

**IN THE DISTRICT COURT AT WASA AKROPONG HELD ON THURSDAY THE  
31<sup>ST</sup> DAY OF MARCH, 2023, BEFORE HIS WORSHIP MR. AKOANDE. A. BRIGHT,  
ESQ DISTRICT MAGISTRATE**

**SUIT NO. A11/52/2022**

**KWABENA GYETUAH**

**VRS**

**KWAKU TWUMASE**

**JUDGMENT**

The plaintiff's claim is as follows:

- "a. where defendant is constructing his nature's call is the property of plaintiff.
- b. General Damage for trespass
- c. An Order for Perpetual Injunction."

The case of the plaintiff as gathered from his pleadings and evidence is that his late father acquired a piece of land at Wasa Dompuse many years ago. He avers that in June, 2021, the defendant encroached in to the said land, erecting a toilet facility.

The case of the defendant as gleaned from his pleadings and evidence is that the land in dispute is the property of his late grandfather, Opanin Ntim. He avers that after the death of his said grandfather, his (defendant's) uncle, one Kojo Kwaa succeeded him. The defendant asseverates that his said uncle made him a caretaker of the land in dispute and that he has been on the land for a long time without hindrance.

After carefully examining the reliefs, the pleadings and evidence, I am of the considered opinion that the central issue for determination is whether or not the plaintiff has title to the land in dispute. For what constitutes title to land, see *Deliman Oil Company Ltd. Vrs. H F C Bank* [2016] 92 G M J I per Ackah-Yensu J A as she then was.

Suffice it to state that title to land may take the form of document or series of documents or possession within the meaning of section 148 of the Evidence Act, 1975 (Act 323). Title to land can only be declared in relation to a specific piece of land. In other words, failure by a plaintiff in an action for declaration of title to land to describe the land with accuracy or identify the boundaries of the land is fatal to his case; see *Anane Vrs. Donkor* [1963] GLR 188; *Akoto Vrs. Kavege* [1984-86] GLR 385 and *Yawson Vrs. Mensah* [2012] 38 M.L.R.G. 121. In the instant case, the plaintiff's action is for declaration of title to "where the defendant is constructing his nature's call". Clearly, the land in dispute has not been properly identified. The size of the said land is also not known. If the plaintiff is declared title owner to the land in dispute, how will he execute the judgment since the land is not properly identified?

Neither the plaintiff nor his single witness led sufficient evidence to establish the identity of the land. The plaintiff did not even tender in evidence a site plan of the alleged land in dispute. Clearly, the plaintiff has not accurately described the land in dispute. There is no need to multiply the reasons for the decision of the court.

From the foregoing, I hold that the plaintiff has no title to the land in dispute. The claim fails and it is hereby dismissed.

Given the circumstances of this case, the parties will bear their own costs.

(SGD)

MR. A. A. BRIGHT

DISTRICT MAGISTRATE