

IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA - A.D. 2023

CORAM: PWAMANG JSC (PRESIDING)

OWUSU (MS.) JSC

AMADU JSC

ACKAH-YENSU (MS.) JSC

ASIEDU JSC

CIVIL APPEAL

NO. J4/90/2022

21ST JUNE, 2023

THE REPUBLIC

VS

**1. THE PRESIDENT, CENTRAL 1ST RESPONDENT/APPELLANT/
REGIONAL HOUSE OF CHIEFS APPELLANT**

**2. THE PRESIDENT, NATIONAL 2ND RESPONDENT/APPELLANT/
HOUSE OF CHIEFS APPELLANT**

**3. NANA OGYEEDOM OBRANU INTERSTED PARTY/APPELLANT/
KWESI ATTA VI APPELLANT**

EX PARTE:

OBREMPONG NYANFUL KRAMPAH XI APPLICANT/RESPONDENT/

JUDGMENT

ACKAH-YENSU (MS.) JSC:-

INTRODUCTION

It is common knowledge that chieftaincy is one of the most enduring traditional institutions in Ghana, which has displayed remarkable resilience from pre-colonial through colonial to post-colonial times. The social value of the institution is given widespread recognition by the Ghanaian public. Nevertheless, the rights of even chiefs are subject to regulation. Indeed, as Coussey, JA observed in **Republic v Techiman Traditional Council, Ex Parte Tutu [1982-83] GLR 996 at 999:**

“Chieftaincy, since the British colonial administration, has been governed by statute and this has continued since the independence of Ghana in 1957”.

Thus, the institution of chieftaincy, although it has evolved in accordance with customary law, has been subjected to regulation by statute since the advent of British colonialism in Ghana. This remains true even now, subject to the qualification that Article 270 of the 1992 Constitution limits the extent of statutory intervention permitted in relation to the institution of chieftaincy.

Undoubtedly, the involvement of legislation, and government’s participation in chiefly affairs, is not to re-invent and create a novel approach to our traditional administration systems, but, rather, supplement and make more efficacious, that hallowed traditional institution of chieftaincy.

The institution of chieftaincy and all of its traditional councils, though long established and recognized under custom, has been given constitutional and legislative impetus. Our

Laws have established, created, and defined the functions of the various houses of chiefs. Of particular interest to the subject matter of the instant action, are the functions of the National and Regional Houses of Chief.

Our invitation in this appeal, is to assess the mandate of the Research Committee of the Central Regional House of Chiefs, *vis-à-vis* the authority of the National House of Chiefs to determine, whether the Research Committee, in undertaking the activity that led to the instant appeal did exceed its authority, and if so, whether it should be amenable to judicial review.

BACKGROUND FACTS

The Applicant is the Paramount Chief of Gomoa Ajumako Traditional area. The Interested Party is an Odikro within the Gomoa Ajumako Traditional Area. There appears to have been some tension between the Applicant and the Interested Party regarding the Interested Party's zeal to see his stool elevated to the status of a paramountcy.

In this regard, the Interested Party, on the 1st day of January 2021, petitioned the President of the Central Regional House of Chiefs (the Applicant) per a letter, titled "PETITION FOR REGULARIZATION OF INDEPENDENCE OF GOMOA AFRANSI STOOL." For its relevance in this appeal, I hereby reproduce the material content:

"Nana President,

PETITION FOR REGULARIZATION: OF INDEPNDENCE OF THE GOMOA AFRANSI STOOL

I hereby humbly forward to your august house my narration and the relevant documents pertaining to my petition for regularisation of independence of the Gomoa Afransi Stool submitted to the National House of Chiefs through

the Central Regional House of Chiefs which notwithstanding numerous reminders has been given NO attention for over ten 10-years.

It is rather necessary to put your outfit on notice that Gomoa Afransi has withdrawn membership and isolated itself from the Gomoa Ajumako Traditional Council well over 13-years and thereby managing its own affairs in all aspects of administration of Custom and Chieftaincy without any claim of rights, tributes, allegiance, hindrance or interruption by the Omanhene of Gomoa Ajumako since both sides are of adequate knowledge of the historical and customary autonomy and independence of the Gomoa Afransi Stool.

It is also highly important to state that, in view of the aforementioned withdrawal and isolation coupled with brief and detailed excerpts of customary and historical basis of my claim of independence extracted from the evidential documents obtained from the National and Central Regional Archives, it is our strongest position that Gomoa Afransi Stool is wholly independent, and CAN NO longer regard itself as subordinate to the Gomoa Ajumako Omanhene's Stool.

So therefore, we humbly pray for your most revered office to consider my petition so as to regularize the independence of Gomoa Afransi Stool since that is the only way to settle any existing unrest between the respective Stools of Gomoa Afransi and Gomoa Ajumako Paramountcy."

It must be pointed out, that the Interested Party did petition the Minister for Chieftaincy and Religious Affairs also for "Intervention in Application for Restoration and Legislative Regularisation of Independence of Gomoa Afransi Stool". The Minister forwarded the Petition to the Central Regional House of Chiefs per a letter dated 17th January 2020 to look into

the matter. The Minister requested that a three-member committee be set up and submit a report. The Central Regional House of Chiefs, however, in a letter dated the 3rd of February 2020, wrote to the Minister reminding him, that the power to investigate such matters was the preserve of the House of Chiefs under sections 9(3) and (4) of the Chieftaincy Act, 2008 (Act 759) and not the Minister.

Interestingly, per a letter dated the 25th of February 2020, the Central Regional House of Chiefs wrote to the Minister forwarding a report purported to be investigations conducted in relation to the Petition that was submitted to the Minister by the Interested Party. That report did not find favour with the substance of the Petition.

The Minister then again referred the interested Party's Petition to the National House of Chiefs to take a second consideration. At a meeting dated the 18th of June 2020, the Standing Committee of the National House of Chiefs rejected the earlier Report submitted by the Central Regional House of Chiefs. The Plenary session of the House also affirmed this decision. The National House of Chiefs, however, agreed that the Petition be referred back to the Central Regional House of Chiefs to constitute a new committee to investigate the matter and report back to the house and for onward transmission to the Minister. This decision of the National House of Chiefs is captured in the extracts of minutes of the Standing Committee of the House dated the 18th of June 2020 (Exhibit "OK2"). It reads as follows:

"vii. Petition for Intervention in Application for Restoration and Legislative Regularization of Independence of Gomoa Afranse Stool

The Research and Traditional Affairs Committee discussed a letter from the Hon. Minister of Chieftaincy and Religious Affairs on the above subject matter. Nana Soglo Alloh IV, Otekpleh informed Nananom that, the hon. minister revealed in his letter that, the report

on the Gomoa Afranse's restoration request that was submitted by the Central Regional House of Chiefs did not reflect the actual situation on the ground. The letter mentioned that it seemed the petitioner was not given a fair hearing because the whole Standing Committee of the Central Regional House of Chiefs constituted itself into a Committee on the matter. The Hon. Minister's letter asserted that, the President of the Central Regional House of Chiefs should have recused himself because he was an interested party in the case.

Nana Alloh IV reported that, as a result of the issues mentioned above, the Hon. minister implored the National House of Chiefs to constitute a committee of the House to determine the matter. He stated that, the Committee unanimously agreed that a Sub-Committee of the House be formed to investigate the matter.

...

The standing Committee did not accept the recommendation of the Research and Traditional Affairs Committee that, a Sub-Committee should be formed to look into the matter. Instead, the Committee agreed that, the matter should be referred back to the Central Regional House of Chiefs for them to form a Sub Committee to investigate the matter and report to the National House of Chiefs."

Indeed, Exhibit "OK3" (minutes of the House dated 14th June 2020) also affirms the approval of the General House of the National House of Chiefs with the decision of the Standing Committee. The Registrar of the National House of Chiefs was tasked to carry out the decision as per the action column in Exhibit "OK3".

Despite the above decision of the National House of Chiefs, there was no formal referral from the National House to the Central Regional House of Chiefs to trigger the investigations into the Petition. We wish to state at this juncture, that it is this default, that informed the positions taken by the two lower courts, to the effect, that its absence deprived the Research Committee of the Central Regional House of Chiefs any authority to have investigated into the matter.

FINDINGS OF THE TRIAL COURT AND COURT OF APPEAL

On the 13th day of April 2021, the Applicant invoked the supervisory jurisdiction of the High Court for an order of certiorari to quash the proceedings of the Committee set up to investigate the elevation of the paramountcy status of the Interested Party from Odikro to that of a Paramount Chief and a further order of prohibition and injunction to restrain the said Committee from further proceeding with the proceedings for want of jurisdiction.

The Applicant argued that the Committee set up was bereft of jurisdiction to entertain the Petition of the Interested Party since, according to Applicant, by virtue of Section 29(1) of the Chieftaincy Act, 2008 (Act 759), it was only the Gomoa Ajumako Traditional Council that had the jurisdiction to set up the Committee. Applicant further contended that there was a breach of the procedure under section 15(4) of Act 759 which required that meetings of the Traditional Council ought to be composed of 50% of the members of the Council.

The entire position of the Applicant to sustain his application at the trial court, is aptly emphasised in paragraph 14 of the affidavit in support of the application that:

“statutorily, it is only the Gomoa Ajumako Traditional Council that can hear and determine the Petition of the Interested Party not being a Paramount Stool and not the Central Regional House of Chiefs which lacks the original Jurisdiction to hear the matter per THE REPUBLIC VRS THE REGISTRAR AKUAPIM

The basis of the opposition of the Interested Party was that the Research Committee of the Central Regional House of Chiefs was performing a purely administrative and not adjudicatory function. Therefore, the contention of the Applicant that it did not have authority is misplaced. For the Respondents, there is no impropriety to the activities of the Research Committee and the Central Regional House of Chiefs received a directive from the National House of Chiefs to investigate the Petition.

Despite the clear basis of the application by the Applicant anchored simply on who was the appropriate body to investigate the matter : the Research Committee of the Central Regional House of Chiefs or the Gomoa Traditional Council; both the High Court and the Court of Appeal redirected their focus, on whether there was a formal referral of the decision of the National House of Chiefs to the Research Committee of the Central Regional House of Chiefs to commence investigations into the matter.

This was particularly surprising as the Court of Appeal had posited the issue as:

“From the Written Submissions filed by Learned Counsel for the Parties, it appears to us that the main issue for determination in this appeal turns essentially on the question whether or not the Research Committee whose proceedings the Applicant herein seeks to impeach was clothed with the appropriate mandate or jurisdiction to have commenced an enquiry into the Petition submitted by the Interested Party.”

By this re-direction, the two lower courts did not find it difficult in concluding that the Research Committee was bereft of jurisdiction, because there was no formal referral from the National House of Chiefs following their decision.

In particular, the High Court found and held as follows:

“...Unfortunately, there is no evidence on record that after its discussion of the reports of Exhibits J, K, L, M and N, it formally referred that matter to the Central Regional House of Chiefs to look again into the matter. One cannot go on to implement minutes of meetings even if internal without so being formally referred. As a result, this procedural error or impropriety in a matter as sensitive as the matter before this court, cannot be dealt with without properly being mandated so to do.

I have thoroughly examined the plethora of cases and authorities urged on me, the affidavit evidence and statement of case of the respective parties and hold the candid view that to the extent that the Research Committee was not properly mandated to carry. The enquiry it is seeking to do, it is acting in excess of its jurisdiction and all the steps flowing from same is null and void and of no effect.

Accordingly, and to that extent, the application is granted and let all the processes and proceedings taken to that extent be brought to his court to be quashed and same is quashed.”

In affirming the above finding and decision, the Court of Appeal also delivered itself as follows:

“Having therefore critically pondered over the records of appeal in its entirety and having critically attended to the written submission filed by learned Counsel for the respective parties, we are inclined to give the same answer as did the learned trial Judge below: that in the absence of any referral from the National House of Chiefs to the Research Committee of the Regional House of Chiefs, the latter proceeded ultra vires.

This means that the Research Committee's action must yield to intervention by way of judicial review.

Consequently, the trial Court cannot be said to have arrived at any perverse conclusion when it proceeded to quash the proceedings of the Research Committee of the Central Regional House of Chiefs by order of certiorari."

APPEAL TO THE SUPREME COURT

Aggrieved by the decision of the Court of Appeal, the Respondents have appealed to this Court on the underlisted grounds:

- a. The judgment is against the weight of evidence adduced at the trial.*
- b. In the circumstances of the peculiar facts of this case, the learned justices of the Court of Appeal erred when they held that the appellants herein bore the evidential burden to prove that the National House of Chiefs had formally referred the application of the Interested Party to the Central Regional House of chiefs for investigation and report when the Applicant's complaint before the trial High Court had nothing to do with whether there was a formal referral, its mode of transmission or communication or the existence of the referral letter.*
- c. The learned justices of the Court of Appeal erred when they held that the learned trial High Court would have descended into the arena of conflict if he had invited the parties to address him on the existence or otherwise of the letter referring the application of the Interested Party from the National House of Chiefs to the Central Regional House of Chiefs for investigation and report.*
- d. The learned justices of the Court of Appeal misdirected themselves on the facts when they failed to hold that the trial High Court had substituted its own case*

for the case of the Applicant/Respondent/Respondent when it rested its decision on the apparent non-existence of the referral letter, and thereby caused substantial miscarriage of justice.

e. The learned justices of the Court of Appeal erred when they held that the Central Regional House of Chiefs did not have jurisdiction to embark on the enquiry.

f. Further grounds will be filed upon receipt of the record of proceedings.

No further ground of appeal as filed by the Appellants, item “f” in the grounds of appeal notwithstanding.

It is settled law that, to come within the remit of the supervisory powers of the Courts, an Applicant must demonstrate at least, one of the following:

- a. Breach of the rules of natural justice.
- b. Error of Law patent on the face of the record.
- c. Want or excess of jurisdiction.
- d. Breach of the Wednesbury principles of illegality, irrationality, and procedural impropriety.

There is a litany of cases in support of the above, such as:

- **OKOFOH ESTATES LTD V. MODERN SIGNS LTD** [1995-96] 1 GLR 310, [1996-97] SCGLR 224

- **REPUBLIC V. HIGH COURT, KOFORIDUA; EX PARTE OTU**
[1995-96] 1 GLR 177, [1996-97] SCGLR 173
- **REPUBLIC V. HIGH COURT, KUMASI; EX PARTE ACKAAH**
[1995-96] 1 GLR 270
- **REPUBLIC V. HIGH COURT, ACCRA; EX PARTE COMMISSION
ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
(ADDO INTERESTED PARTY)** [2003-2004] 1 SCGLR 312.
- **REPUBLIC V. HIGH COURT, DENU; EX PARTE AGBESI AWUSI
II (NO 1) (NYONYO AGBOADA (SRI III) INTERESTED PARTY)**
[2003-2004] 2 SCGLR 864
- **REPUBLIC V. HIGH COURT, DENU; EX PARTE AGBESI AWUSI
II (NO 2) (NYONYO AGBOADA (SRI III) INTERESTED PARTY)**
[2003-2004] 2 SCGLR 907
- **REPUBLIC V. HIGH COURT, ACCRA; EX PARTE APPIAH** [2000]
SCGLR 389
- **IN RE OGUA A PARAMOUNT STOOL; GARBRAH AND
OTHERS V. CENTRAL REGIONAL HOUSE OF CHIEFS AND
HAZEL** [2005-2006] SCGLR 193
- **REPUBLIC V. COURT OF APPEAL, ACCRA; EX PARTE TSATU
TSIKATA** [2005-2006] SCGLR 612

- **REPUBLIC V. COURT OF APPEAL, ACCRA; EX PARTE GHANA CABLE LTD (BARCLAYS BANK GHANA LTD INTERESTED PART) [2005-2006] SCGLR 107**

As aforesaid, from the Application filed, it is obvious that same is anchored on an alleged attack of want of jurisdiction of the Research Committee of the Central Regional House of Chiefs. Being a jurisdictional attack, the opponent must demonstrate that its authority has not been exceeded, or that the activity it engaged in was within the scope of its authority, lest it is amenable to the supervisory jurisdiction of the High Court. See **ANISMINIC V FOREIGN COMPENSATION COMMISSION [1969] 2 AC 147**

EVALUATION

The record of proceedings and indeed the respective submissions of Counsel for the parties are *ad idem*, as to the following facts:

- a. The National House of Chiefs, did deliberate over the Interested Parties' Petition as reflected in the minutes of the house as per Exhibits "OK2" and "OK3".
- b. The National House of Chiefs directed in its deliberations that the Petition be referred back to the Central Regional House of Chiefs to re-constitute a committee to investigate same.
- c. There was, however, no formal referral of the decision of the National House of Chiefs to the Central Regional House of Chiefs.
- d. Nonetheless, a Research Committee of the Central Regional House of Chiefs was actually constituted to look into the matter.

- e. There was, however, no formal referral from the Registry of the National House of Chiefs to the Central Regional House.

It is important to clarify a seeming confusion inherent in the application. The Applicant's challenge to the Central Regional House of Chiefs is on his erroneous stance, that per section 29 of Act 759, the matter ought to have been looked into by the Traditional Council. This thus, invites an interrogation of the various jurisdictions of the Traditional Council and the Houses of Chiefs as regards the pertinent facts at hand. Section 29(1) of Act 759 explains:

- (1) *Subject to this Act, a Traditional Council has exclusive jurisdiction to hear and determine a cause or matter affecting chieftaincy which arises within its area, not being one to which the Asantehene or a paramount chief is a party.*

Article 272(a) of the 1992 Constitution also provides that:

The National House of Chiefs shall-

- (a) *advise any person or authority charged with any responsibility under this Constitution or any other law for any matter relating to or affecting chieftaincy.* This provision is also replicated under Section 3 of Act 759.

In undertaking its functions, the National House of Chiefs is allowed to establish committees comprising persons that it may determine to assist in the performance of its functions and may delegate to the committee any of its functions determined by it.

The National House of Chief is tasked amongst others, to invest in the institution through research. In going about this basic duty, they are empowered to execute same, through various committees they may establish. One such, is the Research Committee which is

tasked to undertake a study and make appropriate recommendations for the disposition of chieftaincy disputes. The Committee is thus a fact-finding and administrative body. The judicial function of the Traditional Councils, and the Houses of Chiefs, are constitutionally, and statutorily reserved for the Judicial Committee of that particular council or house.

Similarly, on the Regional House of Chiefs, Article 274(3)(b) of the 1992 Constitution provides:

(2) *A Regional House of Chiefs shall-*

(b) *advise any person or authority charged under this Constitution or any other law with any responsibility for any matter relating to or affecting chieftaincy in the region.* This provision is also reiterated under section 9(2)(a) of Act 759.

Section 9(2)(b) also mandates the Regional House to undertake a study and make general recommendations that are appropriate for the resolution or expeditious disposition of chieftaincy disputes in the region. As observed, both the National House of Chiefs and the Regional House of Chiefs are allowed to exercise some of their functions through committees they put in place. The work of these committees is the work of the respective Houses of Chiefs, and the plenary can decide to even vary the result of the committees.

The Standing Orders of the Central Regional House of Chiefs, as referred to us by Counsel, provides the functions of the Research Committee under Article 38(i) as follows:

“(i)The Research Committee shall undertake a progressive study and conduct research into customary laws and traditions of the various Traditional Areas in the Region in respect of:

- (a) *Enstoolment of Chiefs*
- (b) *Destoolment and Abdication of Chiefs*
- (c) *Stool properties*
- (d) *Customary taboos, Traditional Marriage Laws, Funeral rites and Laws*
- (e) *Customary Oaths*
- (f) *Succession and inheritance and any other subjects into which it is necessary to conduct research. The committee shall submit periodic reports through the Standing Committee to the House for appropriate action."*

Clearly, while the Judicial Committee, of the Traditional Council is mainly mandated to deal with a chieftaincy cause or matter within its traditional area, both the National and Regional Houses of Chiefs have constitutional and statutory duties to give advice to such authorities as recognized under law to deal with chieftaincy matters. One such authority, is the Minister of Chieftaincy and Religious Affairs.

In the case of **THE REPUBLIC VRS THE NATIONAL HOUSE OF CHIEFS & ORS. EX - PARTE: AHANTA TRADITIONAL COUNCIL, OSAHENE KATAKYI BUSUMAKURA III (INTERESTED PARTY) CIVIL APPEAL NO. J4/32/2018 DATED 30TH JANUARY 2019**, this Court speaking through our revered brother Amegatcher JSC pronounced as follows:

"It is very clear from the intention of the framers of the Constitution and the law-makers that the responsibility given to the National and Regional Houses of Chiefs is to do everything within its power to preserve the customary practices of this revered institution in our culture. This is to be done by advising the individuals,

bodies, and groups vested with the authority of state mentioned above whenever any cause, matter, question, or disputes relating to (among others) the claim of a person to be nominated, elected, settled, or installed as chief or the constitutional relations under customary law between chiefs.

Section 9(a) of the Chieftaincy Act, 2008 (Act 759), which specially mentions referral of matters to a Regional House by the President, Parliament or an authority only charged the Regional Houses to give consideration to the reference by these authorities and report on it as required. This specific provision could be attributed to the important role these authorities play in the country. They are the first and second arms of state. The Presidency and Parliament should be furnished with information required expeditiously for decision-making processes and the making of relevant laws. In our view, the specific mentioning of the President and Parliament in section 9(3) will not take away the responsibilities assigned to the National and Regional House of Chiefs to advise other persons and authorities provided for in Article 272(2)(a) of the Constitution and Section 3(1)(a) of the Chieftaincy Act explained above."

From the get-go therefore, the Applicant, in our respectful view, missed the point in contending that the Regional House of Chiefs were bereft of jurisdiction to render the advice as sought by the Minister through the National House of Chiefs. Applicant has not been able to point to any legislation or practice where such advice within the peculiar facts of the present case is rendered by the Traditional Council. In fact, it appears, the flawed posture in this line of reasoning became apparent to Applicant hence, his attempt to now redirect the arguments to whether there was a formal referral from the National House of Chiefs to the Regional House.

Truly, both the High Court and the Court of Appeal did not waste time on those arguments. We therefore dismiss as misplaced, the attempt by the Applicant to suggest,

that the Central Regional House of Chiefs, through its Research Committee was bereft of jurisdiction to investigate the matter. This, with all deference to the courts below, should have been sufficient to dispose of the matter, having regard to the factual basis informing the grounds of the application at the trial court.

Nonetheless, we are compelled to investigate whether the absence of a formal referral from the National House of Chiefs deprived the Research Committee of the Central Regional House of Chiefs of jurisdiction.

Whiles the appeal turns on a simple issue, the parties, and their Counsel, in their submissions have shrouded the simplicity of the issue to argue the merits or otherwise of the Petition as submitted. The law is pedestrian, that judicial review is not concerned with the merits of an action. Its concern, is procedurally focused. That is, whether the impugned decision or body conformed to the established procedures, of adhering to the rules of natural justice; operating within their respective jurisdictions; rendering rational and legal decisions.

As already pointed out, there was in fact no formal reference from the National House of Chiefs to the Research Committee before they proceeded to engage in the investigations.

Instructively, there is ample evidence supporting the intention of the National House of Chiefs. That is, that the petition be sent back to the Central Regional House of Chiefs to re-constitute a new Committee to look into the matter and report. Exhibits “OK2” and “OK3” attest to this. The qualm of the Applicant, however, is that the intention, should have been further expressed formally directed to the Regional House of Chiefs before they commenced their investigating functions. Whiles this invitation was desirable, we do not think that in the peculiar facts of this case, the default rendered the work of the Research Committee a nullity.

It needs to be contextualized, that the Research Committee is not an independent committee or does not work in a vacuum. It is a committee of the Regional House of Chiefs. That is, the National House of Chiefs, or the Regional House of Chiefs as the case may be, may not even be bound by whatever report submitted to them by the Research Committee. To that extent, we find it difficult how the two lower courts could treat the issue so lightly on the basis of absence of a formal request.

Without sounding repetitive, it is our considered view, that within the peculiar facts of the present case, although it was desirable, that the National House of Chiefs, having decided, that there ought to be a new committee reconstituted by the Central Regional House of Chiefs to look into the matter, and thus formally requested the Central Regional House of Chiefs in that regard, the absence of this formal directive, cannot, operate to render, what was intended having been actualized a nullity. Instructively, the National House of Chiefs is composed of paramountcies who may advise their paramount areas decisions taken by the House without necessarily going through the formal route.

We, therefore, in the special situation at hand, do not find the error committed so crucial to go to jurisdiction and thus render the exercise conducted by the Research Committee of the Central Regional House of Chiefs a nullity.

Furthermore, by virtue of Section 1(1) and (2) of the Chieftaincy Act, 2008 (Act 759), the various Regional Houses of Chiefs are constituents within the National House of Chiefs with their official representatives forming part of the decision making process of the National House of Chiefs.

Thus, pursuant to the said provisions, the meetings of the Standing Committee of the National House of Chiefs held on 18th and 19th of June 2020 (Exhibits “OK2” and “OK3”) were attended by the Applicant as a representative of the Central Regional House of Chiefs to the National House of Chiefs in his capacity as the then President of the Central

Regional House of Chiefs. Having fully participated in the proceedings, he cannot now be seen or heard to be complaining that because no formal written communication was made to the Central Regional House of Chiefs to investigate the Petition from the Interested Party, the proceedings of the Research Committee of the 1st Respondent set up to deal with the said Petition was a nullity.

From the foregoing, we are satisfied that the findings and conclusions of the two lower courts were erroneous. The appeal is accordingly allowed. The application for Judicial Review filed by Applicant/Respondent on the 13th day of April 2021 is hereby dismissed. Consequently, the judgment of the Court of Appeal dated 20th July 2022 is hereby set aside.

B. F. ACKAH-YENSU (MS.)
(JUSTICE OF THE SUPREME COURT)

G. PWAMANG
(JUSTICE OF THE SUPREME COURT)

M. OWUSU (MS.)
(JUSTICE OF THE SUPREME COURT)

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