



2026:AHC-LKO:74409-DB

A.F.R.

Reserved On : 17.09.2026

Delivered On : 14.10.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW

WRIT - C No. - 2022 of 2026

Dileep Kumar

.....Petitioner(s)

Versus

**Union of India,Thru. Secy. Ministry of Law and
Justice New Delhi and 3 others**

.....Respondent(s)

Counsel for Petitioner(s) : In Person,
Counsel for Respondent(s) : A.S.G.I., Anupriya Srivastava

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

ABDHESH KUMAR CHAUDHARY, J.: Heard Shri Dileep Kumar, the petitioner-in-person, as well as Shri O.P. Srivastava, learned Senior Advocate, assisted by Ms. Anupriya Srivastava, learned counsel for respondent nos.2, 3 and 4 and perused the material on record.

2. The present petition invoking the extraordinary power of this Court under Article 226 of the Constitution of India has been filed by the petitioner seeking a

direction in the nature of Mandamus, thereby commanding the respondents to revise and correct the delimitation and reservation of Assembly constituencies in the District of Ambedkar Nagar, in accordance with Articles 81 and 170 of the Constitution of India. Further, ancillary relief has also been sought, to declare the impugned delimitation and consequent reservation of the said District to be arbitrary, unconstitutional and violative of Delimitation Act, 2002.

3. It emerges from the records that the petitioner is a permanent resident of Ward No. 14, Nagar Panchayat Jahangirganj, District Ambedkar Nagar, Uttar Pradesh, and is an elector of the Assembly constituency falling within the Ambedkar Nagar District.

The petitioner is primarily aggrieved by the arbitrary and unconstitutional delimitation of the Assembly constituencies of Ambedkar Nagar District, whereby the population ratio among the constituencies has been rendered unequal in violation of Article 170(2) of the Constitution of India and the provisions of the Delimitation Act, 2002. Thus, according to him, the reservation status of the constituencies (particularly Alapur) has been altered in an irrational and extraneous manner, thereby affecting his right to equal electoral participation and the democratic fairness of the electoral process in the Ambedkar Nagar District.

4. It has been submitted by the petitioner, who appears in person, that Article 170(2) of the Constitution

of India mandates that each State shall be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

5. As far as the State of Uttar Pradesh is concerned, the Delimitation Commission constituted under the provisions of Delimitation Act, 2002, published the draft delimitation of Parliamentary and Assembly constituencies on 28.07.2006 and the said draft delimitation was followed by a final delimitation order dated 05.12.2006.

6. It is the case of the petitioner that the population of Uttar Pradesh, as per the Census of 2001, was about 16,61,98,006, and the total number of Assembly constituencies was 403. Therefore, the average population per Assembly constituency was approximately 4,12,402. The proposition advanced by the petitioner is that, even if the internal guidelines titled "*Delimitation of Assembly and Parliamentary Constituencies—Guidelines and Methodology*", framed under the provisions of the Delimitation Act, 2002, are taken into consideration, which provided that a deviation of $\pm 10\%$ from the average population per constituency can be allowed, according to him, the permissible population, per Assembly constituency, for the State of Uttar Pradesh would range between 3,71,178 to 4,53,642. Thus, it has been submitted by the petitioner that, since the total

population of Ambedkar Nagar District was 20,26,876 and there were five Assembly constituencies, namely Katehari, Tanda, Aalapur, Jalalpur and Akbarpur, the average population per constituency ought to have been approximately 4,05,375 as per the own methodology adopted by the Delimitation Committee.

7. Building on the aforesaid data, according to the petitioner, the population of Jalalpur Assembly Constituency is 4,60,245, which exceeds the Commission's own maximum limit, whereas the population of Akbarpur Assembly Constituency falls below the State average, as its population is 3,68,722. Thus, the petitioner has challenged the said imbalance in population and submitted that the Commission has arbitrarily transferred territorial units from smaller constituencies, such as Akbarpur and Alapur, to larger constituencies, such as Jalalpur and Katehari, thereby aggravating the population imbalance and adversely affecting the provisions relating to reservation of the said seats.

8. The petitioner drawing inference from the data of population available in public domain has sought to highlight that the Scheduled Caste population in Alapur (smaller constituency) is 26.90%, whereas in Jalalpur (large constituency) it is 26.43%, and despite this, areas were carved out from Jahangirganj (now Alapur) and added to Jalalpur, so as to imbalance the demography of these constituencies.

9. Thus, according to the petitioner, if the delimitation had been carried out in a Constitutional and legal manner, Ashrafpur Kichhauchha Nagar Panchayat ought to have been made part of the Alapur Assembly Constituency, as, according to him, the population of Alapur would then have been 3,91,668, of which the Scheduled Caste population would have been 1,03,370, resulting in an Scheduled Caste percentage of 26.39%, which would have been less than that of Jalalpur. Thus, it has been submitted that Alapur ought to have been treated as a General Constituency and, as such, the said delimitation and the present reservation of the Alapur Assembly Constituency as a Scheduled Caste Constituency are arbitrary, unreasonable and unconstitutional.

10. In this regard, the petitioner has relied upon various judgments, namely, **Smt. Indira Nehru Gandhi vs. Raj Narain**, 1975 Supp SCC 1; **L. Chandra Kumar vs. Union of India**, (1997) 3 SCC 261; **Kesavananda Bharati v. State of Kerala**, (1973) 4 SCC 225; **Minerva Mills Ltd. v. Union of India**, (1980) 3 SCC 625; **Kedar Nath Motani v. Prahlad Rai**, 1959 SCC OnLine SC 16; **Kishorchandra Chhanganlal Rathod v. Union of India**, (2024) 13 SCC 237; **Anand Singh Kunwar v. Election Commission of India**, (2007) 7 SCC 234; **M.R. Gupta v. Union of India**, (1995) 5 SCC 628; and **Dwarka Nath v. Municipal Corporation of Delhi**, (1971) 2 SCC 314.

11. *Per contra*, Shri O.P. Srivastava, learned Senior Advocate, assisted by Ms. Anupriya Srivastava, learned counsel for respondent nos. 2, 3 and 4, has vehemently opposed the present petition on various grounds, including the applicability of the doctrine of laches.

12. According to the respondents, by means of the present petition, the petitioner is challenging the order of the Delimitation Commission of India after a lapse of about 20 years. The said order was passed after holding meetings and hearings on the objections raised by the concerned parties. The said order was also published in the Gazette during that period and has already acquired the force of law.

13. It has been further submitted that the said delimitation was essentially carried out on the basis of the Census 2001, and it was rather amusing that, when the 2026 Census is approaching completion, the delimitation, which had been carried out on the basis of 2001 Census, carried some 25 years ago, is sought to be challenged and unsettled by way of the present petition. Thus, according to him, the present petition is not maintainable in view of the laches and the peculiar facts of the present case.

14. It has also been submitted by the learned Senior Counsel appearing for the respondents that the question relating to the order of Delimitation Commission passed in the year 2002 had been engaging the attention of this

Court in several petitions and in one of such petition, being **Writ-C No. 6153 of 2011** in (*Jagdish Singh vs. Election Commission of India*), the writ petition was *dismissed* vide judgment dated 22.06.2026 by a co-ordinate Bench of this Court, wherein similar issue relating to Kadipur Assembly Constituency of District Sultanpur had been raised by one of the elector of the said Assembly.

15. According to the learned Senior counsel, similar issues relating to the reservation of a seat under the Scheduled Caste category were raised before the learned co-ordinate Bench in that disposed writ petition of Jagdish Singh (*supra*), wherein the said Bench after extensively considering the various provisions of law and the judgments occupying the field, concluded that the order passed by the Delimitation Commission has acquired the force of law and cannot be interfered at this point of time. The said co-ordinate Bench concluded at paragraph 40 of the said judgment as follows :-

"Thus, it is not within the domain of this court to issue directions for legislating the Act, 2002 in a manner so as to provide for rotation of reserved seats for Assembly/Parliamentary constituencies as provided under Article 243(D) and 243(T) for Panchayats and Municipalities etc. and it is the Parliament which has to take call on the subjects. Further, we are of the view that where the populations of SC/ST are comparatively larger, then in such constituency a SC/ST candidate by virtue of its large population can itself get elected without the aid of reservation. The goals of social justice, political justice and equality as provided in our Constitution can only be achieved by rotation of

seats enabling the SC/ST candidates to get elected even from those seats where their population is comparatively much low to the overall population of the constituency. It is for the parliament to ponder on the issue and legislate as per its wisdom and this court cannot issue any direction so as to compel the State for providing roster in reservation for SC/ST in Assembly/ Parliamentary constituencies in view of the settled principles of law as discussed hereinabove.”

16. It has been further submitted by learned Senior Counsel for the respondents that the contention of the petitioner regarding the reservation of the seat by the Delimitation Commission being improper is fallacious. As regards the contention of the petitioner relating to subsequent developments, the same, as borne out from the supplementary affidavit filed by him, pertains to the allegation that, after the public hearing, the Commission published its final order on 13.01.2014, whereby all its earlier proposals were withdrawn and the reservation was changed only in Dudhi and Obera Assembly Constituencies.

17. Further, the allegation that the percentage of Scheduled Caste population in Mirzapur Lok Sabha Constituency is higher than that in the Robertsganj Constituency, which has been reserved, is also not correct, inasmuch as the said reservation was challenged in *Writ-C No. 3078 of 2017 (Chandra Mani Prasad and others vs. Union of India and other connected matters)*, which came to be *dismissed* by a co-ordinate Bench of this Court vide judgment dated 08.02.2017. The said judgment held that the notification issued by the

Registrar General and Census Commissioner of India on 22.03.2013 clearly states that the population figures of the 2001 Census had been revised in accordance with the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002.

18. According to the learned Senior Counsel, both the judgments passed by this Court sufficiently cover the entire gamut of the dispute raised in this present petition and, as such, the present petition may be dismissed.

19. We have heard, the petitioner appearing in person, as well as Shri O.P. Srivastava, learned Senior Advocate, assisted by Ms. Anupriya Srivastava, learned counsel for respondent nos. 2, 3 and 4, and have perused the material placed on record, and considered the judgments cited at the bar.

20. At the very outset, it would be apposite to note the limited scope of judicial review available in matters concerning orders passed by the Delimitation Commission constituted under the Delimitation Act, 2002. Section 10(2) of the said Act confers finality upon orders of the Delimitation Commission relating to delimitation of constituencies, and such orders, upon publication in the Gazette, have the force of law and cannot be called in question before any Court. It is well settled, and has been consistently held by this Court and other Constitutional Courts, that such an ouster of jurisdiction, though not absolute, confines judicial scrutiny to two

narrow grounds alone: (i) want of legislative competence; and (ii) violation of any fundamental right guaranteed under Part III of the Constitution, or of any other Constitutional provision. This very principle was reiterated by a co-ordinate Bench of this Court in ***Jagdish Singh v. Election Commission of India***, reported in **2026 SCC OnLine All 17754**; (decided on 22.06.2026), wherein it was held in unambiguous terms that an order of the Delimitation Commission, being in the nature of law and not an administrative order, is not amenable to a writ of mandamus or certiorari save on the aforesaid two grounds.

21. Testing the present petition on this touchstone, we find that the grievance raised by the petitioner does not fall within either of the two permissible grounds. The petitioner has neither pleaded nor demonstrated any lack of legislative competence on the part of the Delimitation Commission in delimiting or reserving the Constituencies of Ambedkar Nagar District. His entire case rests upon an arithmetical and demographic re-computation of population figures and Scheduled Caste percentages across the Constituencies of Akbarpur, Alapur, Jalalpur, Katehari and Tanda, seeking to persuade this Court, on a hypothesis that had certain territorial units been differently apportioned, Alapur would have emerged as a General Constituency rather than Jalalpur. According to this Court, such an exercise, howsoever meticulously undertaken, is essentially a matter of methodology and technical determination falling squarely within the domain of the Delimitation Commission, and does not, by itself,

disclose any violation of a fundamental right or any other Constitutional provision.

22. It requires little elaboration that Article 170(2) of the Constitution of India itself provides that the ratio between population and seats shall be maintained "so far as practicable" — an expression which vests considerable latitude in the Commission and necessarily accounts for deviations arising from geographical contiguity, administrative boundaries, and other relevant considerations. The internal guidelines relied upon by the petitioner, prescribing a permissible deviation of $\pm 10\%$, are themselves guidelines and not statutory mandates capable of being enforced as a matter of strict right through a writ of mandamus. Mere deviation, even if demonstrable, does not *ipso facto* translate into unconstitutionality, unless it is shown to offend a specific Constitutional guarantee, which the petitioner has failed to establish.

23. Insofar as the grievance touching reservation of the Alapur Assembly Constituency as a Scheduled Caste seat is concerned, the same too does not survive scrutiny. The proposition in the nature of submission of the petitioner. That comparative Scheduled Caste population percentages between two Constituencies ought to determine which of them is to be reserved, has been considered and rejected by this Court on more than one occasion. Reference in this regard may usefully be made to the observations of the co-ordinate Bench in **Jagdish Singh** (supra), extracted in paragraph 15 above, wherein

it was held that the rotation or re-allocation of reserved seats, on considerations of comparative population, is a matter falling within the exclusive legislative domain of Parliament and cannot be directed by this Court in exercise of its writ jurisdiction. The same view was echoed by another co-ordinate Bench in ***Chandra Mani Prasad v. Union of India***, reported in **2017 SCC OnLine All 5583**; (decided on 08.02.2017), while repelling a similar challenge to the reservation of the Robertsganj Lok Sabha Constituency on the ground of comparative Scheduled Caste population *vis-à-vis* Mirzapur.

24. We are also unable to accept the allegation of arbitrary transfer of territorial units between Constituencies as being demonstrative of any mala fide or unconstitutional exercise of power. The delimitation exercise, by its very nature, involves reconstitution of territorial units, and such reconstitution, carried out after due publication of draft proposals, invitation of objections, and public hearings as mandated under the Act, cannot be reopened merely because a resident of one Constituency, applying his own method of computation, arrives at a different permutation which he considers more equitable.

25. That apart, we find considerable merit in the objection raised by the learned Senior Counsel for the respondents regarding delay and laches. The delimitation order impugned herein was published as far back as 05.12.2006, following a draft published on 28.07.2006,

after due process of public hearing and consideration of objections. The present petition has been instituted after a lapse of nearly two decades, by which time not only has the order attained finality but successive General Elections to the State Legislative Assembly have been conducted on its basis, and rights of successive elected representatives and constituents have crystallised thereupon. It would be wholly inequitable and contrary to public interest to unsettle, at this belated stage, an electoral arrangement that has held the field for two decades and more, particularly when the ensuing Census of 2026 is stated to be nearing completion, which would, in the ordinary course, occasion a fresh delimitation exercise in any event. The doctrine of laches squarely applies to defeat the present petition, quite apart from its want of merit.

26. Further, this Court finds that the petitioner has heavily relied on the judgment of the Hon'ble Supreme Court passed in ***Kishorchandra Chhanganlal Rathod*** (supra). It may be noted that as far as the said judgment is concerned, no doubt, the hon'ble Supreme Court in the said case was dealing with an identical issue relating to a challenge laid to the reservation of *Bardoli* legislative assembly, Gujarat by the Delimitation Committee in the year 2006. The Gujarat High Court in the said facts of the case refused to entertain the writ petition on the ground of Article 329 of the Constitution of India, which according to the said High Court, there existed a bar to interfere by the Court in electorate matters. In the said factual background, the Supreme Court in Appeal, relying

on the Constitutional Bench decision in ***Meghraj Kothari v. Delimitation Commission***, reported in **1966 SCC OnLine SC 12**; allowed the Appeal in part, to the extent that the High Court's order relating to there being a bar to challenge the order of delimitation of constituencies was set-aside.

27. We have gone through the aforesaid judgment in great detail and are unable to subscribe to the views of the petitioner, in as much as we fail to understand as to how the said judgment is of any avail to the petitioner. This Court is conscious of the binding precedent of the aforesaid judgment of the hon'ble Supreme Court and does not find the present writ petition wanting in any manner, relating to the bar as has been held to be not maintainable in the ***Kishorchandra Chhanganlal Rathod*** (supra). Rather, we find that the said judgment fortifies and vindicates the ground for refusing to interfere at this stage, in as much as *the Hon'ble Supreme Court in the aforesaid judgment, relying on the Constitutional Bench judgment in Meghraj Kothari (supra)* has held as follows; relevant to the context:

"8. *In order to prove that any kind of judicial intervention is fully prohibited, the respondents relied upon a Constitution Bench decision of this Court in Meghraj Kothari v. Delimitation Commission [Meghraj Kothari v. Delimitation Commission, 1966 SCC OnLine SC 12] . A closer examination of the aforementioned case, however, would show that the Court in that case restricted judicial intervention when the same would unnecessarily delay the election process. This is writ large from the following paragraph, where the Court*

explicated the reason behind adopting the hands-off approach: (SCC OnLine SC para 20)

"20. In our view, therefore, the objection to the delimitation of constituencies could only be entertained by the Commission before the date specified. Once the orders made by the Commission under Sections 8 and 9 were published in the Gazette of India and in the Official Gazettes of the States concerned, these matters could no longer be reagitated in a court of law. There seems to be very good reason behind such a provision. If the orders made under Sections 8 and 9 were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court. Section 10(2) of the Act clearly demonstrates the intention of the legislature that the orders under Sections 8 and 9 published under Section 10(1) were to be treated as law which was not to be questioned in any court."

9. Hence, the aforementioned judgement does not support the respondents' contention regarding complete restriction on judicial review. **A constitutional court can undertake the exercise of judicial review within the limited sphere at an appropriate stage.**
10. Consequently, the appeal is allowed in part, and para 3 of the impugned judgment—to the extent it held that there is a bar to challenge the order of delimitation of constituencies is set aside. **The appellant, if so advised, may approach the High Court keeping in view the subsequent events.** However, at present, no ground has been made out to interfere with the exercise of delimitation of constituencies and consequential reservation thereof, which was undertaken in the year 2006."

(emphasis supplied)

28. A facial reading of the aforesaid *ratio decidendi* of the Hon'ble Supreme Court, clearly holds that no doubt, this Court as being a Constitutional Court can undertake

the exercise of judicial review, however, the same would be constraint on two vital parameters, first being, it has to be within the limited sphere, that is to say (i) want of legislative competence; and (ii) violation of any fundamental right guaranteed under Part III of the Constitution, or of any other Constitutional provision, as carved out in the judgment of a co-ordinate Bench of this Court in **Jagdish Singh** (supra) and this parameter have to be at an appropriate stage, which according to this Court cannot be after more than two decades and especially when the said delimitation was carried on the data of 2001 data and the 2026 census is almost at the verge of completion. According to this Court, this cannot be an appropriate stage, when the data for 2026 Census is still awaited. Thus, in our considered view the present petition fails on both the essential factor of interference of limited sphere and at an appropriate stage in the given facts and circumstances.

29. The reliance placed by the petitioner upon the decisions in **Kesavananda Bharati** (supra), **Indira Nehru Gandhi** (supra), **Minerva Mills** (supra), **L. Chandra Kumar** (supra) and other judgments cited at the bar, while unexceptionable as propositions concerning the basic structure doctrine, judicial review, and the scope of Article 226 of the Constitution of India, do not advance the petitioner's case, inasmuch as none of the said decisions dilute or displace the settled principle — reiterated time and again by this Court, including in **Jagdish Singh** (supra) and **Chandra Mani Prasad** (supra) — that a challenge to an order of the Delimitation

Commission is maintainable only on the two limited grounds noticed above.

30. For all the reasons afore-stated, we find no merit in the present petition, either on the ground of maintainability or on merits. The challenge to the delimitation and reservation of the Assembly Constituencies of Ambedkar Nagar District, including the reservation of Alapur Assembly Constituency, does not disclose any violation of legislative competence or of any fundamental right or other Constitutional provision, and is, in any event, gravely belated.

31. In view of the foregoing discussion, the writ petition, being devoid of merit, is hereby ***dismissed***.

32. No order as to costs.

(Abdhesh Kumar Chaudhary,J.)

I agree

(Shekhar B. Saraf,J.)

October 14, 2026

Praveen