



**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.....OF 2026  
**(ARISING OUT OF SLP (C) NO.20241 OF 2025)****

**SANDEEP SINGH BORA**

**...APPELLANT**

**VERSUS**

**NARENDRA SINGH DEOPA  
& ORS.**

**...RESPONDENTS**

**J U D G M E N T**

**VIKRAM NATH, J.**

1. Leave granted.
2. The present appeal is directed against the interim order dated 18<sup>th</sup> July, 2025, passed by High Court of Uttarakhand at Nainital<sup>1</sup> in Special Appeal No. 192 of 2025, whereby the High Court stayed the operation of the judgment dated 11<sup>th</sup> July, 2025, rendered by the learned Single Judge in Writ Petition (MS) No. 2083 of 2025 and further directed the Returning Officer to allot a symbol to respondent No. 1 (the writ petitioner) and permit him to participate in the election to the office of Zila Panchayat Member.

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RASHI GUPTA  
Date: 2026.02.02  
17:03:30 IST  
Reason:

<sup>1</sup> Hereinafter, referred to as “High Court”.

3. The brief facts, in a nutshell, insofar as they are relevant for the disposal of the present appeal, are as follows:
  - 3.1. The Uttarakhand State Election Commission issued a revised notification dated 28<sup>th</sup> June, 2026, thereby resuming the Panchayat elections in twelve districts of the State. Pursuant thereto, respondent No. 1 submitted his nomination for election to the post of Zila Panchayat Member from Constituency No. 11- Bharhgaon, District Pithoragarh.
  - 3.2. Subsequently, the appellant raised an objection alleging failure on the part of respondent No. 1 to make the requisite disclosures. Upon consideration thereof, the Returning Officer, *vide* order dated 9<sup>th</sup> July, 2025, cancelled the candidature of respondent No. 1.
  - 3.3. Aggrieved by the said action, respondent No. 1 approached the High Court by filing Writ Petition (MS) No. 2083 of 2025. The learned Single Judge, *vide* order dated 11<sup>th</sup> July, 2025, dismissed the writ petition, observing that in view of the election process having already been set in motion, the writ petition was not liable to be entertained at that stage. On the very same date, namely 11<sup>th</sup> July, 2025, the present appellant was declared elected unopposed to the office of Zila Panchayat Member, the remaining two candidates, including respondent No. 1, having been declared disqualified by the Election Officer.

- 3.4. In the meantime, respondent No. 1 preferred an intra-court appeal, being Special Appeal No. 192 of 2025, without impleading the present appellant as a party. The learned Division Bench, *vide* the impugned interim order, stayed the operation of the judgment rendered by the learned Single Judge and directed the Returning Officer to allot a symbol to respondent No. 1 (the writ petitioner) and to permit him to participate in the election to the office of Zila Panchayat Member.
4. Therefore, the appellant is before this Court.
  5. This Court, *vide* order dated 23<sup>rd</sup> July, 2025, issued notice to the respondents and stayed the operation of the interim order dated 18<sup>th</sup> July, 2025, passed by the High Court. It was further clarified that the election process would continue in accordance with law, and that the result thereof would remain subject to the final outcome of the present appeal.
  6. Finally, when the matter was taken up for hearing on 12<sup>th</sup> January, 2026, learned counsel for respondent No. 1, who had earlier entered appearance, was not present. As per the office report, respondents Nos. 2 to 5 were reported to be unserved. However, since the said respondents are only pro-forma parties, we proceeded to hear learned counsel appearing for the appellant and reserved judgment on the same day.

7. We have heard the learned counsel appearing for the appellant and have carefully perused the material available on record.
8. At the outset, we are unable to concur with the view taken by the Division Bench of the High Court and, for the reasons that shall be delineated hereinafter, are inclined to set aside the same.
  - 8.1. The learned Single Judge, while dismissing the writ petition instituted by respondent No. 1, assigned the following reasons: -
    - a. That Article 243-O of the Constitution of India<sup>2</sup> contains an express bar, stipulating that no election to any Panchayat shall be called in question except by way of an election petition, to be governed by the law enacted by the Legislature of the concerned State.
    - b. That Section 131H of the Uttarakhand Panchayati Raj Act, 2016<sup>3</sup> provides an efficacious alternative remedy by way of an election petition in cases of improper rejection of nomination, and therefore, at that stage, the writ petition before the High Court was not maintainable.
  - 8.2. In the intra-court appeal preferred by respondent No. 1, the Division Bench, by the impugned interim order, stayed the operation of the order dated 11<sup>th</sup> July, 2025, passed by the learned Single Judge and directed the

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<sup>2</sup> Hereinafter, referred to as "Constitution".

<sup>3</sup> Hereinafter, referred to as "Panchayati Raj Act".

Returning Officer to allot a symbol to respondent No. 1 (the writ petitioner therein) and permit him to participate in the election process for the office of Zila Panchayat Member. In arriving at this conclusion, the Division Bench assigned the following reasons: -

- a. That the bar contained in Article 243-O of the Constitution was held to be inapplicable to the present case, as the challenge was not directed against the election of any candidate, but was confined to the alleged illegal rejection of the nomination of respondent No. 1, for which, according to the Division Bench, no efficacious alternative remedy was available.
  - b. That Section 90 of the Panchayati Raj Act enumerates the circumstances and grounds attracting disqualification for the office of Zila Panchayat Member, and in the facts of the present case, the alleged non-disclosure of an acquittal in a prior criminal case did not fall within any of the disqualifications so specified.
9. In our considered view, the Division Bench transgressed the limits of its jurisdiction in interfering with the electoral process, in disregard of the settled position of law. The election jurisprudence in this country has undergone a significant evolution. With a view to maintaining a delicate balance between decisions rendered by statutory authorities and judicial

intervention by way of judicial review, a stage was reached where Parliament considered it appropriate to accord constitutional status to the Panchayati Raj institutions.

9.1. Accordingly, Part IX, titled “The Panchayats”, was inserted into the Constitution by the Constitution (73<sup>rd</sup> Amendment) Act, 1992. The said constitutional amendment gives effect to Article 40 of the Directive Principles of State Policy, which enjoins the State to take steps to organise village panchayats and to endow them with such powers and authority as may be necessary to enable them to function as units of self-government. By virtue of this amendment, the Panchayati Raj institutions were elevated from a non-justiciable to a constitutionally enforceable framework. At the same time, the States were accorded sufficient latitude to structure and implement the Panchayati Raj system having due regard to their distinct geographical, political, administrative and other local conditions.

9.2. Article 243-O of the Constitution, introduced by the aforesaid constitutional amendment, places an express embargo on judicial interference in matters relating to elections to the Panchayats. The provision reads as follows: -

**243O. Bar to interference by courts in electoral matters.**— Notwithstanding anything in this Constitution—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) **no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.**

(emphasis supplied)

Therefore, Article 243-O(b) of the Constitution makes it abundantly clear that no election to any Panchayat can be called in question except by way of an election petition presented to such authority and in such manner as may be provided by the State Legislature.

9.3. This Court, in ***Harnek Singh v. Charanjit Singh***,<sup>4</sup> while examining the object and purpose underlying the incorporation of the bar contained in Article 243-O of the Constitution, also considered the said provision in juxtaposition with the plenary jurisdiction of the High Courts under Article 226. The Court observed as follows:

**“15. Prayers (b) and (c) aforementioned, evidently, could not have been granted in favour of the petitioner by the High Court in exercise of its jurisdiction under Article 226 of the Constitution. It is true that the High Court exercises a plenary jurisdiction under Article 226 of the Constitution. Such jurisdiction being discretionary in nature may not be exercised inter alia keeping in view the fact that an efficacious alternative remedy is available therefor. (See *Sanjana M.***

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<sup>4</sup> (2005) 8 SCC 383

*Wig v. Hindustan Petroleum Corpn. Ltd.* [(2005) 8 SCC 242 : (2005) 7 Scale 290] )

**16. Article 243-O of the Constitution mandates that all election disputes must be determined only by way of an election petition. This by itself may not per se bar judicial review which is the basic structure of the Constitution, but ordinarily such jurisdiction would not be exercised.** There may be some cases where a writ petition would be entertained but in this case we are not concerned with the said question.

**17. In C. Subrahmanyam [(1998) 8 SCC 703] a three-Judge Bench of this Court observed that a writ petition should not be entertained when the main question which fell for decision before the High Court was non-compliance with the provisions of the Act which was one of the grounds for an election petition in terms of Rule 12 framed under the Act.”**

**(emphasis supplied)**

Thus, it is evident that where a specific statutory remedy is available by way of an election petition, the High Court must exercise great circumspection and restraint in invoking its jurisdiction under Article 226 of the Constitution. The need for such judicial restraint is further reinforced by the non-obstante clause with which Article 243-O opens, namely, the expression “Notwithstanding anything in this Constitution”.

9.4. Article 243-O(b), thus, places a bar on the exercise of jurisdiction by Courts under the Constitution in matters relating to elections to Panchayats, where a law has been enacted by the Legislature of a State providing for such

elections. The existence of a law made by the State Legislature is a condition precedent for the operation of the embargo contemplated under Article 243-O. The provision does not abrogate the sacrosanct power of judicial review, which forms part of the basic structure of the Constitution; rather, it channels such review through a statutorily prescribed and efficacious mechanism, namely, an election petition to be presented before the authority designated under the law enacted by the State Legislature for that purpose.

10. In the present case, the State of Uttarakhand has enacted the Uttarakhand Panchayati Raj Act, 2016. Consequently, the bar envisaged under Article 243-O of the Constitution stands attracted. Therefore, if respondent No. 1 was aggrieved by the order dated 9<sup>th</sup> July, 2025, passed by the Election Officer rejecting his nomination, the appropriate remedy lay within the framework of the Panchayati Raj Act itself. At this stage, it would be apposite to advert to Section 131H of the Panchayati Raj Act, being the statutory provision which directly governs the issue at hand. The said provision is reproduced hereinbelow: -

**“131H. Application regarding election and their revision.– (1) The election of a person as Pradhan or Up-Pradhan or as member of a Gram Panchayat shall not be called in question except by an application presented to such authority within such time and in**

**such manner as may be prescribed**, on the ground:-

(a) that this election has not been free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or

(b) **that the result of the election has been materially affected-**

**(i) by the acceptance or rejection of any nomination in improper manner;** or

(ii) by gross failure to comply with the provisions of this Act or the rules framed there under.

(2) . . .

(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed;

**Explanation:-** Any person, who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(5) Without prejudice to the generality of the powers to be prescribed under sub-section (4) the rules may be provided for summarily hearing and disposal of an application under subsection (1).

**(6) Any party aggrieved by an order of the prescribed authority who shall be Assistant Collector (first class)/ Pargana Magistrate of concerned Tehsil/ Pargana upon an application under subsection (1) may, within thirty days from the date of the order, apply to the District Judge for revision of such order**

or any one or more on the following grounds; namely: -

(a) that the prescribed authority has exercised such jurisdiction not vested in it by law;

(b) that the prescribed authority has failed to exercise a such jurisdiction so vested;

(c) that the prescribed authority has acted in the exercise of its jurisdiction illegally or with material irregularity.

(7) The District Judge may dispose of the application for revision himself or may assign it for disposal to any Additional District Judge, Civil Judge or Additional Civil Judge under his administrative control and may recall it from any such officer or transfer it to any other such officer.”

**(emphasis supplied)**

10.1. Section 131H specifically governs disputes relating to the election of a Pradhan, Up-Pradhan or a Member of a Gram Panchayat. The provision, being couched in negative terms, warrants heightened judicial circumspection while entertaining proceedings contrary to its mandate. It expressly stipulates that no election shall be called in question except by an application presented before the prescribed authority, within such time and in such manner as may be laid down.

10.2. Sub-section (1)(b) of Section 131H of the Panchayati Raj Act contemplates a situation where the result of an election has been materially affected by the improper acceptance or rejection of a nomination. It is the specific case of respondent No. 1 in the writ petition that the Election Officer rejected his candidature on a ground which, according to him, is not contemplated under Section 90 of the Panchayati Raj Act, the provision which enumerates the disqualifications for membership of a Zila Panchayat.

10.3. Therefore, if, according to respondent No. 1, there was a specific infraction of the statutory provisions by the Election Officer, the remedy availed by him was also required to be in consonance with the scheme of the very statute. It would thus not be permissible for respondent No. 1 to seek enforcement of compliance with the provisions of the Panchayati Raj Act by the authorities conducting the election, while at the same time electing to bypass the statutorily prescribed remedy available under the said enactment.

10.4. Sub-section (6) of Section 131H of the Panchayati Raj Act explicitly stipulates that the prescribed authority before whom an election petition is to be presented shall be an Assistant Collector (First Class) or a Pargana Magistrate. In view of the comprehensive statutory framework providing both the forum and the procedure for redressal of grievances arising out of non-compliance with the provisions of the Act, we find ourselves unable to concur with the undue haste with which the Division Bench proceeded to deal with the matter at hand.

10.5. A three-Judge Bench of this Court, in **Laxmibai v. Collector**,<sup>5</sup> cited with approval the decision in **N.P. Ponnuswami v. Returning Officer, Namakkal Constituency**,<sup>6</sup> wherein it was held that in cases of rejection of a nomination, the sole remedy available is by way of an election petition to be presented after the

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<sup>5</sup> (2020) 12 SCC 186

<sup>6</sup> (1952) 1 SCC 9

conclusion of the election process, and that even the High Court lacks jurisdiction under Article 226 of the Constitution during the interregnum. The Court categorically observed that the ground of rejection of a nomination paper cannot be agitated in any other manner, at any other stage, or before any other forum.

11. In the present case, the appellant had already been declared elected unopposed on 11<sup>th</sup> July, 2025 since the remaining two candidates, including respondent No. 1, had been declared disqualified by the competent authorities. The High Court, therefore, committed a manifest error in interfering in exercise of its extraordinary jurisdiction on three counts. *First*, the High Court acted in the teeth of the constitutional embargo contained in Article 243-O of the Constitution. *Second*, by directing the Returning Officer to allot a symbol to respondent No. 1 and permitting him to participate in the election process, the High Court issued directions contrary to a process which had already attained finality with the appellant having been declared elected unopposed. *Lastly*, the High Court proceeded to stay the order of the learned Single Judge dismissing the writ petition filed by respondent No. 1, without affording an opportunity of hearing to the appellant, who stood directly and adversely affected by such directions, having already been elected to the post in question.

12. In view of the foregoing discussion, we summarise our conclusions as under: -

- I. By virtue of the express constitutional embargo contained in Article 243-O of the Constitution of India, the High Court is precluded from exercising jurisdiction under Article 226 of the Constitution where a law enacted by the State Legislature provides for the remedy of an election petition to redress grievances arising during the course of an election.
- II. The election process cannot be lightly interdicted or stalled at the behest of an individual grievance. The right to contest or question an election being statutory in nature, must be strictly construed and exercised in accordance with the statute governing the field. The High Court must, therefore, eschew the grant of liberal interim reliefs in favour of individuals and instead remain mindful of the overarching public interest in ensuring the smooth and uninterrupted conduct of elections across the State.
- III. In respect of individual grievances, the ultimate and exclusive remedy lies by way of an election petition. Given the non-obstante nature of Article 243-O of the Constitution, its mandate is required to be adhered to in both letter and spirit. Where the statute provides a complete and efficacious mechanism for redressal, the extraordinary exercise of jurisdiction under Article 226 of the Constitution would defeat the very object for which Article 243-O was enacted as a non-obstante provision.

13. Accordingly, the interim order dated 18<sup>th</sup> July, 2025, passed by the High Court of Uttarakhand at Nainital in Special Appeal No. 192 of 2025 is set aside, and the writ appeal stands dismissed.
14. Consequently, the present appeal stands allowed.
15. Pending application(s), if any, shall stand disposed of.

.....J.  
[VIKRAM NATH]

.....J.  
[SANDEEP MEHTA]

**NEW DELHI;  
FEBRUARY 02, 2026**