein a Wards Committee is defined, is also of no avail to them. As per Section 2(g) of APMCA, 1994, Wards Committee means a Committee

constituted under Section 10 of said Act. Section 10 of APMCA, 1994 reads as under:

“Section 10 - Constitution powers and function of the Wards Committees:-

(1) There shall be constituted by the Government, by order, such number of Wards Committees to the Corporation as may be determined by them, so however, that each Wards committee shall consist of not less than ten Wards:

Provided that in constituting Wards Committees the Government shall maintain geographical contiguity as far as possible.

(2) Each Wards committee shall consist of the members elected from the Wards for which the Wards Committee is constituted:

Provided that such officers of the Corporation as the Commissioner may specify shall attend the meetings of the Wards Committee and shall have the right to speak in and otherwise to participate in the meetings of the Wards Committee but shall not have the right to vote.

(3) The Chairperson of the Wards committee shall be elected by the Wards thereof from among themselves in the prescribed manner. He shall hold office for a period of one year from the date of election and shall be eligible for re-election.

(4) The Chairperson shall cease to hold office if he ceases to be a member of the Wards Committee. Any casual vacancy in the office of the Chairperson shall be filled by election of another Chairperson from among the elected Members of the Wards Committee, as soon as may be, after the occurrence of the vacancy.

(5) The powers and the function of the Wards committee and the manner of conduct of business at its meetings shall be such as may be prescribed.”

39. In our considered opinion, abovesaid does not in any manner bring a Ward within the ambit of an administrative unit, which makes the exercise undertaken by State for delimitation to be illegal. Reference to Clause 2 of Circular dated 13.08.2025, by learned counsel for appellants, to suggest that a Ward is an administrative unit, is devoid of any merit. Clause 2 of Circular dated 13.08.2025 reads as under:

“2. The basic purpose of the census being enumeration of all individuals in the country without any omission or duplication, preparation of a complete and updated list of all territorial entities in the entire country well in advance of the next census is required. It is needless to mention that each state or union territory is divided into districts, each district into sub-districts/tehsils/talukas/-/community development blocks etc. and further into towns/wards in urban areas and villages in rural areas. As such, an important preparatory work in connection with the Census 2027 is to collect and compile the details of all the jurisdictional changes that have occurred so far after the Census 2011 and that will occur hereafter till the freezing of the boundaries of the administrative units for Census 2027, i.e. up to 31st December, 2025. The jurisdictional changes may include any of the changes listed below:

- a) Creation of new districts.*
- b) Change in jurisdiction of existing districts.*
- c) De-notification of existing districts.*
- d) Creation of new sub-districts.*
- e) Change in jurisdiction of existing sub-districts.*
- f) De-notification of existing sub-districts.*
- g) Creation of new village by splitting/merging of existing village.*
- h) Change in jurisdiction of existing town area.*

- i) Exclusion of areas from town.*
- j) Notification of new town.*
- k) De-Notification of existing town.*
- l) Change in name/spelling of the above entities.*
- m) Change in the ward boundaries of a town.*
- n) Any other jurisdictional changes.”*

40. Once from reading of the Constitution of India, it is clear that it is 'Municipality' that has been treated as an administrative unit, reliance on sub-clause (m) of Clause 2 above, being a part of executive instructions dated 13.08.2025, cannot help in advancing the case of appellants. View expressed in **Naresh Singh Chouhan vs. The State of Madhya Pradesh and others (supra)** that, Rule 8(iv) of Census Rules, 1990 includes even Wards as administrative unit within municipal area, merely proceeded on interpretation of Rule 8(iv) of Census Rules, 1990 without examining substantive provisions of Census Act, 1948 and Constitutional Scheme and thus we are not in agreement with the opinion so expressed.

41. In the given facts and circumstances, it has been correctly held by learned Single Bench that a Ward cannot be considered to be an administrative unit, in a municipality or a corporation, as there is no separate office establishment for each of the Wards in any of the Municipalities or Municipal Corporations. Wards thus collectively form Municipality or Corporation which is an administrative unit for all purposes. Therefore, Rule 8(iv) of Census Rules, 1990, cannot be read to mean and include a Ward. Administrative boundary of District/ Tehsil/ Town has admittedly not been changed, in other words existing boundaries of administrative units remain the

same. In view of the discussion above, the process of delimitation of Wards cannot have an impact on the data integrity of the Census.

42. Learned counsel for appellants were unable to point out any ground whatsoever, which calls for interference in exercise of appellate jurisdiction to set aside impugned order dated 03.09.2026. Writ Appeals are accordingly dismissed. No costs.

W.P.(PIL).No.44 of 2026, W.P.Nos.8229 and 7528 of 2026

Submissions on behalf of petitioner(s):

43. Writ Petition (PIL).No.44 of 2026 was filed in February, 2026, with following prayer:

“to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the non-issuance of Election Notification by the first Respondent to conduct Gram Panchayat elections for 13,325 Gram Panchayats in the State of Andhra Pradesh whose term is going to expire on 02.04.2026 and 123 Urban local bodies whose term is going to expire on 17.03.2026 as mandated under Art. 243E read with 243B, 243K and 243U read with 243Q, 243ZA of Constitution of India is unconstitutional, arbitrary, illegal and violation of Art. 14, 243E, 243B, 243K and 243U, 243Q, 243ZA and Art 40 of the Constitution of India and a threat to the very foundation of Representative Democracy in Local Bodies as Envisaged in the Constitution of India and Direct the Respondents To issue Election Notification to conduct elections to 13,325 Gram Panchayats whose term is going to expire on 02.04.2026 and 123 Urban local bodies whose term is going to expire on 17.03.2026 in the State of Andhra Pradesh and complete the Election Process strictly in accordance with Article 243E3 and 243U3 of Constitution of India and to pass such other order or orders as this Hon’ble Court

deems just in the circumstances of the case and in the interest of justice”

44. Mr. Thandava Yogesh, appearing as party-in-person in W.P.(PIL).No.44 of 2026, vehemently argued that constitutional mandate of holding elections within stipulated period has been violated, which in itself constitutes a threat to the very foundation of representative democracy in local bodies as envisaged in Constitution of India. It was contended that it is the duty of State Election Commission to take necessary steps, well within time, for timely conduct of elections to local bodies. While referring to judgment of Hon'ble the Supreme Court in **Kishansing Tomar vs. Municipal Corporation of the City of Ahmedabad and others**¹, it was argued that provisions in Constitution by way of 73rd Amendment were inserted to ensure that there is no delay in constitution of local bodies on account of delay in process of election. State Election Commissions are to function independently of State Government, and in case it is felt by the Commission that it is not receiving cooperation of State Government, it would be open to State Election Commission to approach High Court in first instance and thereafter Hon'ble the Supreme Court for issuance of writ of *Mandamus* or appropriate writ for directing State Government to provide all necessary cooperation and assistance to enable fulfillment of constitutional mandate.

¹ (2006) 8 SCC 352

45. Petitioner also relied on **Suresh Mahajan vs. State of Madhya Pradesh**² to contend that conduct of election upon expiry of five years term of outgoing elected body, cannot be delayed in any eventuality, including non-completion of delimitation exercise or Triple Test Formality to ensure reservations and even Special Intensive Revision for that matter.

46. State Election Commission, it is submitted, is wanting in discharge of its duty. It was submitted by Mr. Thandava Yogesh, that in case pre-election process is not completed within stipulated time and in present case before December, 2025, as State Election Commission had determined 01.01.2026 to be qualifying date, State cannot take benefit of its own wrong. It was not open to State Election Commission to have stalled the process. Election process, it was submitted, should be carried out on basis of data/ electoral rolls as are available on 01.01.2026.

47. Mr. Gundala Sivaprasada Reddy, learned counsel for petitioners in W.P.Nos.8229, 7528 of 2026, endorsed arguments addressed by Mr. Thandava Yogesh, in W.P.(PIL).No.44 of 2026, in respect to holding of immediate and timely elections to local bodies. Additionally, he argued that appointment of special officers to manage affairs of local bodies is illegal and arbitrary. Elected representatives should be permitted to continue to carry out work of local bodies till next elections are held and next elected representatives are in place. Mandal Level Officers, who are appointed as persons in charge of two or more Gram Panchayats, are unable to handle

² (2022) 12 SCC 770

general administration of Gram Panchayats, leading to inordinate hardship to residents of village. Furthermore, it would be appropriate to allow petitioners to continue discharging the function of sarpanches (W.P.No.8229 of 2026)/ Municipal Chairman (W.P.No.7528 of 2026), so as to ensure flow of funds from Central Government.

Submissions on behalf of respondents:

48. Learned Standing Counsel for State Election Commission submitted that all necessary steps for conduct of elections have been carried out by Commission. When term of elected bodies was to expire, Commission issued letters dated 03.09.2025, requesting respondent Administration/ State to complete pre-election activities of delimitation and reservation which are in exclusive domain of State. Tentative schedule for completion of pre-election activities was also included, fixing 01.01.2026 as the qualifying date. The State Election Commission obtained Assembly electoral database from Election Commission of India.

49. Reference was made by learned counsel for State Election Commission to various communications including notification dated 06.02.2026 for preparation and publication of electoral rolls in ULBs and Gram Panchayats in the State of A.P. It was stated that respondent-State requested State Election Commission to defer preparation of electoral rolls in ULBs, to align with completion of fixation of Ward strength, delimitation of Wards and finalization of reservations by Government. Extension as sought was granted by State Election Commission. State was asked to take necessary steps for early

disposal of all Court cases filed against constitution, bifurcation of rural areas etc. of local bodies. Therefore, unless delimitation exercise was completed and reservation of seats and offices are finalized, election process could not be initiated by State Election Commission. It was submitted that delay in issuance of election notification and conduct of elections occurred on account of several pre-election activities and consequential legal and administrative impediments which are not within control of State Election Commission.

50. Learned Advocate General stated that State is committed to conduct of timely elections. Dedicated Commission, constituted *vide* G.O.Ms.No.2, Backward Classes Welfare (F) Department, dated 30.01.2023, for carrying out necessary exercise which was required, to enable the State to finalise reservations to Backward Classes, did not submit its report. One-man Commission was then constituted *vide* G.O.Ms.No.3, Backward Classes Welfare (F) Department, dated 19.02.2026, for purpose of carrying out contemporaneous rigorous empirical enquiry into the nature and implications of backwardness qua local bodies. Ultimately, G.O.Ms.No.105 Panchayat Raj and Rural Development (E&R) Department, dated 20.08.2026 and G.O.Rt.No.1065, Municipal Administration and Urban Development (G) Department, dated 19.08.2026, were issued by State in respect to reservation to backward classes. Said G.O.s were subject matter of challenge before this High Court in W.P.(PIL).Nos.194 and 201 of 2026. It was further submitted that process of delimitation has been concluded in respect to ULBs and notification in respect to various areas issued between 14.09.2026 and

15.09.2026. State is thus committed to timely and expeditious conduct of elections. The delay in conduct of elections is not due to any shortcoming on behalf of the State.

51. In respect to additional arguments raised on behalf of petitioners in W.P.Nos.8229 and 7528 of 2026, learned Advocate General submits that contentions are devoid of any merit, keeping in view Article 243E, 243F, and Section 13(1) of APPR Act. Dismissal of writ petitions was thus sought.

52. We have carefully considered the matter after perusal of files and hearing learned counsel for parties.

Analysis and Conclusion:

53. At the outset, gainful reference can be made to Article 243E and 243U of Constitution of India, which read as under:

***“243E. Duration of Panchayats, etc.-** (1)Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.*

(2)No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3)An election to constitute a Panchayat shall be completed

(a)before the expiry of its duration specified in clause (1);

(b)before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it

shall not be necessary to hold any election under this clause for constituting the Panchayat.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243U. Duration of Municipalities, etc.- *(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:*

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to Constitute a Municipality shall be completed,--

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued, under, clause (1) had it not been so dissolved.”

54. It is a matter of record that term of U.L.Bs came to an end on 17.03.2026 and Gram Panchayats on 02.04.2026. There is indeed a

constitutional mandate upon State Election Commission and State to ensure that timely elections are conducted and that State should not withhold elections of Panchayats and local bodies except in case of genuine supervening difficulties.

55. It is apparent that pre-election process as required was not carried out by State in a timely fashion. In respect to reservation for backward classes, it was stated that Dedicated Commission had been constituted in the year 2023. Report was not submitted by Commission, upon which a One-man Commission was constituted *vide* G.O.Ms.No.3 dated 19.02.2026. Report of said Commission was informed to have been submitted on 14.08.2026, which was stated to be under consideration on the date we reserved these matters for orders. Copy of report was not placed on record and neither made public yet.

56. It is to be noted that while said report of Commission was statedly pending consideration, G.O.Ms.No.105, dated 20.08.2026 and G.O.Rt.No.1065, dated 19.08.2026, were issued, purportedly on the basis of data collected under Unified Family Survey in respect to reservation for Backward Classes.

57. We have already held in our decision of even date in W.P.(PIL).No.194 of 2026 and batch that said G.Os are unsustainable as it cannot be said that said G.Os were issued on the basis of relevant material as mandated by Hon'ble the Supreme Court in the cases of **Dr. K. Krishna Murthy and**

others vs. Union of India and anr.³ and Vikas Kishanrao Gawali vs. State of Maharastra and others⁴.

58. Insofar as question of permitting elected representatives to continue holding post of Sarpanches/ Municipality Chairman, as urged in W.P.Nos.8229 and 7528 of 2026 is concerned, Article 243E specifically provides that every Panchayat unless sooner dissolved under any law for the time being in force, shall continue for a period of five years from the date appointed for its first meeting and “no longer”.

59. Similarly, Article 243U provides that every Municipality unless sooner dissolved under any law for the time being in force, shall continue for a period of five years from the date appointed for its first meeting and “no longer”.

60. Section 13(1) of Andhra Pradesh Panchayat Raj Act, 1994 (for short, “APPRA, 1994”) also provides for term of office of members elected at ordinary elections to be five years from the date appointed by Commissioner for the first meeting of Gram Panchayat after ordinary elections. Though this provision does not mention the phrase ‘no longer’, there can be no extension of the period of term of five years in violation of categoric constitutional mandate.

61. In the given facts and circumstances, petitioners in W.P.Nos.8229 and 7528 of 2026 clearly do not have any right to hold the position of Sarpanches/

³ W.P.(Civil) No.356 of 1994

⁴ W.P.(Civil) No.980 of 2019

Municipality Chairman of concerned Gram Panchayat/ Municipality beyond the period of five years as per the Constitutional mandate.

W.P.No.24306 of 2026

62. Grievance raised in this writ petition is that State should not initiate or notify process of election to Urban and Rural Local Bodies in State of Andhra Pradesh until completion of Special Intensive Revision (for short 'S.I.R.') and publication of final electoral rolls by Election Commission of India.

63. It is pleaded that Election Commission of India *vide* order dated 24.06.2025 directed Special Intensive Revision of electoral rolls. Draft electoral rolls for 175 Assembly Constituencies in State of Andhra Pradesh were published on 31.07.2026. Process of Special Intensive Revision, it was stated, is admittedly incomplete. However, State Election Commission issued notification dated 12.08.2026, in an illegal manner for preparation and publication of Ward electoral rolls for all Municipal Corporations in State by 03.09.2026, while adopting existing assembly electoral rolls, with 01.01.2026 as a qualifying date. It is further stated in this notification that said rolls are to be used for conduct of municipal elections as well as for finalization by State Government for reservation of offices of mayor and Ward members.

64. Detailed representation dated 19.08.2026, is stated to have been submitted before State Election Commissioner, bringing to fore complete facts. Magnitudes of discrepancies which have come forth have also been detailed therein. It is stated that Special Intensive Revision schedule provides

for claims and objections process, disposal of claims and publication of final electoral rolls on 03.10.2026. Unnecessary confusion would be caused among electoral registration officers, municipal authorities and voters, as names may simultaneously be under consideration for addition, deletion, correction or restoration. As per Section 11 of Andhra Pradesh Municipalities Act, 1965, (for short, "A.P.M.A., 1965") municipal electoral rolls are to be derived from relevant part of assembly rolls prepared under People's Representation Act, 1950, as revised or amended. It is prayed therein that it would thus be appropriate that municipal ward wise rolls reflect final and updated assembly rolls, rather than holding elections to local bodies on an electoral database that is still under revision. This process would ensure that only genuine eligible voters are included and deceased, duplicate, shifted or otherwise ineligible entries are dealt with according to law.

Submissions on behalf of petitioner:

65. Mr. S. Sriram, learned Senior Counsel, representing petitioner, while referring to abovesaid facts argued that State Election Commission is only to hive off data from latest Assembly electoral rolls for purpose of preparation of municipal electoral rolls. Various other arguments had been raised by learned Senior Counsel, including the question as to how and why any data other than the one available on the date of nomination should not be hived off, besides the issue of choice of qualifying date not having a rational nexus, with the purpose i.e., maintenance of purity of elections and that purity of election process should not be sacrificed at the altar of expediency in elections.

66. Learned counsel for petitioner while submitting that he is in agreement with arguments of Mr. Thandava Yogesh in Writ Petition (PIL) No.44 of 2026 that elections should be held in a timely manner, had urged that it would be imminently correct to hold elections on the basis of latest data available on the date of nominations, in order to maintain purity of elections. Mr. S. Sriram, learned Senior Counsel for petitioner, referred to Section 21 of Representation of People Act, 1950, which provides for preparation, revision of electoral rolls as well as Section 22 of Representation of People Act, 1950 providing for correction of entries in electoral rolls, besides Section 23 Representation of People Act, 1950, providing for inclusion of names in electoral rolls.

67. It was submitted that Section 21, Representation of People Act, 1950, in fact subsumes Section 22 and 23 thereof. In State of Andhra Pradesh draft electoral roll for 175 Assembly Constituencies was statedly published on 31.07.2026. It was stated that a large number of entries had not been carried out in draft electoral rolls, including a number of incorrect entries identified as duplicate, deceased or multiple registrations and substantial number of persons are recorded as permanently shifted absent or untraceable. Period for filing claims and objections stated to be running, with notice and disposal phase to follow and final electoral rolls scheduled to be published on 03.10.2026. It was contended that same territory on same date would thus have two materially different electorates, one for purpose of elections to Parliament and Legislative Assembly and another one for purpose of election to Local Bodies. Elections to Local Bodies should therefore be not continued

on the basis of the old electoral rolls. It was reiterated by Mr. S. Sriram, learned Senior Counsel that electoral roll of a Local Body in State has no independent existence and it is wholly derivative of/ hived off assembly electoral rule prepared under Representation of People Act, 1950. Reference was made to Section 11(1) of APPRA, 1994.

68. It is pertinent to note at this stage that on 24.09.2026, learned Senior Counsel representing petitioner stated before this Court that in case discrepancies as may appear, if considered and taken care of in terms of proviso to Section 11 of APPRA, 1994 and APMA, 1965 and Section 12 of Municipal Corporations Act, 1955, (for short, "MCA, 1955") writ petitioner would be satisfied, as it is not intent of petitioner to delay election process in any manner. It was thus prayed that writ petition be disposed of accordingly.

Submissions on behalf of respondents:

69. Learned Advocate General, while referring to Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000, proviso to Sections 10 and 11 of APPRA, 1994 submitted that elections have to be carried out on basis of available electoral rolls/ data. Learned counsel for State Election Commission submitted that relevant qualifying date in this matter is 01.01.2026. Reference was then made to proviso to Section 11 of APPRA, which provides for any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in electoral roll of Assembly Constituencies made by Electoral Registration Officer under

Section 22 or Section 23 of Representation of People Act, 1950, up to date of election notification, for any election held under Act, shall be carried out in electoral rolls of Gram Panchayat, and any such names shall be included. Section 11(2) of APPRA, 1994 provides that electoral roll for Gram Panchayat shall be prepared and published in prescribed manner with reference to qualifying date. It was thus submitted that apprehensions as expressed by petitioners are totally unfounded. Section 12 of Municipal Corporations Act, 1955 has a similar proviso. Section 11 APPRA, 1994 and Section 12 of MCA, 1955, are reproduced as hereunder:

“Section 11 of APPRA:- Preparation and Publication of electoral roll for a Gram Panchayat:- (1) *The electoral roll for Gram Panchayat shall be prepared by the person authorised by the Andhra Pradesh Election Commissioner for Local Bodies in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Gram Panchayat shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for the Gram Panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 (Central Act 43 of 1950) as revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof:*

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or 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, up to the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the last Ward.

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

(2) The electoral roll for a Gram Panchayat:-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date-

- (i) before each ordinary election; and
- (ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and Member of a Gram Panchayat; and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the Andhra Pradesh Election Commission for Local Bodies:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) The electoral roll published under sub-section (1) shall be the electoral roll for the Gram Panchayat and it shall remain in force till a fresh electoral roll for the Gram Panchayat is published under this section.

(4) The electoral roll for the Gram Panchayat shall be divided into as many parts as there are Wards so that each part consists of the voters residing in the concerned Ward and for this purpose the electoral roll may be rearranged if such rearrangement is found necessary.

(5) Every person whose name appears in the part of the electoral roll relating to a Ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that Ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(6) No person shall vote at an election under this Act in more than one Ward or more than once in the same Ward and if he does so, all his votes shall be invalid.

Explanation:- In this section, the expression 'Assembly Constituency' shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

Section 12 of MCA, 1955:-

12. Preparation, Revision and Publication of Electoral Roll for Corporation:-

(1) The electoral roll for the Corporation shall be prepared 59[by the person authorised by the State Election Commissioner] in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the Corporation shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for the Corporation shall consist of such part of the electoral roll for the Assembly Ward published under the Representation of the People Act, 1950 as revised or amended under the said Act, upto the qualifying date, as relates to the City or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or 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, (Central Act 43 of 1950.) upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Corporation and any such names included shall be added to the part relating to the concerned Ward.

Explanation:- Where in the case of any Assembly Ward there is no distinct part of the electoral roll relating to the City, all persons whose names are entered in such roll under the registration area comprising the City and whose addresses as entered are situated in the City shall be entitled to be included in the electoral roll for the Corporation prepared for the purposes of this Act.

(2) The electoral roll for a Corporation:-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date:

- (i) before each ordinary election; and*
- (ii) before each casual election to fill a casual vacancy in the office of the [Member of the Corporation];and*

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) The electoral roll published under sub-section (1) or the electoral roll republished under sub-section (8) shall be the electoral roll for the Corporation and shall remain in force till a fresh electoral roll for the Corporation is published under this section.

(4) The electoral roll for the Corporation shall be divided into as many lists as there are wards.

(5) Every person whose name appears in the list of the electoral roll relating to a ward shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such list of the electoral roll shall vote at any such election.

(6) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

(7) Where, after the electoral roll for the Corporation or any alteration thereto has been published under this Act, the Corporation is divided into wards for the first time or any ward of the Corporation is altered or the limits of the Corporation are varied, the electoral authority shall, as soon as may be, after such ward or alteration or variation, as the case may be, in order to give effect to the ward of the Corporation into wards or to the alteration of the ward or to the variation of the limits, as the case may be, authorize a

rearrangement and republication of the electoral roll for the Corporation or any list of such roll, in such manner as it may direct.

Explanation:- *In this section, the expression 'Assembly Constituency' shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly."*

70. Reliance was placed by learned counsel for respondent No.1/ State Election Commission on decision of this Court in **Oliver Raju Rayi and others vs. Union of India**⁵, wherein it has been held that if revision of electoral rolls for some reason or the other is not carried out, election has to be conducted on basis of existing electoral rolls.

71. Reference was also made to judgment of Hon'ble the Supreme Court in **Lakshmi Charan Sen and others (supra)**, wherein it is held that revision of electoral rolls, whether intensive or summary by Election Commission does not have effect of putting electoral roll last published in cold storage. Elections cannot be postponed for reason that certain claims and objections still remain to be disposed of and that elections cannot be postponed to await completion of Special Intensive Revision.

72. Learned counsel representing State Election Commission submits that Commission is committed to comply with provisions of Section 11 of APPRA, 1994 and A.P.M.A., 1965 and Section 12 of M.C.A., 1955, as well as all applicable provisions; in case any such discrepancy is pointed out, same would be considered and with reference to qualifying date of 01.01.2026.

⁵ W.P.(PIL).No.28 of 2021, decided on 04.02.2021

Analysis and Conclusion:

73. Having heard learned counsel for parties, it is apparent that election process cannot be stalled to await Special Intensive Revision being conducted by Election Commission of India, which is admittedly still underway. It is a settled position of law that continued operation of an electoral roll in existence on qualifying date cannot be affected by process of Special Intensive Revision, as has been held by Hon'ble the Supreme Court in **Lakshmi Charan Sen vs. A.K.M. Hassan Uzzaman (supra)**. Revision of electoral roll undertaken by Election Commission cannot have effect of putting electoral roll last published in cold storage.

74. Moreover, as noted in foregoing paragraphs, learned counsel for petitioner fairly stated that petitioner does not wish to stall the election process and would be satisfied in case there is complete compliance with Section 11 of A.P. Panchayat Raj Act, 1994 and A.P. Municipalities Act, 1965 as well as Section 12 of Municipal Corporations Act, 1955. The assurance in this respect has been extended by learned counsel for State Election Commission as well as learned Advocate General. Thus, in given facts and circumstances, there is no cause for issuing a direction to respondent authorities to not initiate or notify process of election for Urban and Rural Local Bodies.

75. In the given factual matrix, where tenure of representatives of Panchayat Raj Institutions as well as Urban Local Bodies expired on 02.04.2026 and 17.03.2026, respectively, we direct the State Government and

State Election Commission to expeditiously commence the process of holding elections to Panchayat Raj Institutions and Urban Local Bodies in the State, preferably not later than six (6) weeks from today.

76. As noted in foregoing paragraphs, G.O.Ms.No.105 Panchayat Raj and Rural Development (E&R) Department, dated 20.08.2026 and G.O.Rt.No.1065, Municipal Administration and Urban Development (G) Department, dated 19.08.2026, prescribing 34% reservation in Panchayat Raj Institutions and 33.33% reservation in Urban Local Bodies, to Backward Classes, have since been set aside by this Court in W.P.(PIL).No.194 of 2026 and batch to the extent of vertical reservation to Scheduled Castes, Scheduled Tribes and Backward Classes, collectively or in aggregate exceeds 50%, with liberty to Government to revisit the issue and determine percentage of reservation for Backward Classes beyond 50% in view of judgment of Hon'ble the Supreme Court in the case of **Janhit Abhiyan Vs. Union of India**⁶, after completing the exercise of collection of data in compliance with judgment of Hon'ble the Supreme Court in **Vikas Kishanrao Gawali Vs. State of Maharashtra**⁷.

77. Keeping in view the facts and circumstances, our conclusions in all the present matters are summarized as under:

- (i) It is a 'Municipality', be it a transitional area, Municipal Council or Municipal Corporation that is an administrative unit of an Urban

⁶ (2023) 5 SCC 77

⁷ (2021) 6 SCC 73

Local Body within Part IX-A of Constitution of India. The Census Act, 1948 or Census Rules, 1990 do not prohibit the State from undertaking the process of delimitation of Municipalities and Municipal Corporations. Thus freezing of boundaries of administrative units for Census *vide* Circular No.1, dated 13.08.2025, does not bar the process of delimitation of Wards within the boundaries of Municipalities/ Municipal Corporations.

- (ii) Writ Appeal Nos. 1063, 1048, 1049, 1050, 1059, 1075, 1087, 1091, 1096, 1101, 1102 of 2026 are, accordingly, dismissed.
- (iii) State Election Commission and the State are under a Constitutional mandate to hold timely elections and carry out the pre-election process as required in a timely fashion. In the present case, tenure of representatives of Panchayat Raj Institutions and Urban Local Bodies expired on 02.04.2026 and 17.03.2026, respectively, hence we direct the State Government and State Election Commission, to expeditiously, commence the process of holding elections to Panchayat Raj Institutions and Urban Local Bodies in the State, preferably not later than six (6) weeks from today.
- (iv) The elected Sarpanches/ Chairman of concerned Gram Panchayat/ Municipality do not have any right to hold the said position beyond the period of five years as per the Constitutional mandate.
- (v) Continued operation of an electoral roll in existence on the qualifying date cannot be affected by process of Special Intensive Revision of

electoral rolls. Elections to the Local Bodies cannot be postponed on account of this reason. There should be complete compliance with Section 11 of A.P. Panchayat Raj Act, 1994 and A.P. Municipalities Act, 1965, as well as Section 12 of Municipal Corporations Act, 1955..

78. W.P.(PIL).No.44 of 2026, W.P.Nos.8229, 7528, 24306 of 2026 are disposed of accordingly.

No costs. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

Photocopy of this order be placed on the files of aforementioned connected cases.

LISA GILL, CJ.

Date: 01.10.2026

CHALLA GUNARANJAN, J.

SSN

Uploaded on : 01.10.2026

Whether the order is Speaking/Reasoned : Yes

Whether the order is Reportable : Yes