

**29-05-2018**

**IN THE SUPERIOR COURT OF JUDICATURE, THE SUPREME COURT (CIVIL DIVISION) SITTING  
IN ACCRA ON TUESDAY THE 29TH DAY OF MAY 2018.**

**CORAM: ADINYIRA JSC (PRESIDING), YEBOAH, BAFFOE-BONNIE, APPAU &  
PWAMANG JJSC.**

**CIVIL MOTION  
NO. J5/33/2018**

**THE REPUBLIC  
VRS  
HIGH COURT, (LAND DIVISION), ACCRA  
EXPARTE: ABDULAI YAHYA & ORS.**

Applicants present

Asafoaste Odoi III representing the 1<sup>st</sup> Interested party

Thomas Hughes for the applicants with him Suleman Disu.

Adjei Larley for the 1<sup>st</sup> Interested party.

Adjei Larley: I am withdrawing the preliminary legal objection to the application.

Court: The preliminary legal objection is struck out as withdrawn.

Hughes: The judgment was a nullity as it breached the rules of natural justice, as they were in full possession of the land, and had land title certificates to the lands, we were not served with any process in respect of the case nor notified with the pendency of the suit before the High Court. The 1<sup>st</sup> Interested party knew we were on the land and did not give us notice of the suit. The area we occupy consisted of 45, 000 acres of land. We had notice of the judgment in February, 2018 and then we filed the application. The Defendant in that suit is unknown to us and owns no land in the area.

Larley: I have nothing to say. I leave everything in the hands of the Court.

By Court: After listening to counsel on both sides and considering the affidavits and statements filed as well, we are satisfied that this is a proper case to exercise our discretion in favour of the applicants. Accordingly we grant the application for certiorari and we order

that the judgment of the High Court, Accra Land Division (4) presided over by Asuman Adu J be brought in to be quashed and it is hereby quashed.

Hughes: We ask for costs of GH¢ 30,000.

Lartey: We offer them cost of GH¢ 2, 000

**BY COURT:**

The applicants are awarded costs of GH¢ 5,000 against the Great Ningo Traditional Council.

**(SGD) S. O. A. ADINYIRA (MRS)**  
**JUSTICE OF THE SUPREME COURT**

**(SGD) ANIN-YEBOAH**  
**JUSTICE OF THE SUPREME COURT**

**(SGD) P. BAFFOE-BONNIE**  
**JUSTICE OF THE SUPREME COURT**

**(SGD) YAW APPAU**  
**JUSTICE OF THE SUPREME COURT**

**SGD) G. PWAMANG**  
**JUSTICE OF THE SUPREME COURT**