

IN THE HIGH COURT OF JUSTICE

Petition No. M373/21

QUEEN'S BENCH DIVISION

THE ELECTION COURT

AND IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT 1983

AND IN THE MATTER OF A LOCAL GOVERNMENT ELECTION FOR THE
COLHURST WARD OF OLDHAM COUNCIL, HELD ON 6th MAY, 2021

AND IN THE MATTER OF AN APPLICATION FOR PERMISSION TO WITHDRAW
THE PETITION

BETWEEN:

MONTAZ ALI AZAD

Petitioner

- and -

ABDUL JABBAR

First Respondent

- and -

CAROLYN WILKINS, RETURNING OFFICER FOR OLDHAM COUNCIL

Second Respondent



**APPLICATION TO WITHDRAW THE PETITION
AND WITNESS STATEMENT OF THE PETITIONER**

I, MONTAZ ALI AZAD, of 157 Burnley Lane, Oldham, Greater Manchester, WILL SAY
AS FOLLOWS

INTRODUCTION

1. This is an application and supportive witness statement in support of an application to withdraw the legal government election petition ('the Petition') issued by me on 24.5.2021. The Petition challenged the result of the local government election for Oldham Council held on 6.5.2021 ('the Election'), at which Abdul Jabbar was declared

elected. The said Abdul Jabbar is the First Respondent to the Petition. The Second Respondent was the Returning Officer in the Election.

2. With this application notice are filed Grounds of the application to withdraw. These include all evidence and submissions made by me in support of the application. I have signed a statement of truth at the end of the Grounds. The Court also has two draft orders that I ask it to make: first, to list the date of a hearing of my application to withdraw; and, secondly, the order that I ask the Court to make at the formal hearing of the application to withdraw.
3. I give evidence in this application of the facts on which I rely in support of this application, which are also outlined in the Ground.
4. I cannot establish through evidence the length of the period within which my agents were unable to attend a number of polling stations due to being excluded by the Second Respondent's agents. My allegation, set out in the Petition, was that those officers did not allow my agents to enter some polling stations. I accept that this is denied by the Second Respondent, who has said they were excluded due to clerical errors. Without evidence establishing the period within which my agents were excluded, it would not be possible to establish how many electors voted within this period. Therefore, I cannot prove how many voters were not observed by the Petitioner's agents; and I accept that I cannot prove that the exclusion of my agents could have affected the result of the election.
5. I also accept that the exclusion of those agents was not so serious a breach of the rules that the election was not substantially conducted in accordance with election law. In consequence.
6. I make the undertakings made in the Grounds.
7. I accept that I will have to pay the costs of the Petition. However, I rely on the submissions about the reasonableness of attendance at future hearings that are made in the Grounds.

STATEMENT OF TRUTH

I believe that the facts stated in these Grounds are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

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Date: 25/11/2021

MONTAZ ALI AZAD