

**IN THE HIGH COURT OF JUSTICE
OSUN STATE OF NIGERIA
IN THE ILESA JUDICIAL DIVISION
HOLDEN AT ILESA**

ENROLMENT OF JUDGMENT
BETWEEN

SUIT NO.HIL/M.19/2025

PEOPLES DEMOCRATIC PART (PDP)

.....

CLAIMANT

AND

- 1. OSUN STATE INDEPENDENT
ELECTORAL COMMISSION**
- 2. HASHIM AKINTUNDE ABIOYE
(Chairman, Osun State Independent
Electoral Commission)**

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DEFENDANTS

MOTION ON NOTICE BROUGHT UNDER:

- 1. SECTION 6(6) AND SECTION 36(1) OF THE 1999 CONSTITUTION OF NIGERIA AMENDED**
- 2. SECTION 3 OF THE OSUN STATE INDEPENDENT ELECTORAL COMMISSION (AMENDMENT NO. 1) LAW, 2024.**
- 3. INHERENT JURISDICTION OF THIS HONOURABLE COURT.**

- 1. AN ORDER of this Honourable Court recognizing the existing vacancies across all the 30 Local Government Areas of Osun State, the election conducted by the 1st Defendant on 15th October, 2022, having being invalidated, nullified and voided, and the purported elected officials produced by the purported election having been sacked by the Federal High Court in FHC/CS/OS/103/2022; ACTION PEOPLES PARTY (APP) VS. INDEPENDEENT NATIONAL ELECTORAL COMMISSION (INEC) & Ors, delivered on the 30th November, 2022 and as confirmed by the decision of the Court appeal in Appeal No: CA/AK/226M/2024; ALLIED PEOPLE MOVEMENT (APM) & Ors VS ACTION PEOPLE PARTY (APP) & ORS delivered on the 13th January, 2025.**



PRINCIPAL REGISTRAR
OLADELE O. O.
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CHIEF CLERK

2. **AN ORDER** of this Honourable Court directing, mandating and compelling the Defendants to fill the vacancies across the 30 local Government Areas of Osun State through a democratic process by proceeding to conduct the local government elections already scheduled by the Defendants for 22nd of February, 2025.
3. **AN ORDER OF THIS HONOURABLE COURT** directing, mandating and compelling all the security agencies comprising of the Nigeria Police, the Nigeria Army, the Department of State Security Services (DSS), the Nigeria Security and Civil Defence Corps (NSCDC), the National Drugs and Law Enforcement Agency (NDLEA), the Amotekun corps, the Vigilante group etc. to provide adequate security and maintain peace and order before, during and after the local government election scheduled by the Defendants 22nd February, 2025 in Osun State.

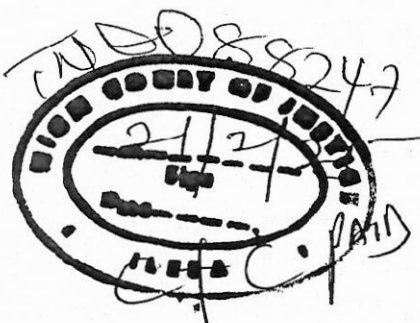
AND FOR SUCH FURTHER ORDERS as this Honourable Court may deem fit to make in this circumstances.

UPON READING the Motion on Notice and Affidavit of Prince Bola Ajao, Male, Muslim, Adult, and Nigeria Citizen of KM 3, Biket Junction, Ikirun Road, Osogbo, Osun State, Nigeria, Sworn to and filed at the High Court Registry, Ilesa on the 18th day of February, 2025.

AND AFTER HEARING S.A. Oyefade Esq. of Counsel for the claimant who moved the application and urged the court to grant their prayers while Mr. J.A. Ayanyemi (Director of Legal Services, OSSIEC) of Counsel for the defendant inform the Court that they do have any defence to this suit, the Court therefore adjudged as follows:-

JUDGMENT

I have gone through the originating processes filed by the claimant. I have also gone through the



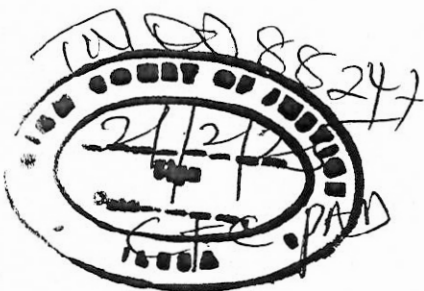
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PRINCIPAL REGISTRAR

response filed by the defences to this suit, which is essentially an admission of the Claimant's case.

The gravamen of the case of the claimant is that the defendants should not postpone the conduct of the Local Government Elections in Osun State which has been filed by the defendants to take place on Saturday 22/02/2025 by amending the Notice of Election already given or issued on 22/07/2024, as the Defendants are planning to do. The claimants contending that in view of the judgment in Suit No: FHC/OS/CS/103/2022 Action peoples party (APP) vs. INEC & ors. in which the election held by the 2nd Defendant was nullified by the Federal High Court in its Judgment delivered on 30/11/2022, which judgment was affirmed by the Court of Appeal, Akure In Appeal No: CA/AK/226/2024 Allied people Movement & ors vs. Action people party App & ors. When the Appeal against the Federal High Court judgment was dismissed on 13/01/2025, there is not hindrance to the conduct of election fixed for Saturday, 22/02/2025. These two judgments were attached as Exhibit 2 and 3.

I have carefully perused the two judgments, and I agree with the position of the claimant's counsel that there is no impediment to the election fixed by the defendant for Saturday, 22/02/2025. The Judgment of the Federal High Court which nullified the Notice of election issued by OSSIEC on 15/08/2025 and the election held on 15/10/2022, and was upheld by the Court of Appeal on 13/01/2025 is still subsisting until it is set aside by the Supreme Court.

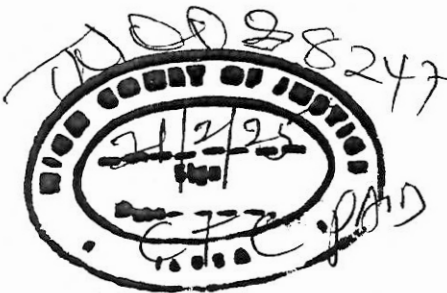
In the light of the above, there is nothing precluding the defendants from proceeding with the election into the Local Government in Osun State already fixed for Saturday, 22/02/2025.



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As a result, the claimants claim succeeds and the following reliefs and orders are granted by this Court:

- 1. AN ORDER OF THIS HONOURABLE COURT is granted, recognizing the existing vacancies across all the 30 Local Government Areas of Osun State, the election conducted by the 1st defendant on 15th October, 2022, having being invalidated, nullified and voided, and the purported elected officials produced by the purported election having been sacked by the Federal High Court in FHC/CS/OS/103/2022; ACTION PEOPLE PARTY (APP) vs. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) & ors. delivered on the 30th November, 2022, and as confirmed by the decision of the Court of Appeal, in Appeal No. CA/AK/226M/2024, ALLIED PEOPLE MOVEMENT (APM) & ORS vs. ACTION PEOPLES PARTY (APP) & ORS delivered on 13th January, 2025.**
- 2. AN ORDER OF THIS HONOURABLE COURT is granted, directing, mandating and compelling the defendants to fill the vacancies across the 30 Local Government Areas of Osun State through a democratic process by proceeding to conduct the Local Government ELECTIONS already scheduled by the defendants for 22nd of February, 2025.**



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3. AN ORDER OF THIS HONOURABLE COURT is granted, directing, mandating and compelling all the Security agents comprising of the Nigeria Police, the Nigerian Army, the Department of State Security Services (DSS), the Nigerian Security and Civil Defence Corps (NSCDC), the National Drugs and Law Enforcement Agency (NDLEA), the Amotekun Corps, the Vigilante Groups etc. to provide adequate security and maintain peace and order before, during and after the local government election scheduled by the Defendants for 22nd February, 2025 in Osun State.



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HON. JUSTICE DR. A. A. ADERIBIGBE
(JUDGE)

ISSUED at ILESA under the SEAL of the COURT and the HAND of the Presiding Judge, this 21st day of February, 2025.



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O. O. OLADELE
Assistant Chief Registrar

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OLADELE O. O.
PRINCIPAL REGISTRAR
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