2025 INSC 894

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 488 OF 2022

K. Purushottam Reddy ... Petitioner

Versus

Union of India and Ors. ... Respondents

WITH

WRIT PETITION (CIVIL) NO. 718 OF 2022

JUDGMENT

SURYA KANT, J.

1. These two Writ Petitions, instituted under Article 32 of the Constitution of India, assail the legality of Notification Nos. SO No. 1015(E) dated 06.03.2020 (**2020 Notification**) and SO 1023(E) dated 03.03.2021 (**2021 Notification**) (***together referred to as the* Impugned Notifications**) issued by the Union of India through the Ministry of Law and Justice, Respondent No. 2, herein. It is the case of the Petitioner(s) that, by way of the Impugned Notifications, a delimitation exercise was conducted for the Union Territory of Jammu and Kashmir, resulting in an increase in the number of seats in the Legislative Assembly, *albeit* the States of Andhra

Pradesh and Telangana were excluded in an arbitrary fashion. The Petitioner(s) consequently seek a direction to Respondent Nos. 1-2 and 5 to similarly increase the number of seats in the Legislative Assemblies of the States of Andhra Pradesh and Telangana in terms of the applicable statutory provisions.

A. FACTUAL MATRIX

2. Before adverting to the issues and contentions raised by the parties, we deem it appropriate to briefly narrate the factual background leading to these Writ Petitions.

2.1. The Andhra Pradesh Reorganisation Act, 2014 (**AP Reorganisation Act**) came into force with effect from 02.06.2014, leading to the bifurcation of the erstwhile State of Andhra Pradesh into two separate states, namely, Andhra Pradesh and Telangana. Section 26(1) of the AP Reorganisation Act *inter alia* provided that "*subject to the provisions contained in Article 170 of the Constitution and without prejudice of Section 15 of this Act,* ***the number of seats in the Legislative Assembly of the successor States of Andhra Pradesh and Telangana shall be increased from 175 and 119 to 225 and 153, respectively, and delimitation of the constituencies may be determined*** *by the Election Commission in the manner hereinafter provided.*"

2.2. Thereafter, the Jammu and Kashmir Reorganisation Act, 2019 (**J&K Reorganisation Act**) came into force on 31.10.2019, bifurcating the then State of Jammu and Kashmir into two Union Territories: (***i***) Jammu and Kashmir; and (***ii***) Ladakh. Similar to the provision under the AP Reorganisation Act, Section 60 of the J&K Reorganisation Act also provided that "*without prejudice to sub-sections (3) of section 14 of this Act,* ***the number of seats in the Legislative Assembly of Union territory of Jammu and Kashmir shall be increased from 107 to 114****, and delimitation of the constituencies may be determined by the Election Commission in the manner hereinafter provided.*" For context, it may be added that while the J&K Reorganisation Act provided for the total number of seats in the Legislative Assembly of the Union Territory of Jammu and Kashmir to be 107, in terms of ***Section 14 (4) (a) and (b)*** of the Act, 24 out of these 107 seats are not to be taken into account for reckoning the total membership of the Assembly or delimitation exercise until the area of the Union Territory of Jammu and Kashmir under the occupation of Pakistan ceases to be so occupied.

2.3. Thereafter, on 06.03.2020, Respondent No. 2 issued a Notification under Section 3 of the Delimitation Act, 2002 (**Delimitation Act**), constituting a Delimitation Commission for a period of one year, for

delimitation of Assembly and Parliamentary constituencies in the Union Territory of Jammu and Kashmir, the States of Assam, Arunachal Pradesh, Manipur and Nagaland. Notably, the States of Andhra Pradesh and Telangana did not find any mention in the 2020 Notification.

2.4. The 2020 Notification was, however, amended in 2021, thereby extending the term of the Delimitation Commission by one more year. More pertinently, this notification also clarified that the scope of the delimitation exercise would be restricted to the Union Territory of Jammu and Kashmir only, thereby excluding the States of Assam, Arunachal Pradesh, Manipur and Nagaland.

2.5. The Delimitation Commission passed an order dated 05.05.2022, in respect of the delimitation of Parliamentary and Assembly constituencies in the Union Territory of Jammu and Kashmir. It was determined that for elections to the Legislative Assembly, the Union Territory of Jammu and Kashmir shall be divided into 90 assembly constituencies (increased from 83 constituencies). As has already been stated, the remaining 24 seats earmarked for PoK did not form part of the delimitation process.

2.6. It is significant to note that the validity of the delimitation exercise carried out in the Union Territory of Jammu & Kashmir, under the Impugned Notification, has already been subjected to judicial

scrutiny before this Court in ***Haji Abdul Gani Khan & Anr. v. Union of India & Ors.***[1] The petitioners in that matter *inter alia* challenged: ***(i)*** the provision regarding the increase in the number of seats in the Legislative Assembly of Union territory of Jammu and Kashmir; ***(ii)*** the modification to the 2020 Notification by deleting the States of Arunachal Pradesh, Assam, Manipur and Nagaland from the purview of the Delimitation Commission; and ***(iii)*** the appointment of the Delimitation Commission allegedly usurping the jurisdiction of the Election Commission of India. It was therefore contended that the delimitation exercise undertaken therein was *ultra vires* to the provisions of sub-Sections (2) and (5) of Section 60 of the J&K Reorganisation Act; violative of Clause (3) of Article 170 as well as Articles 14, 19 and 21 of the Constitution.

2.7. This Court did not find any substance in the contentions noted above and held that: ***(i)*** Under Articles 2, 3, and 4 of the Constitution, Parliament has the power to create new States or Union territories and to make necessary provisions for their governance, including representation in Parliament and State Legislatures. In exercise of these powers, the J&K Reorganisation Act created two new Union Territories and validly assigned the task of delimitation to the Commission under the Delimitation Act; ***(ii)***

[1] Haji Abdul Gani Khan & Anr. v. Union of India & Ors., (2023) 11 SCC 432.

The constitutional status of the Union Territory of Jammu and Kashmir is distinct from that of the four North-Eastern States excluded from the scope of delimitation by way of the 2021 Notification. Unlike the latter, Sections 4 and 9 of the Delimitation Act stood amended for Jammu and Kashmir to permit delimitation based on the 2011 Census. As there was no such amendment for the North-Eastern States, there cannot be a challenge regarding violation of Article 14, as it would amount to treating two unequals, equally.

2.8. However, the 2020 and 2021 Notifications have been impugned before us once again—this time, not on the basis of the constitutional reorganisation of Jammu and Kashmir, but because a similar delimitation exercise has not been undertaken in the States of Andhra Pradesh and Telangana. The challenge is thus premised on a claim of parity. According to the Petitioners, the exclusion of the States of Andhra Pradesh and Telangana from the scope of delimitation under the Impugned Notifications is discriminatory and undermines the statutory mandate envisaged under the AP Reorganisation Act.

B. CONTENTIONS ON BEHALF OF THE PETITIONER(S)

3. Mr. Rao Ranjit, learned counsel for the Petitioner(s), argued that the non-inclusion of the States of Andhra Pradesh and Telangana

in the delimitation process initiated through the 2020 Notification and restricting the delimitation exercise only for the Union Territory of Jammu and Kashmir is arbitrary, discriminatory and thus, unconstitutional.

4. Mr. Ranjit canvassed the following grounds in support of his submissions:

(a) Excluding the States of Andhra Pradesh and Telangana from the scope of the delimitation exercise as contemplated under the 2020 Notification suffers from the vice of intelligible differentia and is thus violative of Article 14 of the Constitution.

(b) The Delimitation Commission for the Union Territory of Jammu and Kashmir was the first Commission to be appointed after the AP Reorganisation Act came into force. Not only do the electorates of the States of Andhra Pradesh and Telangana have a legitimate expectation of delimitation, but Respondent Nos. 1-2 and 5 also have a constitutional responsibility to give effect to Section 26 of the AP Reorganisation Act, which they have failed to fulfil.

(c) The subsequent omission of the States of Assam, Arunachal Pradesh, Manipur, and Nagaland from the delimitation

process, and limiting the exercise to the Union Territory of Jammu and Kashmir, also amounts to unreasonable classification, which is *per se* arbitrary and discriminatory.

(d) The power under the Delimitation Act must be exercised uniformly by the Union of India. In other words, if the delimitation was undertaken for the Union Territory of Jammu and Kashmir, there could be no plausible justification for denying the same to the States of Andhra Pradesh and Telangana.

C. CONTENTIONS ON BEHALF OF RESPONDENTS

5. Conversely, Mr. Tushar Mehta, learned Solicitor General of India, along with Mr. KM Nataraj, learned Additional Solicitor General of India, representing Respondent Nos. 1-2 have opposed the subject Writ Petitions, urging that there exists no enforceable right available to the Petitioner(s) and, as such, these Writ Petitions are wholly misconceived and erroneous.

6. Their submissions may be summarised as follows:

(a) In terms of the *provisos* to Articles 82 and 170 of the Constitution, no readjustment of seats or division of States into territorial constituencies can be undertaken until the relevant data from the first census conducted after 2026 is

published. Consequently, no delimitation exercise can be undertaken in the States of Andhra Pradesh and Telangana prior to the availability of such post-2026 census data. In light of the clear constitutional bar, the relief sought by the Petitioner(s) is not maintainable and devoid of merit.

(b) The Constitutional and Statutory arrangements governing the delimitation of Union Territories stand on a distinct legal footing and cannot be equated with that applicable to the States of Andhra Pradesh and Telangana. Jammu and Kashmir, having been reconstituted as a Union Territory under the J&K Reorganisation Act, is governed by a separate constitutional provision. Consequently, any delimitation exercise undertaken for the Union Territory of Jammu and Kashmir, including through the Impugned Notifications, emanates from powers referrable to Article 239A of the Constitution that are materially different in scope and application in comparison to those pertaining to the State Legislatures under Article 170 of the Constitution and other relevant provisions. The claim of parity, therefore, is legally unsustainable, as it overlooks the essential constitutional distinction between a Union Territory and a State, both in terms of legislative competence and institutional structure.

(c) This Court in ***Haji Abdul Gani Khan (supra)***, while upholding the delimitation exercise conducted in Jammu and Kashmir, explicitly held that Article 170 will have no application insofar as the Legislative Assembly of the Union Territory of Jammu and Kashmir is concerned, as the said provision only deals with State Legislatures.

7. Mr. Maninder Singh, learned Senior Counsel appearing for the Election Commission of India (Respondent No. 5), submitted that the Impugned Notifications have been issued by the Union of India, constituting the Delimitation Commission, as well as the scope of its mandate. The Election Commission, therefore, has no jurisdiction to opine on the *vires* or validity of these notifications. The Election Commission's role is limited to facilitating the implementation of the delimitation process as prescribed.

8. Nonetheless, the Election Commission has aligned with the position taken by the Union of India that, by virtue of the *proviso* to Clause (3) of Article 170 of the Constitution, there exists a constitutional freeze on the readjustment of seats in State Legislative Assemblies until the publication of census figures following the first census conducted after the year 2026.

D. ISSUES FOR CONSIDERATION

9. Having traced the arc of relevant facts and the sequence of events, weighed the rival submissions, and after perusing the material on record, we find that the following key issues arise for determination:

(a) Whether the exclusion of the States of Andhra Pradesh and Telangana (or any other State), from the scope of delimitation under the Impugned Notifications and limiting it only to the Union Territory of Jammu and Kashmir is arbitrary and violative of Article 14 of the Constitution?

(b) Whether the failure of the Union of India to give effect to Section 26 of the AP Reorganisation Act has frustrated the legitimate expectation of the electorates of these States, thereby giving rise to a justiciable cause of action?

E. ANALYSIS

E.1. Whether the exclusion of the States of Andhra Pradesh and Telangana (or any other State), from the Impugned Notifications is violative of Article 14 of the Constitution?

10. At the heart of these proceedings lies the contention of the Petitioner(s) that the action of the Union of India, in excluding the States of Andhra Pradesh and Telangana from the scope of the delimitation exercise as envisaged under the Impugned

Notifications, is arbitrary, discriminatory and constitutionally impermissible.

11. The Petitioner(s) have placed specific reliance on Section 26 of the AP Reorganisation Act, which, according to them, unambiguously stipulates that the number of seats in the Legislative Assemblies of the successor States of Andhra Pradesh and Telangana "*shall be increased*" from 175 and 119 to 225 and 153, respectively. It was thus argued that, despite this statutory mandate, no steps have been taken by the Union of India to notify the increased seats. The resultant inaction allegedly defeats both the legislative intent and the legitimate expectations of the electorate in the two States, thereby giving rise to an enforceable constitutional and statutory claim.

12. In opposition, the Union of India, as well as the Election Commission, have firmly contended that the Petitioner(s)' claim is untenable in view of the overriding constitutional scheme. It is their case that Section 26 of the AP Reorganisation Act expressly begins with the words "*subject to the provisions contained in Article 170 of the Constitution*," and thus must yield to the constitutional embargo imposed under the *proviso* to Article 170(3). This proviso halts any readjustment of seats in State Legislative Assemblies until the publication of census data following the first census conducted

after the year 2026. The Respondents have accordingly argued that the relief sought by the Petitioner(s) stems from a misreading of the statutory provision—one that isolates it from its constitutional context and fails to account for the mandatory inhibition laid down under Article 170(3) of the Constitution.

13. The Respondents have further contended that the Petitioner(s)' attempt to draw a comparison with the delimitation carried out in the Union Territory of Jammu and Kashmir is fundamentally flawed. It was asserted that Jammu and Kashmir, following its reorganisation, is governed not by Article 170 but by Article 239A of the Constitution, as applicable to the Union Territories. The delimitation exercise undertaken for Jammu and Kashmir thus derives its legitimacy from an entirely different constitutional framework, and no claim of parity is sustainable under law.

14. In order to appreciate the rival submissions, we deem it appropriate first to extract the relevant provision of the Constitution and of the AP Reorganisation Act:

Article 170 of the Constitution:

> **"<u>170. Composition of the Legislative Assemblies</u>**
>
> *(1) Subject to the provisions of Article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.*
>
> *(2) For the purposes of clause (1), each state shall be divided into territorial constituencies in such 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.

Explanation.--In this Clause, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly:

Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2026 have been published, it shall not be necessary to Readjust-

(i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and

(ii) ***the division of such State into territorial constituencies as may be readjusted on the basis of the 2001 census, under this clause"***.

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Section 26 of the AP Reorganisation Act:

"<u>26. Delimitation of Constituencies</u>

(1) ***Subject to the provisions contained in article 170*** *of the Constitution and without prejudice to section 15 of this Act, the number of seats in the Legislative Assembly of the successor States of Andhra Pradesh and Telangana shall be increased from 175 and 119 to 225 and 153, respectively, and delimitation of the constituencies may be determined by the Election Commission in the manner hereinafter provided…"*

****

[Emphasis Supplied]

15. A plain and harmonious reading of the statutory and constitutional provisions makes it evident that Section 26 of the AP Reorganisation Act is expressly made "*subject to*" the mandate contained in Article 170 of the Constitution. This qualifying phrase cannot be read as surplusage and must be given full legal effect. This prefatory clause is indeed *non obstante* and limits the independent operation of Section 26 of the AP Reorganisation Act. Any other construction of Section 26 would fall foul of both the language and the conception of Article 170 of the Constitution.

16. The *proviso* to Article 170(3) unequivocally and overarchingly provides that it shall not be necessary to readjust the allocation of seats in the Legislative Assembly of each State, including the division of each State into territorial constituencies, until the relevant figures for the first census taken after the year 2026 have been published. The Petitioner(s)' reliance on Section 26 of the AP Reorganisation Act is misplaced, as the provision is not self-executing; it does not, by itself, mandate delimitation but merely declares a legislative framework for it, subject to the peremptory control of Article 170 of the Constitution.

17. The Petitioner(s) have not placed on record any legal or factual basis to show how the constitutional precepts can be outbalanced, waived, or read down in the context of Andhra Pradesh and

Telangana, especially when such an exception would amount to impermissible classification in the face of a uniform constitutional command applicable to all States.

18. What is even more compelling is the inevitable consequence that would follow if the reliefs sought in these Writ Petitions were to be granted. It would open the floodgates to similar demands from other States, each seeking early delimitation on the ground of parity or administrative convenience. Granting such relief in contravention of the constitutional timeline provided under Article 170(3) of the Constitution would not only destabilise the uniform electoral framework envisaged by the Constitution but also blur the clear demarcation between constitutional prescription and political discretion.

19. It would not be far-fetched to anticipate that granting the reliefs sought in the present Writ Petitions would prompt unabated challenges from other similarly situated regions. In particular, the four North-Eastern States—Arunachal Pradesh, Assam, Manipur, and Nagaland—which were expressly excluded from the scope of delimitation by way of the 2021 Notification, may justifiably question the legitimacy and fairness of such selective implementation. Permitting delimitation in some States while denying it to others in comparable circumstances would breed

inequality. This could open the door to a spate of litigation, thereby unsettling the finality and uniformity that the Constitution seeks to preserve in matters of electoral readjustment.

20. **Permitting such isolated departures from the constitutional embargo would also amount to an impermissible deviation from the equality principle embedded in Article 14 of the Constitution, and would amount to a facially** discriminatory practice without any valid classification.

21. Furthermore, the delimitation process is, by design, a legislative and executive function. If this Court were to compel such an exercise through judicial fiat, it would likely be construed as an interference in the policy-making prerogative of the Executive. The constitutional edifice carefully balances institutional roles, and any disruption of that equilibrium would undermine both the legitimacy and functional integrity of the democratic process.

22. In view of the foregoing analysis, we hold that the constitutional mandate under Article 170(3) of the Constitution serves as a bar on any delimitation exercise concerning the States of Andhra Pradesh and Telangana, or any other State. The demand for immediate delimitation in Andhra Pradesh and Telangana runs contrary to both the letter and spirit of the constitutional design. The

challenge, therefore, fails to establish any legally sustainable ground for intervention by this Court.

E.1.1. Whether the Petitioner(s) can claim parity with the delimitation exercise undertaken in the Union Territory of Jammu and Kashmir?

23. Notwithstanding the constitutional bar discussed above, we have also carefully assessed the submission advanced by the Petitioner(s) that the omission to conduct delimitation in the States of Andhra Pradesh and Telangana, while proceeding with the same in the Union Territory of Jammu and Kashmir, constitutes an arbitrary and discriminatory classification which is violative of Article 14 of the Constitution.

24. This submission seems legally untenable to us as it overlooks the well-settled constitutional distinctions that exist between the governance of States and Union Territories. The aforementioned plea of discrimination fails to appreciate that differential treatment, when founded upon constitutional classifications, does not automatically violate the equality clause contained in Article 14.

25. The distinction drawn by the Respondents is not only rational but finds explicit recognition in the constitutional architecture. Jammu and Kashmir, having been reconstituted as a Union Territory under the J&K Reorganisation Act, is not governed by the provisions of

Chapter III of Part VI of the Constitution, which pertains exclusively to State Legislatures. On the contrary, the governance and composition of Union Territory legislatures are regulated by Parliamentary Legislation enacted under Article 239A of the Constitution.

26. As a necessary corollary, Article 170 of the Constitution, including the constitutional freeze on delimitation under clause (3), has no application to the Legislative Assembly of the Union Territory of Jammu and Kashmir. In fact, this precise legal question has already been answered by this Court in ***Haji Abdul Gani Khan (supra)***, wherein the validity of the delimitation conducted in the Union Territory of Jammu and Kashmir pursuant to the Notifications under scrutiny herein was upheld. In that decision, this Court, in no uncertain terms, held:

> 31. "*Hence, as far as the Legislative Assembly of the Union territory of J&K is concerned,* ***Article 170 will have no application as it forms a part of Chapter III of Part VI which deals with only the State Legislature. It has no application to the Legislatures of Union Territories. The reason is that the Legislative Assemblies of the concerned Union Territories will be governed by the law made by the Parliament in accordance with Article 239A and not by the provisions of Chapter III of Part VI.*** *As Article 170 is not applicable to the Legislature of the Union Territory of J & K, the main thrust of the argument that certain provisions of the J&K Reorganisation Act and actions taken thereunder are in conflict with Article 170 and in particular Clause (3) thereof is clearly misconceived and deserves to be rejected."*
>
> **[Emphasis Supplied]**

27. Given the express adjudication rendered by this Court in ***Haji Abdul Gani Khan (supra)***, there remains no ambiguity as to the inapplicability of Article 170 to the Union Territory of Jammu and Kashmir. It logically follows that the Petitioner(s) cannot seek parity between the position of the Union Territory of Jammu and Kashmir and that of the States of Andhra Pradesh and Telangana, the latter being governed by the constitutional scheme applicable to States.

28. The two States in question and the Union Territory of Jammu and Kashmir operate in distinct constitutional domains, and any delimitation exercise carried out in one cannot serve as a benchmark or ground of comparison for the other. The delimitation undertaken for the Union Territory of Jammu and Kashmir cannot be mechanically extended to States bound by the express embargo under Article 170(3) of the Constitution. As such, the invocation of Article 14, in this context, is wholly misplaced and does not withstand legal scrutiny.

29. Accordingly, in light of the settled position of law and the constitutionally distinct treatment accorded to States and Union Territories, we find no merit in the contention that the exclusion of the States of Andhra Pradesh and Telangana from the scope of the delimitation exercise under the Impugned Notification is arbitrary, discriminatory, or violative of Article 14.

E.2. **Whether the failure of the Union of India to give effect Section 26 of the AP Reorganisation Act has frustrated the legitimate expectation of the electorates of the States of Andhra Pradesh and Telangana?**

30. The second limb of contention advanced on behalf of the Petitioner(s) is that, independent of the legal enforceability of Section 26 of the AP Reorganisation Act, the electorates of the States of Andhra Pradesh and Telangana harbour a *legitimate expectation* that the Union of India and the Election Commission would undertake delimitation and thereby give effect to the increase in the number of seats as envisaged in the aforesaid provision.

31. It was argued that the language employed in Section 26, coupled with the clear legislative intent to ensure proportional and adequate representation in the newly formed successor States, gave rise to an expectation that the Union of India would act in furtherance of that object within a reasonable time frame. The Petitioner(s) contended that such expectation constitutes a valuable interest that the Union Government is bound to consider and cannot defeat arbitrarily or indefinitely.

32. This submission has, however, been strongly rebutted by the Union of India. It is their case that the doctrine of *legitimate expectation*, while recognised in administrative law, is necessarily subject to

constitutional limitations. In particular, it was contended that any expectation for delimitation and an increase in legislative seats must yield to the constitutional mandate under Article 170(3) of the Constitution.

33. The doctrine of *legitimate expectation* is a well-recognised principle in administrative law, rooted in the ideals of fairness, non-arbitrariness, and transparency in executive action. It arises when a public authority, either through a consistent past practice, an express promise, or a statutory policy, creates an expectation in the mind of an individual or class of persons that a certain course of action will be followed. While such expectation does not amount to a legal right in the strict sense, courts have consistently held that it may nonetheless warrant judicial protection where its denial results in manifest unfairness or arbitrariness, thereby violating the fundamental principles of natural justice.

34. However, it is equally well-settled that the doctrine of *legitimate expectation* cannot override an express provision of law or the Constitution. It must be borne in mind that the expectation must be *legitimate*, in the sense that it is not only reasonable but also legally sustainable within the structure of the governing statute or constitutional scheme. In the event of any conflict between an expectation and the existing legal framework, the expectation has

to run hand in hand with the legal intent and not against it. The doctrine of *legitimate expectation* is not a rigid rule and must be conceded where a superseding public interest or a statutory or constitutional bar exists. Thus, while legitimate expectation may guide how discretionary powers are exercised, it cannot be invoked to compel an authority to act contrary to a binding legal or constitutional command.

35. Keeping this in view, we find substance in the objection raised by the Union of India. It is trite law that the doctrine of *legitimate expectation,* while forming an integral part of the jurisprudence on fairness in administrative action, does not clothe a party with an enforceable right in itself. It operates within the bounds of legality and must necessarily conform to constitutional and statutory mandates.

36. In the present case, any expectation arising from the text of Section 26 of the AP Reorganisation Act cannot be viewed in isolation, but must be read in conjunction with the clear caveat engrafted in its opening phrase—"*subject to the provisions contained in Article 170 of the Constitution.*" Once the applicability of Article 170(3) is established, which constitutionally defers the delimitation exercise until after the publication of the relevant figures of the 2026

census, any contrary expectation stands eclipsed by this express constitutional limitation.

37. Thus, while the sentiment underlying the claim of the Petitioner(s) may not be without foundation—particularly given the passage of over a decade since the enactment of the AP Reorganisation Act—the legal threshold for invoking the doctrine of *legitimate expectation* has not been met. The Petitioner(s) cannot, in law, claim a right to delimitation in defiance of a constitutional mandate, nor can they invoke administrative fairness to defeat a clear constitutional prescription. In light of the above, we are unable to hold that the electorates of Andhra Pradesh and Telangana possess an enforceable legitimate expectation that can give rise to a justiciable cause of action under Article 32 of the Constitution.

F. **CONCLUSION AND DIRECTIONS**

38. In light of the foregoing discussion, it is evident that the exclusion of the States of Andhra Pradesh and Telangana from the purview of the delimitation process under the Impugned Notifications does not suffer from the vice of arbitrariness or discrimination. The distinction drawn is firmly anchored in the constitutional structure, particularly the *proviso* to Article 170 (3), which expressly bars any readjustment in the total number of seats in the

Legislative Assemblies of States until the first census after the year 2026. The legislative and constitutional framework thus provides a clear and rational basis for such tailored administrative distinction.

39. Article 170 has no application to Union Territories, including the Union Territory of Jammu and Kashmir. The Petitioner(s), therefore, cannot claim parity between the position of Jammu and Kashmir and that of the States of Andhra Pradesh and Telangana, which remain subject to the constitutional scheme governing States. The delimitation exercise carried out in Jammu and Kashmir—being governed by a distinct constitutional and statutory regime—cannot be analogically extended to States that are explicitly bound by the constitutional restraint imposed under Article 170(3). The Impugned Notifications thus do not violate Article 14 of the Constitution.

40. We have also found no merit in the Petitioner(s)' reliance on the doctrine of *legitimate expectation*. In matters governed by express constitutional provisions and legislative policy, this doctrine cannot be invoked to claim an enforceable right contrary to the constitutional arrangement.

41. Accordingly, the Writ Petitions being devoid of merit are dismissed. Pending interlocutory applications, if any, are also disposed of.

42. Ordered accordingly.

..... J.
[SURYA KANT]

..... J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI

DATED: 25.07.2025