

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE (LAND DIVISION) ACCRA HELD ON MONDAY THE 31ST DAY OF OCTOBER, 2022 BEFORE HER LADYSHIP JUSTICE JENNIFER MYERS AHMED (MRS), JUSTICE OF THE HIGH COURT.

SUIT NO: LD/0677/2018

NUUMO ADJEI KWANKO

Substituted by NII EMMANUEL MENSAH KWAKU CANTREPH : PLAINTIFF

VRS

1. GHANA EXHAUST PIPES
 2. GBEWAA CIVIL ENGINEER
 3. GHANA NATIONAL PETROLEUM CO.
 4. LANDS COMMISSION
 5. PREMSON WOOD PROCESSING : DEFENDANTS
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JUDGMENT

By his amended statement of claim filed on the 15th of June 2020, the plaintiff sought the following reliefs jointly and severally from the defendants.

- (a) Declaration of title to all that piece or parcel of land as described in the schedule below;
- (b) Damages for trespass
- (c) Recovery of possession of any portion of plaintiff's land trespassed unto by 1st, 2nd, 3rd and 5th defendants and further order that any offending structures be removed at cost to the defendants.

(d) Order directed at the 4th defendant to expunge from its record the registration of the 1st, 2nd, 3rd and 5th defendants since plaintiff had prior registration of his land in the record of the 4th defendant.

(e) Perpetual injunction restraining the 1st, 2nd, 3rd and 5th defendants or their agents from having anything to do with plaintiff's land.

The 3rd defendant was the only defendant who entered appearance through its counsel and filed a statement of defence. On the 23rd July 2021, this court adopted a consent judgement between the plaintiff and the 3rd defendant as a judgement of the court pursuant to terms of settlement between the plaintiff and the 3rd defendant. Thus the action against the 3rd defendant discontinued.

As reiterated above, the 3rd defendant is the only defendant to have responded to the writ of summons served on them. The rest of the defendants to date have neither entered appearance nor filed any statement of defence to the claims of the plaintiff herein. The 5th defendant in particular has been served severally with hearing notices via substituted service but this has all been for nought. They have simply ignored the writ of summons. The plaintiff in support of his claim gave evidence through his lawful attorney, Stephen Nii Sowah Hanson, who described himself as the head of the Nii Adjei Sankuma We of the Tsie We family of Teshie. The present plaintiff who was substituted in the stead of the original plaintiff after his demise is the acting Osabu and Ayiku Wulomo and head of the Nortey Kuma Plamanta We family, the adjudged custodian of the Klemusum Quarter lands which includes Tsie We lands of Teshie. Tendered into evidence was a judgment of the Supreme Court affirming the Tsie We family headed by the Osabu and Ayiku Wulomo of Klemusum as the custodian of the Tsie We lands.

The instant writ had been precipitated by the 1st, 2nd and 5th defendants plotting portions of the plaintiff's land in their names at the Lands Commission, the 4th

defendant herein. Even though the plaintiff's family has a land title certificate covering their lands which have an approximate size of 2,244.192 acres, a search conducted by the plaintiff in 2018 revealed the names of 1st, 2nd, 5th defendants as entities who have registered their respective interest in the plaintiff's land. It is the plaintiff's belief that the 4th defendant unless restrained by the court would continue with the unlawful plotting of the plaintiff's land.

The 1st, 2nd, 5th defendants having failed to defend this action despite they having been given notice the court will grant the plaintiff the reliefs he seeks. Judgment is thus granted in plaintiff's favour for all the reliefs endorsed on the writ of summons except for relief (d).

The order is hereby made directed at the 4th defendant to expunge from its record the registration of the 1st, 2nd, 5th defendants, the plaintiff having had prior registration of its land in the record of the 4th defendant.

Costs of GH¢10,000.00 in favour of the plaintiff.

LEGAL REPRESENTATIVES

MRS. IRENE MARIA ALLOTEY-ANNAN - COUNSEL FOR PLAINTIFF
PRESENT

NO LEGAL REPRESENTATION FOR DEFENDANTS

(SGD.)

JENNIFER ANNE MYERS AHMED J, (MRS.)

JUSTICE OF THE HIGH COURT