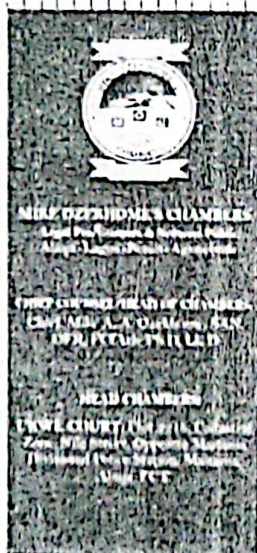


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FED. MIN. OF JUSTICE
RECEIVED
24 JUN 2025
HAGF REGISTRY
Honourable Attorney-General of the
Federation & Minister of Justice

[illegible]



delivered by the Osun State High Court on the **21st of February, 2025**. Unfortunately, these judgements have been and are still being brazenly flouted by some sacked APC persons who are falsely parading and laying claim to the same positions even after their election had been invalidated and nullified by the Federal High Court, Osogbo Judicial Division. They are using and hiding under federal might and your earlier erroneous pronouncements and directive to the Honourable Minister of Finance and Co-ordinating Minister of the Economy to justify the impunity of occupying and wrongfully laying siege on the Local Government Council secretariats. They do this to the detriment of the 30 legitimate Chairmen/Councilors validly elected on the platform of the PDP. They persist in this impunity *vi et armis*, deploying the Army, Police, DSS, NSCDC and other security agencies to aid their illegality. Your said letter dated **26th March, 2025**, unfortunately encouraged the Hon. Minister of Finance and Co-ordinating Minister of the Economy to aid the illegality being perpetrated by the sacked 30 APC Chairmen/Councillors. Such instruction, most respectfully, sir, constitutes an affront on extant decisions of all courts of law in this unfortunate matter. A copy of your said letter to the Hon. Minister of Finance and Co-ordinating Minister of the Economy wherein you erroneously stated that "*the elected officials of the All Progressives Congress (APC) are the ones running the affairs of the Osun State Local Government Councils until the end of their tenure in October, 2025, and are therefore entitled to be paid the statutory allocations until the end of the said period*" is attached herewith as **Annexure A**.

It is not correct that the APC officials are the ones currently running the affairs of Osun State. It is the PDP.

2. This self-help mantra by the sacked APC Chairmen/Councilors has been severally deprecated by the apex court in a plethora of cases. See **NWAKIRE v COP (1992) LPELR-2097 (SC) 42-43, A-D**; and **MILITARY GOVERNOR OF LAGOS STATE V. OJUKWU & ANOR (1986) LPELR-3186 (SC)**.
3. This letter is therefore to respectfully draw your attention to the unanimous decision of the Court of Appeal, Akure Judicial Division, in **Appeal No: CA/AK/15/2025, between ALLIED PEOPLE MOVEMENT & 2 ORS V. ACTION PEOPLES PARTY (APP) & 4 ORS**, delivered on **13th June, 2025**. This decision has finally settled once and for all, the correct legal status of the contending parties (the APC and the PDP).

BACKGROUND FACTS

4. The dispute over the Osun local government elections commenced in **2022**, following the conduct of the elections by the Osun State Independent Electoral Commission (**OSSIEC**), on **15th October, 2022**. The elections were successfully challenged in court on the ground that OSSIEC had failed to comply with the mandatory provisions of the Electoral Act, 2022, specifically sections 28, 29, 32, 98, and 150 thereof.

5. The People's Democratic Party (PDP) and the Action Peoples Party (APP) respectively instituted legal actions at the Federal High Court, in Suit Nos. **FHC/OS/CS/94/2022** and **FHC/OS/CS/103/2022**, seeking to have the elections nullified. The basis of these suits was OSSIEC's alleged non-compliance with statutory provisions including some constitutional breaches.

6. The resultant judgments by the Federal High Court in both cases invalidated and nullified the elections for lack of due process. The court consequentially ordered the removal of all persons purportedly elected thereto on the platform of the APC. The Federal High Court, Osogbo, (particularly in the APP case) delivered its judgement on **30th November, 2022**, holding thus:

- ***"The election into local government councils across Osun State held on the 15th of October 2022, pursuant to the notice of election issued on the 15th of August 2022, is hereby declared unconstitutional, invalid, null, and void for violation of the Constitution and breach of Sections 28, 29, 32, 98, and 150 of the Electoral Act, 2022."***

- ***"All persons or individuals occupying offices in the state local government councils by virtue of the said election are accordingly sacked from holding such offices."***

- ***"Sections 25 and 26 of the Osun State Independent Electoral Commission Law, 2022, having been enacted in contravention of***

Paragraph 12 of Part II of the Second Schedule to the Constitution and being inconsistent with Sections 29 and 32 of the Electoral Act, 2022, are hereby struck down."

A certified true copy of the said judgement is herewith attached and marked **Annexure B**.

THE APPEALS AND THEIR OUTCOME

7. Following the Federal High Court's judgement, the APC, which had sponsored the sacked Chairmen/Councillors and had benefited from the **October 2022** elections appealed both judgements. On **10th February, 2025**, the Court of Appeal sitting in Akure dismissed the earlier trial court's judgment which was in favour of the PDP in **CA/AK/270/2022** on the ground that the PDP's suit as instituted was speculative, having been filed prematurely at a time when notice of the said election had not yet been issued by OSSIEC. This, in the intermediate court's opinion, deprived the FHC of jurisdiction to entertain the suit in the first instance. The appellate court therefore struck out the Originating Summons as incompetent, holding that the APC's prayer for reinstatement had become an academic exercise. Thus, significantly, the Court of Appeal in the said **CA/AK/270/2022** **never made any consequential order for the reinstatement of the APC Chairmen/Councillors** as it did not even pronounce on the propriety or otherwise of the election, it being a mere academic exercise. So, no such order exists till date. The only consequential order made by the Court of Appeal was that PDP shall

pay a cost of N250,000 to the APC Appellant. No more, no less! This is scenario one. A certified true copy of the said judgement is herewith attached and marked **Annexure C**.

8. Thus, in this scenario, the legal implication in the absence of any consequential order validating the election of the 30 APC Chairmen/Councilors in Appeal No. CA/AK/270/2022, is that the FHC's judgement in the APP case which sacked and removed from office the 30 APC Chairmen/Councilors remains the extant and binding position of the law. Under section 287(3) of the 1999 Constitution, all authorities and persons within Nigeria, including government institutions, political parties and law enforcement agencies are obligated to enforce and abide by the said judgement, the appeal arising therefrom having been dismissed. See the cases of **OSAKWE V. INEC & ORS (2005) 13 NWLR Pt. 942 @ 442; NNAJI VS. ANEKE (1996) 2 NWLR (Pt. 430) 269 at 273 and RINI & ANOR V. MARADUN & ORS (2008) LPELR-8441 (CA)**.
9. Similarly, in the second scenario, the same APC had appealed the judgment in the **APP case in Appeal No. CA/AK/266M/2024**. This appeal was abandoned by the APC and was eventually struck out by the Court of Appeal for want of diligent prosecution on the **13th of February, 2025**.
10. Being aware of the danger posed by its abandonment of its appeal against the APP judgement until same be set aside, the APC ran back to the Court of Appeal and applied to relist the abandoned appeal, which

had been struck out. This was a clear admission that no revalidation or reinstatement of the APC Chairmen/Councilors had ever been made by any court of law. This application was roundly dismissed by a majority decision of the Court of Appeal, Akure Judicial Division on the **13th of June, 2025**.

**THE OSUN STATE HIGH COURT JUDGEMENT
THAT ORDERED OSSIEC TO FILL THE 30 VACANT
POSITIONS**

11. Pursuant to the originating processes and a motion on notice filed by the PDP against the Osun State Independent Electoral Commission (OSSIEC) at the High Court, Ilesa Judicial Division on **18th February, 2025**, the Court granted the following reliefs, mandating OSSIEC to hold elections to fill the vacant positions brought by the sacking of the APC Chairmen/Councilors:

- I. 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 been 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.

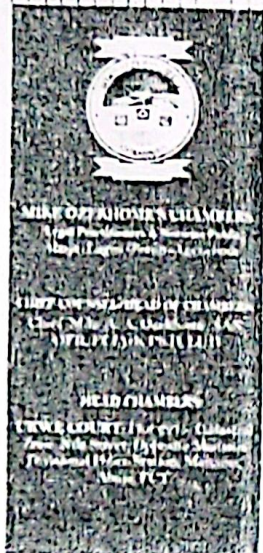
- II. AN ORDER OF THIS HONOURABLE COURT is granted, directing, mandating and compelling the defendants to fill the vacancies across the 30 Local Government Areas of Osun State through a democratic process by proceeding to conduct the Local Government ELECTIONS already scheduled by the defendants for 22nd February, 2025...

A certified true copy of the judgement of the High Court Ilesa Judicial Division delivered on 21st February, 2025, is herewith attached and marked as **Annexure D.**

12. It must be noted that the decision of the Federal High Court, Osogbo, in nullifying the election that brought in the 30 APC Chairmen/Councilors in the APP matter is in line with the Supreme Court decision in the case of **ALL PROGRESSIVES CONGRESS V. RIVERS STATE INDEPENDENT ELECTORAL COMMISSION & ORS (2025) LPELR- 80556 (SC)**, delivered on **28th February, 2025**, wherein the apex court held at pages 40- 41 thus:

“...Instructively, the provision of **Section 150** (supra) vis-a-vis **Sections 28, 29, 30 and 103 of the Electoral Act, 2022** (supra) clearly streamline the processes regulated by the INEC (2nd Respondent). Thus, against the backdrop of the finding, the Local Government Election conducted in Rivers State on 05/10/2024 is in flagrant breach of the provisions of the Electoral Act, 2022.

Hence, consequent upon the flagrant violation of the provisions of the Electoral Act, 2022, the said Local Government Election conducted in Rivers State ought to be, and same is hereby declared null, void, and of no effect whatsoever in pursuance of **Section 150(3)** (supra). (underline mine)



**THE RECENT COURT OF APPEAL DECISION
AFFIRMED THE REMOVAL OF ALL THE 30 APC
CHAIRMEN/COUNCILORS AND RECOGNISED THE
ELECTION OF THE 30 PDP
CHAIRMEN/COUNCILLORS**

13. In the said **Appeal No. CA/AK/15/2025**, the APC had sought to set aside the ruling of the Court of Appeal dated **13th January, 2025** in **Appeal No. CA/AK/266M/2024**, between Allied People Movement & Ors V. Action Peoples Party (APP) & Ors. It prayed the court for an order restoring/relisting **Appeal No. CA/AK/266M/2024** which had been dismissed for want of diligent prosecution on **13th January, 2025**.

14. However, the **Court of Appeal on 13th of June, 2025**, dismissed this application in a unanimous decision with the lead ruling delivered by Hon. Justice Peter Chudi Obiorah, JCA. The Hon. Justice Oyeibisi Folayemi Omoyele and Hon. Justice Hadiza Rabiul Shagari, JJCA, concurred. A copy of the said judgment is herewith attached as **Annexure E**.

15. In dismissing the appeal, the intermediate court made some telling pronouncements that the Honourable Attorney General would find useful in getting those 30 APC impostors still forcibly occupying the LGCs secretariats to immediately vacate therefrom. The Court of Appeal in its ruling recognized the LG elections conducted on **22nd February, 2025**, and won by the 30 PDP Chairmen/Councilors and Councillors. It held inter alia that:

At page 16, paragraph 2 of the Lead Ruling delivered by His Lordship, Peter Chudi Obiorah, JCA, the Court held thus:

“Of course, the dismissal of the appeal means that there being no existing appeal against the Judgment of the lower court, the said judgment stands as the authority defining the state of affairs as it regards the status of the officers of the various Local Government Councils in Osun State”

At page 32 paragraph 2 of the Lead Ruling delivered by His Lordship, Peter Chudi Obiorah, JCA, the Court held thus:

“The parties locked horns before the Federal High Court, Osogbo in Suit No.: FHC/OS/CS/103/2022 which was an action in respect of election into Local Government Councils in Osun State. The lower court delivered its judgment on 30th November, 2022 effectively nullifying the election into the Local Government Councils across Osun State and sacked all individuals occupying offices in the Local Government Councils by virtue of the said election.”

On the sack of the APC Local Government Chairmen, at page 45 paragraph 2 of the Leading Ruling delivered by His Lordship, Peter Chudi Obiorah, JCA, the Court held thus:

“I say this because the 3rd Appellant/Applicant is a political party that fielded candidates in the Local

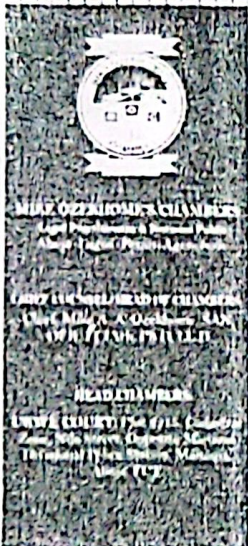
Government elections that was nullified by the lower court. Some of those candidates won the election and were sworn into office as Chairmen/Councilors and Councillors, and were exercising the functions of their offices until the judgment of the lower court sacking them from office was delivered on 30th November, 2022."

At page 45 paragraph 3 to page 46 paragraph 1 of the Lead Ruling delivered by His Lordship, Peter Chudi Obiorah, JCA, the Court held thus:

"It follows that beyond the 3rd Appellant/Applicant as a party to the suit, **there are some of her members who are directly affected by the judgment of the lower court by virtue of their removal from office as Chairmen/Councilors and Councillors of the Local Government Councils**, that naturally would push the 3rd Appellant/Applicant to pursue the appeal diligently if the 3rd Appellant/Applicant was sincerely desirous of doing so."

At page 48 paragraph 2 of the Lead Ruling, the Court held thus:

"Like I earlier observed, the 3rd Appellant/Applicant is a political party in Nigeria with members across all the States in Nigeria. In particular, the 3rd Appellant/Applicant has her executive officers and members in Osun State, **particularly her members who were sacked as Chairmen/Councilors and Councillors as a result of the judgment of the lower court, and are personally aggrieved by the judgment.**"



At page 48 paragraph 3 of the Lead Ruling, the Court held thus:

"If the 3rd Appellant/Applicant and her members who were elected as Chairmen/Councilors and Councillors, and subsequently sacked by the lower court, knew that the term of office they were elected to serve was three years, then it is inconceivable that they will go to slumber for two years"

At page 49 paragraph 2 of the Lead Ruling, the Court held thus:

"Whatever that made the 3rd Appellant/Applicant and her sacked members to go to sleep for two years without worry and suddenly wake up after two years cannot be based on motives that are altruistic and in conformity with expeditious determination of the appeal, for even a right to fair hearing is expected to be exercised within a reasonable time as clearly stated in Section 36 of the Constitution of the Federal Republic of Nigeria, 1999."

At page 56 paragraph 2 of the Lead Ruling, the Court further held thus:

"Everything in this application shows that the 3rd Appellant has not shown good cause why this application should be granted. The fate that has befallen them is self-inflicted. It is therefore my



conclusion that the application lacks merit. It is accordingly dismissed."

At Page 1 paragraph 1 of the concurring ruling of His Lordship, **HADIZA RABIU SHAGARI, JCA**, the Court held thus:

"I agree with the reasoning therein and the conclusion arrived at that the 3rd Appellant had shown no good cause why the application should be granted they went to slumber and they should remain therein. The law aids the vigilant and not the indolent."

RECOGNITION OF THE LOCAL GOVERNMENT ELECTION CONDUCTED BY OSSIEC ON 22ND FEBRUARY, 2025 BY THE COURT OF APPEAL

Furthermore, most humbly, Honourable Attorney-General, the Court of Appeal, affirmed beyond any scintilla of doubt that the election conducted by OSSIEC on **22nd February, 2025**, was in compliance with the law and that same validly produced the 30 PDP Local Government Chairmen/Councilors who were duly sworn in by the Governor of Osun State on **23rd February, 2025**. Thus, at page 4 paragraph 2 of the Concurring Ruling of His Lordship, **OYEBISI FOLAYEMI OMOLEYE, JCA**, the Court unequivocally held thus:

"Critically, this Court had earlier delivered judgment on the 10th February, 2025 in Appeal No. CA/AK/270/2022, involving basically the same parties and addressing substantially the same issues.

The said appeal has been dismissed. What is more, the fresh Local Government elections conducted on the 22nd February, 2025 and the swearing-in of new Chairmen/Councilors and Councilors have overtaken the substratum of this dispute. Relisting the appeal at this stage would serve no practical purpose."

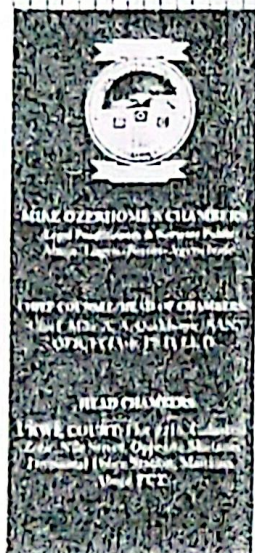
16. It is therefore crystal clear that the election that brought in the APC Chairmen/Councilors was *ab initio* unconstitutional, null and void. A void act confers no legal right. When an act is void, it is void for all times and is not required to be set aside. See **OYENEYIN & ANOR V. AKINKUGBE & ANOR (2010) LPELR-2875 (SC)**; **MACFOY V. UAC LIMITED (1962) AC 152**; **OKWUOSA V. GOMWALK & ORS (2017) LPELR-41736 (SC)**; **IFEANYI V. OGBA & ORS (2022) LPELR-58787(SC)**.

OUR HUMBLE PRAYERS

17. Having regard to the above factual situation and correct the law, we respectfully urge you to use your good offices urgently:
- Give effect to the decision of the Court of Appeal in Appeal No: **CA/AK/15/2025: ALLIED PEOPLE MOVEMENT & 2 ORS V. ACTION PEOPLES PARTY (APP) & 4 ORS**, delivered on 13th June, 2025; and
 - Refrain from endorsing any contrary position being pursued by the sacked APC Chairmen/Councilors

which seeks to undermine and disobey the said ruling and other subsisting judgements;

- iii. Rescind or withdraw your directive dated **26th March, 2025**, which erroneously recognized the
- iv. Rescind or withdraw your directive dated **26th March, 2025**, which erroneously recognized the sacked APC Chairmen/Councilors and appeared to empower the CBN Governor to disobey court judgements and orders by paying allocation to the 30 illegal APC Chairmen.
- v. Affirm the legitimacy of the current PDP Local Government Chairmen/Councilors duly constituted following the election constituted by OSSIEC on **22nd February, 2025**;
- vi. Direct the appropriate Federal Government authorities including the Minister of Finance, Coordinating Minister of the Economy, the Accountant-General of the Federation and the Governor of Central Bank of Nigeria, to remit all arrears and current federal allocations due to the 30 Local Government Councils of Osun State to the validly constituted PDP Chairmen/Councilors of the Local Governments.
- vii. Direct the appropriate Federal Government agents such as the Inspector-General of Police, the Director-General of the Department of State Services (DSS), the Chief of Army Staff, the Commandant-General of the Nigeria Security and Civil Defence Corps (NSCDC), the Commissioner of Police, Osun State Police Command, the Osun State Director of the DSS,



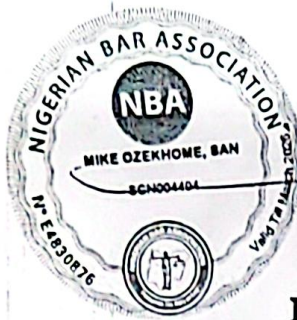
the Commandant of NSCDC, Osun State, etc, to immediately withdraw from the 30 Local Government Council Secretariats which they have illegally occupied since **February, 2025**, in aid of the APC Local Government Chairmen/Councilors in clear breach of the law and peace of Osun State.

- viii. Direct the above security agents to provide maximum security and protection for the PDP Chairmen/Councilors who were validly elected on **22nd February, 2025**, to enable them carry out their legitimate and constitutionally vested duties. This has become urgently imperative to prevent a breach of the peace, law and order; and also to halt the ongoing undue harassment, intimidation and possible physical harm being brought to bear on the legitimate PDP Chairmen/Councilors by the sacked APC Chairmen/Councilors and their agents.

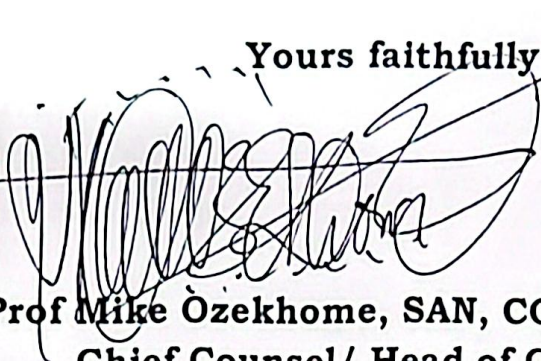
CONCLUSION

18. Your office remains the symbolic guardian of the rule of law in Nigeria. It ought to act dispassionately, shunning partisanship in favour of the ruling APC government. In the interest of our hard-earned constitutional democracy, good governance, legal certainty and democratic integrity, we respectfully urge you to ensure that the judgments of courts in this dispute are fully and faithfully complied with and duly enforced. Sir, kindly help to bring about peace in Osun State through your immediate intervention.
19. Thank you in anticipation of your swift action.

Please, accept the highest assurances of our respects.

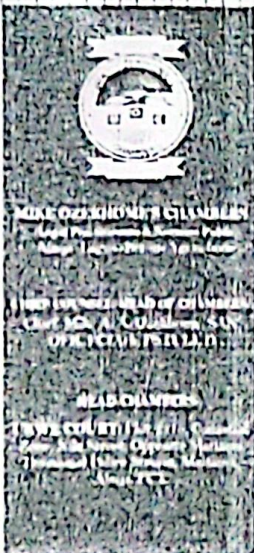


Yours faithfully,


Prof Mike Ozekhome, SAN, CON, OFR, LL.D
Chief Counsel/ Head of Chambers

CC:

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**5. The Director-General,
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**6. The Chief of Army Staff (COAS),
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**7. The Commandant-General,
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**8. The Commandant,
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Osun State Command,
Osun State, Nigeria**

**9. The Commissioner of Police,
Nigeria Police Force (NPF),
Osun State Command,
Osogbo, Osun State.**

**10. The State Director of Security,
Department of State Services (DSS),
Osun State Command,
Osun State, Nigeria**

