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Filed on 14/12/2023 at 2:56 am/pm
at [Signature]
Registrar
HUMAN RIGHTS COURT "1" ACCRA, G/P
HR/0035/2023

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA - AD 2022

IN THE MATTER OF AN APPLICATION UNDER ARTICLE 33 OF THE
CONSTITUTION OF THE REPUBLIC OF GHANA (1992)

AND

IN THE MATTER OF AN APPLICATION BY ABUSUAPANIN ODENEHO
ODEHYE NANABA KWABENA BADU FOR THE ENFORCEMENT OF HIS
FUNDAMENTAL HUMAN RIGHTS UNDER THE CONSTITUTION OF THE
REPUBLIC OF GHANA (1992).

ABUSUAPANIN ODENEHO
ODEHYE NANABA.
KWABENA BADU.
H/No. HO-LE 307/4
Kasoa

APPLICANT

...

VERSUS

1. THE INSPECTOR GENERAL OF POLICE ... RESPONDENTS
Ghana Police Service
Police Head Quarters
Accra.
2. THE ATTORNEY GENERAL
Office of the Attorney-General
Ministries- Accra.

ORIGINATING NOTICE OF MOTION:
APPLICATION FOR THE ENFORCEMENT OF FUNDAMENTAL HUMAN
RIGHTS OF THE APPLICANT PURSUANT TO ARTICLE 33(1) OF THE
CONSTITUTION (1992) AND ORDER 67 RULE 1 AND 2 OF CI 47

PLEASE TAKE NOTICE that this Honourable Court shall be moved by Applicant herein praying this Honourable Court for an order for the enforcement of his fundamental human rights against Respondents upon grounds set forth in the accompanying affidavit and for such further order(s) as the Court may deem fit.

COURT DATE TO BE FIXED

 DATED AT ACCRA, THIS 8th DAY OF DECEMBER 2022.



.....
ABUSUAPANIN ODENEHO
ODEHYE NANABA KWABENA BADU.

THE REGISTRAR
HIGH COURT
HUMAN RIGHTS DIVISION
ACCRA

AND COPIES FOR SERVICE ON RESPONDENTS HEREIN

IN THE SUPERIOR COURT OF JUDICATURE
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VERSUS

1. THE INSPECTOR GENERAL OF POLICE ... RESPONDENTS
Ghana Police Service
Police Head Quarters
Accra.
2. THE ATTORNEY GENERAL
Office of the Attorney-General
Ministries- Accra.

AFFIDAVIT IN SUPPORT:
APPLICATION FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN
RIGHTS OF THE APPLICANT PURSUANT TO ARTICLE 33(1) OF THE
CONSTITUTION (1992) AND ORDER 67 RULE 1 AND 2 OF CI 47

I, ABUSUAPANIN ODENEHO ODEHYE NANABA KWABENA BADU, of H/No 307/4, Kasoa in the Greater Accra Region of Ghana do make oath and say as follows:

1. That I am the deponent herein and the Applicant hereto.

2. That I depose to the facts contained in this affidavit which are within my personal knowledge except where I have indicated otherwise.
3. That at the hearing of this Application, I shall seek leave of this Honourable Court to refer to all processes filed in this matter as if same were reproduced in this affidavit in extenso and sworn to on oath where amenable.
4. That the 1st Respondent is the constitutional head of the Ghana Police Service and responsible for the operational control and the administration of the Police Service.
5. That the 2nd Respondent is the principal legal adviser to the Government of Ghana, against whom, by constitutional dictates, all suits against the Government must be instituted and who, by the jurisprudence of the Superior Courts of Judicature, must be made a party to actions for the enforcement of fundamental human rights.
6. That I am the Head of Family of Oheneyere Huahi Yaa Achama Tutuwaa Royal Family of Benimasi-Boadi Community (the "Family"), which Family genealogically made of descendants of Asantehene Otumfuo Osei Tutu I and her beloved wife Oheneyere Huahi Yaa Achama Tutuwaa. My family is the Allodial owner of all Lands situate and lying at Benimasi-Boadi as more particularly described in history as gifted by Asantehene Otumfuo Osei Tutu I to his beloved wife Oheneyere Huahi Yaa Achama Tutuwaa to keep and to have it absolutely as a result of their marriage account and procreation of Nanaba Konadu Afia-Ofi.
7. That the alienated lands to Oheneyere Yaa Achama Tutuwaa by the Asantehene Otumfuo Osei Tutu I is a well-known historical event in the annals of the Asante Kingdom. The oral account has been further documented and published in the public records such as the newspapers without any challenge to the account, and for that matter the gift. A copy of the Ghanaian Times Newspaper publication on 29th March 2021 on the Applicant Family history and the alienation of the Benimasi- Boadi Lands is attached and marked as **Exhibit A**.
8. That a portion of my Family's land was subject to litigation in the case of *Abusuapenyin Kwame Konadu Yiadom v. Yaw Acheampong and Lands Commission*, Suit No. C1/65/2021 and that in September, 2020, the Family was adjudged by

the High Court, Kumasi, as the lawful owners of the land (the "Judgment"). A copy of the Judgment is attached and marked as **Exhibit B**.

9. That the Judgment given in favour of the Family was set aside on 27th September 2021 by a court of coordinate jurisdiction based on an application by a busy body (stranger). A copy of the Ruling setting aside the Judgment is attached and marked as **Exhibit C**.
10. That aggrieved by the Ruling of the High Court, Kumasi, the Family has appealed against it. A copy of the Notice of Appeal is attached and marked as **Exhibit D**.
11. That my attention was drawn to an unqualified pronouncement made by Asantehene Otumfuo Osei Tutu II on 27th October 2021 while giving a speech on occasion marking the 70th Anniversary celebration of Kwame Nkrumah University of Science and Technology. *"The lands are mine and you are just caretakers. There is no family land in Ashanti. Therefore, no Abusuapanin (head of family) has the right to give portions of the land for private development, You can take it to court and I will make sure court overturns the decision"* This pronouncement has caused a lot of havoc in the public domain and is continuously undermining the supremacy of the rule of law in Ghana. His verbal utterance has brought the administration of justice into disrepute.
12. That I was a declarant of a statutory declaration instrument which was commissioned on 1st November 2021 and subsequently published on the page 12 of the Ghanaian times newspaper on Thursday 11th November 2021. This instrument was prepared to evidence my family's Allodial title to the said Oheneyere Huahi Yaa Achama Tutuwaa Family Lands at Benimasi-Boadi. A copy of the published statutory declaration which has no challenge on the account is hereby attached and marked **Exhibit E**.
13. That in the early mornings of 18th November 2021, I had just returned from my physiotherapy treatment in accra and was awaiting to chair a family meeting in the premises of my family's Lands Secretariat located in Boadi-Kumasi. I was arrest without any offence, upon my arrest, I was first sent to the Manhyia Palace Police Station and was restricted there for several hours without interrogation, caution or charge. . The arrest was effected by one L/Co Asare accompanied by two unidentified policemen acting under the alleged instructions of Mr Obiri, district crime officer KNUST Police station under the authority of the 1st Respondent.

14. That the officers that caused the arrest subjected me to physical assault, torture, and humiliation along the way till we arrived at the Manhyia Palace Police station .
15. That arriving at the Manhyia Palace Police Station , an officer whose name is unknown under the authority of the 1st Respondent made a phone call to an unidentified person stating in vernacular that “ Nana, *makye no, Abusuapanin na woaye niho se onimra no makye no*” meaning I have arrested, the Family head who claims to know the law.
16. That, afterwards, i asked this officer in vernacular that “what criminal offence did I commit to amount my arrest, restriction and humiliation ”, to my surprise the police officer responded in vernacular that “it was Sanaahene, Apagyahene, Akyeamehene, Akyeampimhene and Ntutuehene who instigated that they arrest me and bring me before the public gathering”..
17. That sadly, the Police personnel at the Manhyia Palace Police Station refused to take my cautioned statement nor interrogate me. That notwithstanding, they did not bother to disclose the main motive behind my arrest, restriction and humiliation.
18. That later, it became evident to me that the police personnel who caused my unlawful arrest, restriction and humiliation was an attempt by the police, including, Mr Obiri, to use their official positions to, as it were “teach me where power lies.”
19. That before they released me, The officers took me to the Palace of Asantehene to further humiliate me in the Public gathering chaired by the Traditional Leader. I am demoralised by the police misconduct.. That I am advised by Counsel and respectfully concur with the advice that Ghana is a constitutional democracy and that the provisions of the 1992 Constitution of Ghana (the “Constitution”), particularly, the fundamental human rights provisions are mandatorily to be respected and upheld by all and sundry including officers of the Government of Ghana. Policemen and women under the authority of the 1st Respondent are not exempted. A copy of a recorded audio version of my humiliations and embarrassment that took place at the Manhyia Palace will present on or before the trial.
20. That on 17th December 2021, I caused my lawful attorney, Nana Kwesi Osei Bonsu to write a petition on my behalf and addressed it to the Director General

of the Police Professional Standards Bureau (PPSB) bearing the heading police misconduct, purposefully seeking an investigation leading to the unlawful arrest, restriction, detention and humiliation of my personality and dignity. an acknowledgment receipt of my petition was noted in a text message received from one DSP David Dzrekey stationed at the PPSB Directorate. Till date no concrete findings and solutions have been met. A copy of the petition is hereby attached and marked **Exhibit F**.

21. That I am advised by Counsel and respectfully concur with the advice that the enjoyment of personal liberty provided under the Constitution is not absolute; it can be deprived in accordance with procedure permitted by law. Accordingly, my Counsel has advised me, which I believe to be true, that, like any person in Ghana, I can be deprived of my personal liberty except that the deprivation must be in accordance with law.
22. That I am advised by Counsel and I respectfully concur with the advice that by constitutional injunction, a person, in Ghana, who is either arrested, detained or restricted upon reasonable suspicion of having committed a crime or about to do so must be first cautioned and charged, then an arraignment in court within 48 hours after the arrest, restriction or detention.
23. That I am advised by Counsel and I respectfully concur with the advice that the Police has no right, power or authority to arrest, restrict or detain a suspect without officially cautioning or charging him and that any such arrest, restriction or detention contrary to the rules and procedures enshrined in the constitution amounts to flagrant disregard for the Constitution and a breach of the constitutionally guaranteed rights of the suspect.
24. That, in my case, following my arrest on 18th November 2021 the Police failed, neglected, or refused to caution or charge me for any Offence but rather subjected me to torture, physical assault and humiliation on my personality and dignity.
25. The I am advised by Counsel and respectfully concur with the advice that the police personnel being officers of the Government of Ghana, represented by the 2nd Respondent in this action, and charged with the mandate to detect and prevent crimes failed to respect and uphold the rule of law but rather jettisoned the provisions of the Constitution by engaging in an illegality, impropriety,

arbitrariness, and dictatorship have violated my constitutionally guaranteed rights.

26. I am further advised by my Counsel and respectfully concur with the advice that I am constitutionally guaranteed among others:
 - a. Right to personal liberty to be deprived only in accordance with law.
 - b. Right to human dignity.
 - c. Right against unlawful arrest, detention or restriction and torture .
 - d. Right to administrative fairness.
27. The manner in which I was handled by the Police personnels has dented my reputation, detracted from the respect I enjoyed from my community as Head of the Family for Oheneyere Huahi Yaa Achama Tutuwaa Royal Family Some of my close associates and other members of my community, Benimasi-Boadi within the Oforikrom Municipality in the Ashanti Region have, since the arrest, restrictions and humiliation shied away from me.
28. That I was (and that I still feel) humiliated, having been treated by the police personnels as if I have been found guilty of any crime, and sentenced to a term of imprisonment. And that the conduct of the police personnel has robbed me of my self-worth as a Great-Great Grandson of Asantehene Otumfuo Osei Tutu 1 and Head of Family of Oheneyere Huahi Yaa Achama Tutuwaa Royal Family of Benimasi-Boadi Community.
29. That the conduct of the police personnel (who are in the employment of the Government of Ghana but under the authority of the 1st Respondent) have breached my constitutional rights enumerated above.
30. That I am advised by Counsel and believe same to be true that the grounds for this Application are as follows:
 - a. The conduct of all the police officers violated my fundamental human right against deprivation of my personal liberty except in accordance with procedure permitted by law.

- b. That the conduct of the police violated my fundamental human right to by subjecting me to torture, assault and humiliation..
- c. That the conduct of the police breached my right to administrative fairness.
- d. That the conduct of the police breached my right to human dignity.

31. Accordingly, I bring this instant Application seeking, jointly and severally, the following reliefs against the Respondents:

- i. A declaration that the policemen involved in my arrest, restriction and humiliation on 18th November 2021 in Kumasi by employees of the Government of Ghana under the authority of 1st Respondent had violated my fundamental human rights guaranteed under the 1992 Constitution, particularly Article 14(1)(3) and (4).
- ii. An order directed at the Respondents to pay me an amount of GH¢500,000 as compensation for my unlawful arrest and restriction pursuant to Article 14(5) of the 1992 Constitution.
- iii. An order directed at the Respondents to compensate the Applicant for the inconvenience, embarrassment, waste of time, and violation of his fundamental human rights to dignity and administrative justice to a tune of GH¢500,000.
- iv. An order perpetually restraining the Respondents, particularly, All police officers involved in this misconduct under the authority of the 1st Respondent from unlawfully arresting, restricting and/or detaining me ever again.
- v. Cost, including legal fees and cost for maintaining the suit.

32. **WHEREFORE** I depose to this affidavit in support of this application praying that same be granted

Sworn in Accra this 13th]
day of December 2022]


.....
DEPONENT

BEFORE ME
COMMISSIONER OF OATHS



The Registrar
High Court
Human Rights Division
Accra

AND COPIES TO BE SERVED ON RESPONDENTS HEREIN

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VERSUS

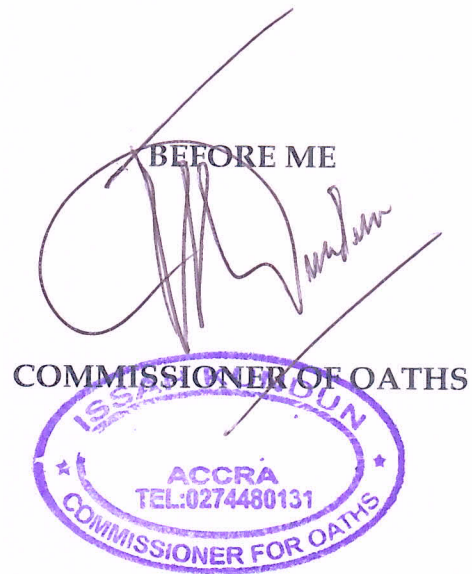
3. THE INSPECTOR GENERAL OF POLICE ... RESPONDENTS
Ghana Police Service
Police Head Quarters
Accra.
4. THE ATTORNEY GENERAL
Office of the Attorney-General
Ministries- Accra.

CERTIFICATE OF EXHIBITS

I, Issah Kumbun, Commissioner of Oaths do hereby
certify that the following documents have been exhibited to the Applicant's motion
on notice for the enforcement of the Applicant's fundamental human rights.

- A. EXHIBIT A: copy of the Ghanaian Times Newspaper publication on 29th March
2021 on the Applicant Family history and the alienation of the Benimasi-
Boadi Lands.
- B. EXHIBIT B: copy of the Kumasi High court Judgment.

- C. **EXHIBIT C:** copy of the Ruling setting aside the Judgment
- D. **EXHIBIT D:** copy of Notice of appeal
- E. **EXHIBIT E:** copy of the published statutory declaration which has no challenge on the account.
- F. **EXHIBIT F:** copy of the Petition to PPSB.



BLOODLINE AND BIOLOGICAL CHILDREN OF OSEI TUTU I, FOUNDER OF ASHANTI EMPIRE

Nana Osei Kofi Tutu I the pivotal warrior and founder of Ashanti Kingdom born in 1660 and died in 1717. His enchanting wife Yaa Achamaa Tutuwaa and offspring furthered the royal lineage and family tree of Boadi-Kumasi, till this days of Otumfuor Osei Tutu II, the current Asantehene who was enthroned on 26th April 1999. This brief history of the Asona Abusua of Boadi and Gaoso, as narrated on the 23rd of November, 1952, by Kofi Wusu, (a descendant of Yaa Achamaa and a grand nephew of Nana Kofi Kusi) to Otumfuor Nana Sir Osei Agyeman Prempeh II, at the Palace in Manhyia.

The Asona Abusua of Boadi and Gaoso was led by Yaa Achamaa, who originally hailed from Kyebi Ahwinease. She first settled in Abrakasohene's house, Nana Adu Gyamfi.

Abrakaso was awed by her uncanny beauty and quickly made report to Nana Osei Tutu I. The King immediately ordered then that she be brought to him. Legend has it that when he saw her, he involuntarily exclaimed 'Obaa yi fata me', to wit, 'This woman is deserving of me'. The King immediately enquired from her about her roots. He then quickly asked for her hand in marriage and sent a delegation to perform her marriage rites and all other customs at Kyebi Ahwinease.

Yaa Achamaa then came along with her mother, Obie, Asamoah and her siblings, Kofi Kusi, Twum and Odwira. She settled her family in Nana Adu Gyamfi's house (chief of Abrakaso), while the King settled with his new wife, Yaa Achamaa Tutuwaa at Hia in the palace. Due the distance from Abrakaso to the palace, the king later brought her wife's family down to Asokore Mampong to shorten the traveling distance from Abrakaso to the Palace.

Because of her sobriety and her constant payment of attention to the King's needs, she became his favourite wife, much to the derision of the other wives.

Nana Osei Tutu I later made a request for a piece of land as final settlement his wife from Anwomsohene Nana Osei Boa, his biological brother, through Nana Essen Boadi, the Nseniehene, this new settlement was later named after the Nseniehene.

Yaa Achamaa Tutuwaa visited her family often in Boadi. As the favourite wife of the king, the other wives now began to hate her with a passion. It is said that anytime she went to the King's chamber, for example to retrieve an ornament she had forgotten on a previous visit, the king will drive out any other wife who was with him then, and invite her to come to be with him. Because of this, the other wives nicknamed her 'wo ho ye ahi', meaning 'enchanting'; hence the Family name "HUAHI ACHAMA TUTUWAA".

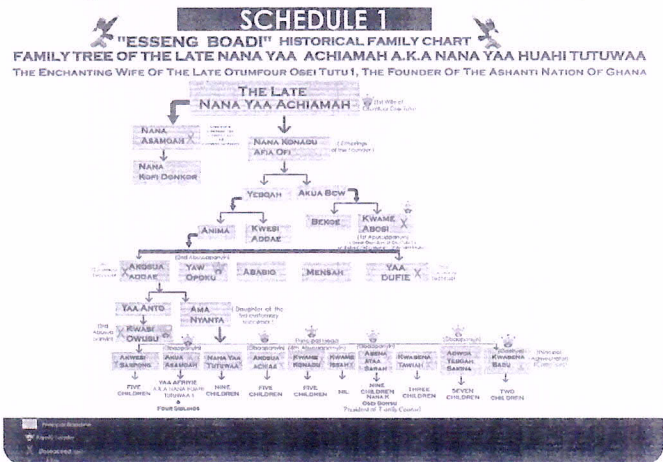
Another point of derision by the wives of the king was that she was not able to bear him a child and so they teased her with "barrenness". This was a situation that troubled Yaa Achama Tutuwaa greatly and brought about a noticeable change in her demeanour. Nana Osei Tutu I later noticed it and so in order to cheer her up, he created the 'Ahenyeredwa' to honour her. She then moved with the "Ahenyeredwa" from the palace at Hia to settle at Boadi.

Yaa Achama Tutuwaa visited her husband when it was her turn. She took along fresh palm wine (ntunkum), tapped by her brother Kofi Kusi, then used to sweeten her maize porridge. Nana Osei Tutu, having tasted and approved of this special drink, made his brother-in-law his palm-wine tapper and later honoured him as a chief by creating the "Palm-wine Tapper's Stool" for him. Nana Osei Tutu assigned two servants from the Palace, Brekani and Otuotuni Akadeboa, the former to help tap the palm wine for Kofi Kusi, his brother-in-law and the latter to hunt for bush meat with which his favourite wife Yaa Achama Tutuwaa would prepare delicious meals for him upon every visit.

Yaa Achama Tutuwaa finally gave birth to a girl child for Nana Osei Tutu I, after an oracle consultation on a

shrine called Afia-afi. Nana Osei Tutu named her child Afia Konadu Afia-Afi after the Goddesses of the Stream in Asante Afiduase. This brought great rejoicing in the king's palace. He honoured his favourite wife with many gifts and lavish celebrations on the birth of the princess for the Kingdom.

In furtherance of the royal lineage, Nana Konadu Afia-Afi begot two children, Adwoa Yeboah and Akua Bow. Adwoa Yeboah begot Abena Anima and Kwasi Addae whilst Akua Bow had Kofi Bekoe and Kwame Abosi, great grandson of Osei Tutu I and chief goldsmith of Asante who became the 1st Abusuapanyin of the Boadi. Abena Anima, Yeboah's daughter begot five children. Akosua Adu Twumwaa, Yaw Opoku (2nd Abusuapanyin), Kwame Ababio, Akwesi Mensah and Yaa Dufie (2nd Customary Successor). Akosua Adu Twumwaa, who was the 3rd customary successor, begot Yaa Anto and Ama Nyanta. Yaa Anto begot Kwasi Owusu, who became the 3rd Abusuapanyin whilst his sister Ama Nyanta, begot ten children. Akwasi Sarpong, Akua Asamoah, Yaa Tutuwaa, Akosua Achiaa, Kwame Konadu (4th Abusuapanyin currently), Kwame Yeboah, Abena Ataa Birago, Kwabena Tawiah, Adwoa Yeboah and Kwabena Tabiri Badu. Ama Nyanta's first daughter, Akua Asamoah is the mother of Yaa Afriyie A.K.A HUAHI TUTUWAA II the deposed 4th Customary successor), Abena Atta Birago is the mother of Nana Kwesi Osei Bonsu, the President of Family Counsel.



FAMILY LANDS:

The town of Boadi is bounded by towns, Anwomoso, Oduomo, Ayeduase, Emina and rivers Bokuro, twuwaa, adampasu and subin. More particularly described by plan of land made by a Licensed Surveyor Anthony Ackah on 22/2/2019 in favour of the family. The plan was subsequently declared in a court judgement by Justice E. Senyo Amedahe, dated 18th September 2020, of case no C1/65/20, granted by the High Court of Justice, lands division, Kumasi in favour of Abusuapanyin Kwame Konadu Yiadom (Plaintiff) against Yaw Acheampong and Lands Commission (defendants). The Family lands described above was duly Plotted at the Lands commission on 18th January 2021 Document NO. ASH 63/01/2021 and Property No. A. 8673 by Mandamus order from court.

Due to the facts established by law and for the furtherance of the royal lineage of the Kingdom, Public Vested & Land Management Division (PVLMD) has vested 1298.33 Acres in favor of Huahi Achama Tutuwaa Royal Family of Boadi. Word had also been sent to Manhyia to that effect, according to custom and tradition.



**OTUMFUOR OSEI KOFI TUTU I.
(FOUNDER 1660-1717)**



OTUMFUOR OSEI TUTU II (Born 6th May 1950) is the 16th Asantehene, Traditional RULER OF THE KINGDOM OF ASHANTI in Ghana since 26 April 1999. By name Otumfuor Osei Tutu II is in direct succession to the FOUNDER OF THE EMPIRE OF ASHANTI, Otumfuor Osei Kofi Tutu I.



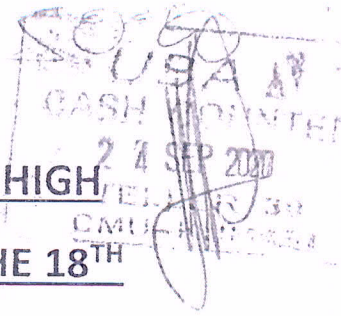
**Abusuapanyin Kwame Konadu Yiadom
Head of Huahi Achama Tutuwaa
Royal Family**

Exhibit A

This is ~~the~~ document
marked ~~Exhibit A~~
referred to in the affidavit
This is ~~the~~ day of ~~the~~
Before me ~~the~~
Commissioner for Oaths

Exhibit B

1143705
24/9/2020



IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE HELD AT KUMASI ON FRIDAY THE 18TH

DAY OF SEPTEMBER, 2020 BEFORE HIS LORDSHIP MR.

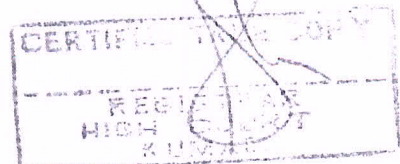
JUSTICE E. SENYO AMEDAHE

SUIT NO. C1/65/2020

ABUSUAP. KWAME KONADU YIADOM PLAINTIFF
SUING FOR AND ON BEHALF OF HUAHI
ACHAMA TUTUWAA ROYAL FAMILY OF
BOADI (H/NO. 14, BOADI)

VRS

1. YAW ACHEAMPONG DEFENDANTS
UNNUMBERED HOUSE,
PANKRONO NEAR OLD
METHODIST, ASHANTI-REGION
2. LAND COMMISSION
(REGIONAL OFFICE, KUMASI)



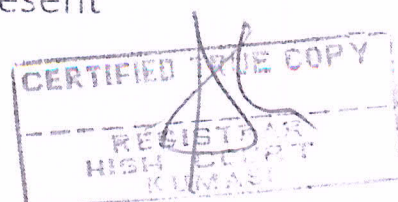
Nana K. Osei Bonsu represents the Plaintiff Present

1st Defendant Absent

Jonas Gbagbid represents the 2nd Defendant

Dr. Nana Oppong for the Plaintiff/Applicant Present

Nashiru Yussif for the 1st Defendant Present



This is the document
marked **Exh. B**
referred to in the Affidavit
This **13th** day of **SEP. 2020**
before me
[Signature]
Commissioner for Oaths

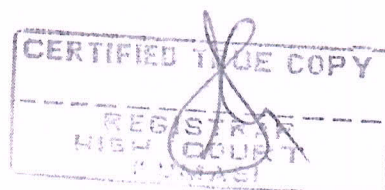
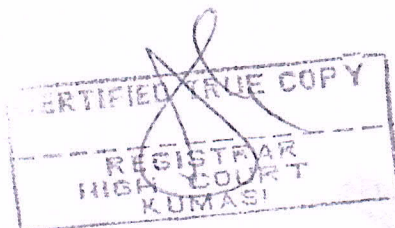
BY COURT

Judgment is entered in favour of the Plaintiff under Order 23 Rule (1) and Rule 6 (2) and Order 81 of C. I. 47.

The Court grants relief 'A' as endorsed on the Writ of Summons of the Plaintiff/Applicant as per plan referred to in paragraph 4 of the Plaintiff's affidavit in support of this application.

No Order as to cost.

(SGD) E. SENYO AMEDAHE
JUSTICE OF THE HIGH COURT



9/9/2020
215

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(LAND DIVISION)
KUMASI-AD 2020**

SUIT NO C1/65/20

ABUSUAPANYIN KWAME KONADU YIADOM) Plaintiff
Suing For and on Behalf of)
HUAHI ACHAMAA TUTUWAA ROYAL FAMILY)
OF BOADI)
(House No. 14, Boadi))

versus

YAW ACHEAMPONG) 1st Defendant
(Unnumbered House, Pankrono,)
Near Old Methodist, Ashanti Region))

LANDS COMMISSION) 2nd Defendant
(Regional Office, Kumasi))

**PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION FOR JUDGEMENT ON
ADMISSIONS**

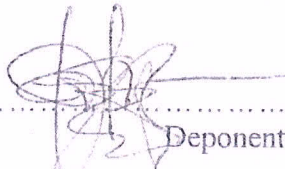
I Abusuapanyin Kwame Konadu Yiadom, of House No. 14, Boadi, MAKE OATH AND SAY as follows:

1. That I am the Head of Family of the Huahi Tutuwaa Achamaa Royal Family of Boadi and as such, I have knowledge of the following.
2. That at the hearing of the motion Counsel for the Plaintiff will seek leave of the Court to refer to all processes filed herein.
3. That this is a motion for judgement on admissions against the 1st Defendant. I have attached a copy of the Writ & Statement of Claim to this my affidavit as Exhibit

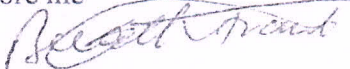
KKY "1". I have also attached to this my affidavit as Exhibit KKY "2", a copy of the Statement of Defence of the 1st Defendant.

4. That the lands in dispute are lawfully owned and possessed by my family for generations without any challenge from any person. I have attached to this my affidavit as Exhibit KKY "3" a copy of the larger Plan of Land dated 22-2-19 and signed by the licensed surveyor Anthony Ackah in favour of the Plaintiff. The Plan confirms that the Family is the owner of 1298.33 acres of lands of which the disputed lands in this action form a portion.
5. That I have also attached to this my affidavit as Exhibit KKY "4" a Plan of Land made in favour of our family that accurately describes the quantities and boundaries of the lands in dispute in this action.
6. That I truly believe that as the Statement of Defence makes abundantly clear, the Defendant has no Defence to the Plaintiff's claims and that it would be just for the honorable Court to grant judgement in favour of the Plaintiff in accordance with our Writ & Statement of Claim.
7. I therefore, pray humbly in support of the motion.

Sworn by the said Abusuapanyin
Kwame Konadu Yiadom

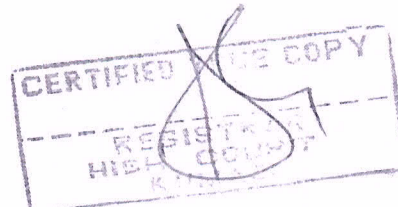

Deponent

At the High Court, Kumasi
On this 7th day of September, 2020
Before me



Commissioner of Oaths

FRANK ANTHONY BUARI
HIGH COURT REGISTRAR (RTO)
COMMISSIONER FOR OATHS
ADUM - KUMASI
0271402993 / 0201837542



fresh 9/9/2020
12/15

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(LAND DIVISION)
KUMASI-AD 2020

SUIT NO C1/65/20

ABUSUAPANYIN KWAME KONADU YIADOM) Plaintiff
Suing For and on Behalf of)
HUAHI ACHAMAA TUTUWAA ROYAL FAMILY)
OF BOADI)
(House No. 14, Boadi))

versus

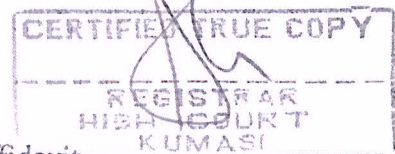
YAW ACHEAMPONG) 1st Defendant
(Unnumbered House, Pankrono,)
Near Old Methodist, Ashanti Region))

LANDS COMMISSION) 2nd Defendant
(Regional Office, Kumasi))

PLAINTIFF'S MOTION ON NOTICE FOR JUDGMENT ON ADMISSIONS
(Order 23 Rule 1 and Rule 6(2) and Order 81 of High Court Rules CI 47)

TAKE NOTICE that this Court will be moved by Counsel for the Plaintiff, Dr. Nana Op-
pong, Esquire of DiDa Chambers on *FRIDAY* September *18th*, 2020 at
9 o'clock in the forenoon or as soon thereafter as Counsel for the Plaintiff may be heard on
notice for:

- Judgement against the 1st Defendant in accordance with the Plaintiff's Writ of
Summons and Statement of Claim.
- Any other relief that the Court may deem fit to order.



The grounds for the motion are set forth in the accompanying affidavit.

Dated this 7th day of September, 2020

MOTION - 50... SER - 40... 1143136
EXH - 40... 1143039
90...
7/09/2020

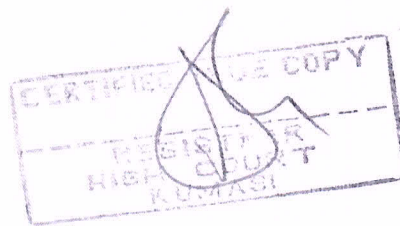
Dr. Nana Oppong
(License No.eGAR03351/20)

Solicitor for the Plaintiff

Kwaku Nti Law Consult: "DIDA Chambers" H/No. MDN. 603
Akosombo Junction, New Road, Madina-Accra
POB GP. 2518, Tel: 0559407522/0541441553

To: The Registrar
High Court
Kumasi

And to the 1st Defendant or upon whom the Plaintiff will direct service



PLAN OF LAND
FOR HUANI ROYAL FAMILY PROPERTY LANDS OF BENMASHI

St. Andrew's

Price: \$200.00 ISBN: 0-201-55111-1

LOCALITY
ESTABLISHED

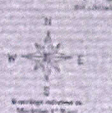
0007 1000 1

K.M.S.

REGION
ATLANTA

ANGELINI

| NAME | STATE | NO. |
|-------------|-------|-----|
| W. A. Allen | Ark. | 1 |
| W. A. Allen | Ark. | 2 |
| W. A. Allen | Ark. | 3 |
| W. A. Allen | Ark. | 4 |
| W. A. Allen | Ark. | 5 |
| W. A. Allen | Ark. | 6 |
| W. A. Allen | Ark. | 7 |
| W. A. Allen | Ark. | 8 |
| W. A. Allen | Ark. | 9 |
| W. A. Allen | Ark. | 10 |
| W. A. Allen | Ark. | 11 |
| W. A. Allen | Ark. | 12 |
| W. A. Allen | Ark. | 13 |
| W. A. Allen | Ark. | 14 |
| W. A. Allen | Ark. | 15 |
| W. A. Allen | Ark. | 16 |
| W. A. Allen | Ark. | 17 |
| W. A. Allen | Ark. | 18 |
| W. A. Allen | Ark. | 19 |
| W. A. Allen | Ark. | 20 |
| W. A. Allen | Ark. | 21 |
| W. A. Allen | Ark. | 22 |
| W. A. Allen | Ark. | 23 |
| W. A. Allen | Ark. | 24 |
| W. A. Allen | Ark. | 25 |
| W. A. Allen | Ark. | 26 |
| W. A. Allen | Ark. | 27 |
| W. A. Allen | Ark. | 28 |
| W. A. Allen | Ark. | 29 |
| W. A. Allen | Ark. | 30 |
| W. A. Allen | Ark. | 31 |
| W. A. Allen | Ark. | 32 |
| W. A. Allen | Ark. | 33 |
| W. A. Allen | Ark. | 34 |
| W. A. Allen | Ark. | 35 |
| W. A. Allen | Ark. | 36 |
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| W. A. Allen | Ark. | 43 |
| W. A. Allen | Ark. | 44 |
| W. A. Allen | Ark. | 45 |
| W. A. Allen | Ark. | 46 |
| W. A. Allen | Ark. | 47 |
| W. A. Allen | Ark. | 48 |
| W. A. Allen | Ark. | 49 |
| W. A. Allen | Ark. | 50 |



CONFIDENTIAL COPY

STEELAN

APPROVED SEAL

ANTHONY AXAH — Howard Surry's party that
was a family and company educated and accounted
the law with the study of the descriptive given to
the case

Source: Field Plot

Area: 12,000 sq. m. 1:25,000

LOCALITY

MUNICIPALITY

REGION

ROAD

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7000 E

7000 E

7000 E

7000 E

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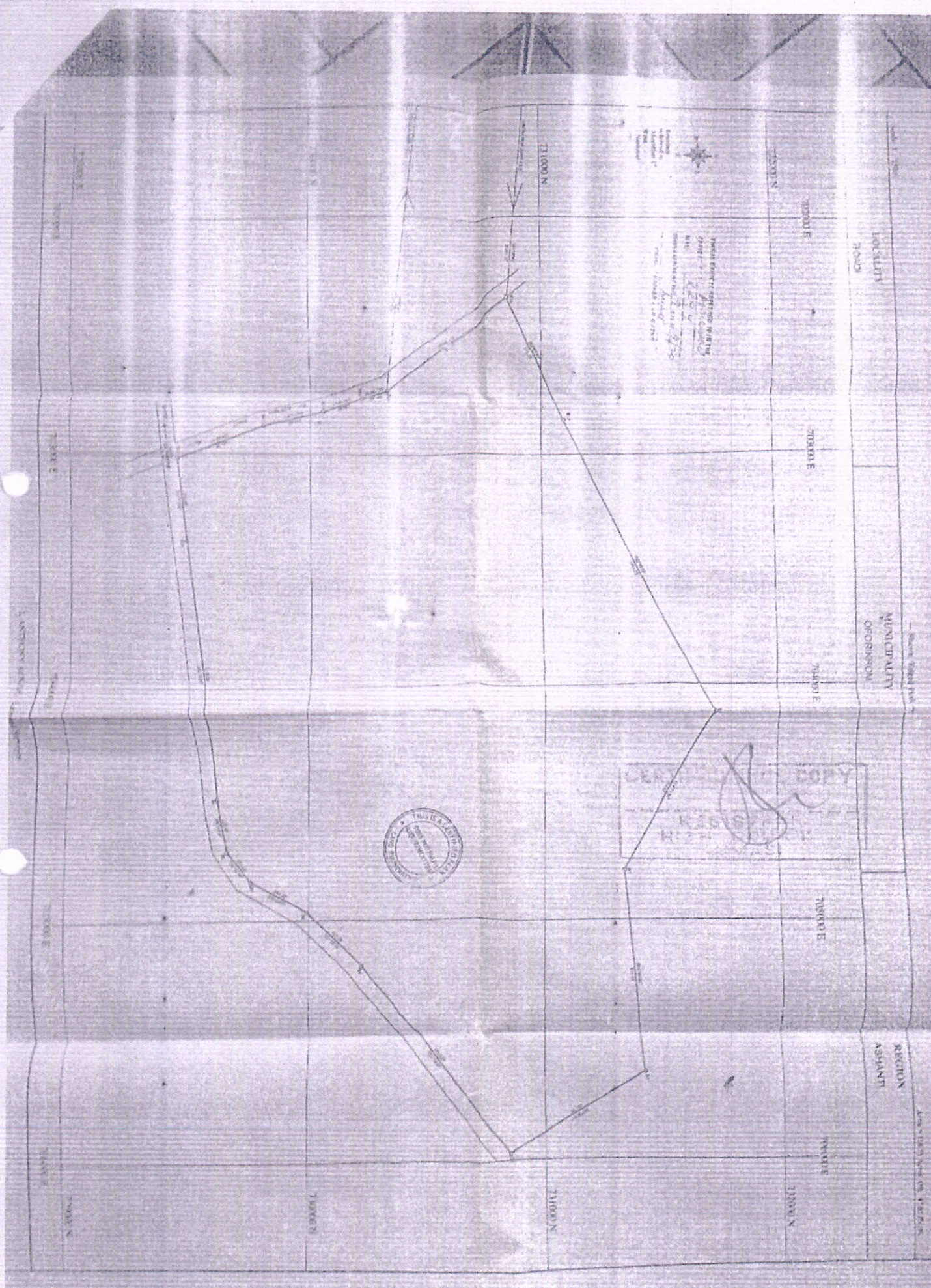
7000 E

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CLAY COPY



**IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF
JUSTICE HELD AT KUMASI ON FRIDAY THE 29TH DAY OF JANUARY,
2021 BEFORE HIS LORDSHIP MR. JUSTICE E. SENYO AMEDAHE**

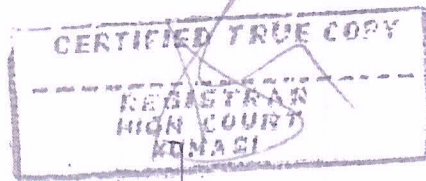
SUIT NO. C1/65/2020

ABUSUAPANIN KWAME KONADU YIADOM --- **PLAINTIFF/
SUIING FOR AND ON BEHALF OF** **RESPONDENT**
HUAHI ACHAMA TUTWAA ROYAL FAMILY
OF BOADI (H/NO. 14, BOADI)

VS

1. YAW ACHEAMPONG
UNUMBERED HOUSE, PANKRONO
NEAR OLD METHODIST, ASHANTI-REGION

2. LANDS COMMISSION
(REGIONAL OFFICE, KUMASI)



DEFENDANTS

KWAME NKRUMAH UNIVERSITY OF --- **APPLICANT**
SCIENCE AND TECHNOLOGY (KNUST)

PARTIES: **NANA OSEI AKWASI BONSU REPRESENTS THE
PLAINTIFF/RESPONDENT**

COUNSEL: **DR. LAWYER NANA OPPONG FOR THE
PLAINTIFF/RESPONDENT PRESENT**

**KWABENA YEBOAH ASAMOAH JNR. AND NENE
AHUMO KORDA FOR THE APPLICANT PRESENT**

**MOTION ON NOTICE FOR AN ORDER TO JOIN KWAME NKRUMAH UNIVERSITY
OF SCIENCE AND TECHNOLOGY (KINUST) AS 3RD DEFENDANT**

By Court: The Application filed on 14th January, 2021 by the Applicant is
withdrawn as prayed.

[SGD.]

E. SENYO AMEDAHE
JUSTICE OF THE HIGH COURT

126
125

IN THE HIGH COURT OF JUSTICE
KUMASI – ASHANTI

SUIT NO. C1/65/2020

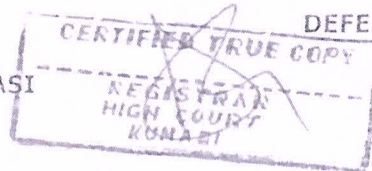
ABUSUAPAYIN KWAME KONADU YIADOM
SUIING FOR AND ON BEHALF OF HUAHI ACHAMA
ROYAL FAMILY OF BOADI
H/NO. 14 BOADI

PLAINTIFF

VRS

1. YAW ACHEAMPONG
2. LANDS COMMISSION
ASHANTI REGION, KUMASI

DEFENDANTS



MOTION ON NOTICE FOR JOINDER

MOTION ON NOTICE by ISAAC BERKO ESQ., of counsel for and on behalf of the APPLICANT herein praying this Honourable Court for an **ORDER JOINING KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY (KNUST)** as 3RD DEFENDANT in terms of the supporting affidavit.

AND FOR FURTHER ORDER(S) as this Honourable Court may deem fit to make in the circumstances.

COURT TO BE MOBED ON Thursday the 3rd day of Nov, 2020 in the forenoon or so soon thereafter as Counsel can be heard.

DATED AT THE LEGAL DEPARTMENT OF KNUST KUMASI, THIS 29TH DAY OF OCTOBER, 2020.

CHAMBER'S REGISTRATION NO. eLD00064/20

THE REGISTRAR
HIGH COURT
KUMASI-ASHANTI

ISAAC BERKO ESQ.
COUNSEL FOR APPLICANT
LIC NO. EASH01126/20
SCIENCE & TECHNOLOGY
KUMASI

AND COPY FOR SERVICE ON:-

1234435
17/11/2020

THE PLAINTIFF HEREIN OR HIS COUNSEL, DR NANA OPPONG ESQ.,
KWAKU NTI LAW CONSULT, DIDA CHAMBERS, H/NO. MDN 603
AKOSOMBO JUNCTION, NEW ROAD, MADINA ACCRA

✓ 1ST DEFENDANT HEREIN OF HIS COUNSEL, NASHIRU YUSSIF ESQ,
FOSU GYEABOUR & CO., KYIDOM ROYAL CHAMBERS, H/NO. 5, 8TH
AVENUE WEST RIDGE, ACCRA.

2ND DEFENDANT HEREIN OR ITS COUNSEL, IRENE ATOBRA ESQ, LANDS
COMMISSION, KUMASI-ASHANTI.

FILED ON 17/11/2020
AT 12:15 PM
IN THE HIGH COURT OF JUSTICE
KUMASI-ASHANTI

IN THE HIGH COURT OF JUSTICE
KUMASI-ASHANTI

SUIT NO. C1/65/2020

ABUSUAPAYIN KWAME KONADU YIADOM
SUIING FOR AND ON BEHALF OF HUAHI ACHAMA
ROYAL FAMILY OF BOADI
H/NO. 14 BOADI

PLAINTIFF

VRS

1. YAW ACHEAMPONG
2. LANDS COMMISSION
ASHANTI REGION, KUMASI

DEFENDANTS

AFFIDAVIT IN SUPPORT

I, **ANDREWS KWASI BOATENG** of H/No. 14 Akroso Road, KNUST-Kumasi make oath and say as follows:

1. That I am the Registrar of the Applicant-Institution and Deponent herein.
2. That I have the consent of the Applicant-Institution to depose to this affidavit on its behalf since the facts deposed to are within my personal knowledge and by virtue of my position as the Chief Operating Officer of the Applicant-Institution.
3. That the Applicant-Institution's attention has been drawn to the instant action pertaining to the parcel of land in dispute at this Honourable Court.
4. That the Applicant-Institution is the bonafide LESSEE of a larger tract of land from the Government of the Republic of Ghana since 1968.
5. That I hereby attach a copy of the LEASE on the said larger parcel of land from the Government of the Republic of Ghana to the Applicant-Institution as EXHIBIT "AKB 1".
6. That the parcel of land which is being claimed by the Plaintiff in the instant suit falls within the larger tract of land granted to the Applicant-Institution by the Government of Ghana in the LEASE.

7. That in the circumstances I respectfully pray that the Applicant-Institution be joined to the instant action as 3rd DEFENDANT to enable it protect and defend its legitimate interest and also for the court to determine the real issues in controversy to its logical conclusion.

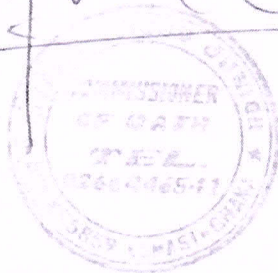
8. Wherefore I swear to this Affidavit in Support of this application.

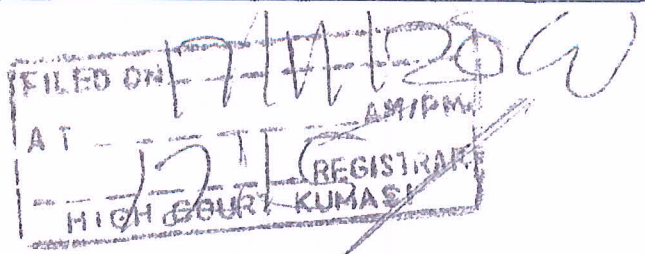
SWORN TO AT KUMASI THIS)
17 DAY OF NOVEMBER 2020)
IN THE PRESENCE OF:)

DEPONENT

BEFORE ME

COMMISSIONER FOR OATHS





IN THE HIGH COURT OF JUSTICE
KUMASI-ASHANTI

SUIT NO. C1/65/2020

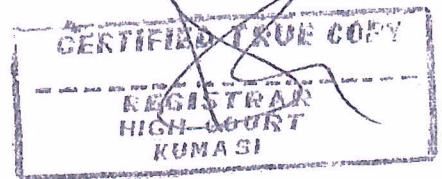
ABUSUAPAYIN KWAME KONADU YIADOM
SUIING FOR AND ON BEHALF OF HUAHI ACHAMA
ROYAL FAMILY OF BOADI
H/NO. 14 BOADI

PLAINTIFF

VRS

1. YAW ACHEAMPONG
2. LANDS COMMISSION
ASHANTI REGION, KUMASI

DEFENDANTS

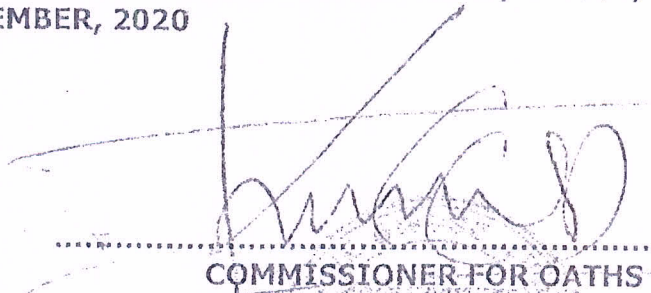
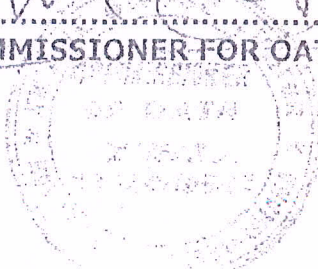


CERTIFICATE OF IDENTIFICATION OF EXHIBITS

I, KWAME OMUSU JUNIOR Commissioner for Oaths, and
before whom the Affidavit in Support is sworn by the Deponent herein hereby
certify that I have identified the documents annexed and/or attached to the
said Affidavit as:

- a. EXHIBIT 'AKB 1' - COPY OF LEASE

DATED AT THE LEGAL DEPARTMENT, KNUST, KUMASI THIS 17th DAY OF
NOVEMBER, 2020


.....
COMMISSIONER FOR OATHS


21

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(LAND DIVISION)
KUMASI-AD 2020

SUIT NO C1/65/20.

ABUSUAPANYIN KWAME KONADU YIADOM
Suing For and on Behalf of
HUAHI ACHAMAA TUTUWAA ROYAL FAMILY
OF BOADI
(House No. 14, Boadi)

) Plaintiff

FILED ON

AT

1.15

versus

YAW ACHEAMPONG

) 1st Defendant

(Unnumbered House, Pankrono,
Near Old Methodist, Ashanti Region)

LANDS COMMISSION
(Regional Office, Kumasi)

) 2nd Defendant

AFFIDAVIT OF PLAINTIFF IN OPPOSITION TO MOTION FOR JOINDER

I, Nana Osei Bonsu of House Number OB 14, Boadi, Ashanti, MAKE OATH AND SAY as follows:

1. That I am a principal member and the president of the Huahi Tutuwaa Achamaa Royal Family Council and as such, I have knowledge of the following.
2. That at the hearing of the motion Counsel for the Plaintiff will seek leave of the Court to refer to all processes filed herein.

3. That I have been advised by counsel for the Plaintiff Dr. Nana Oppong of the following and I believe same to be true. The applicant's motion is misguided and without any merit. In the first place, the honourable Court does not have jurisdiction to hear the present motion.

4. That the honourable Court has rendered judgement in the matter. The judgement has been perfected by being drawn up and entered. I have attached to this my affidavit as Exhibit NOB "1", a copy of the judgement of the honourable Court together with a copy of the entry of judgement.

5. That in the circumstances the legal principle captured in the following Latin phrase applies: "*hoc jure utimur ut judex qui semel vel pluris vel minoris condemnavit, amplius corrigere sententiam suam non posset; semel enim male vel bene officio functus est.*" The gist of Ulpian's words is: "[A] judge who has given judgment, either in a greater or a smaller amount, no longer has the capacity to correct the judgment because, for better or for worse, he will have discharged his duty once and for all."

6. That in addition, the applicant has failed to serve the Plaintiff with a copy of the motion as it is required under the rules of court. Counsel for the Plaintiff found out about the motion only recently and he decided to take appropriate action even though we have not been served. Service of a necessary party such as the Plaintiff is a prerequisite for clothing the honorable Court with jurisdiction to hear the matter. As the Plaintiff has not been served, the Honorable Court has no jurisdiction to hear the application.

7. That furthermore, the substantive case of the applicant is desperate and legally untenable. In the first place, the Plaintiff's case concerns and it is limited to lands at Boadi and owned by the Plaintiff for centuries. The Plaintiff has been in uninterrupted possession of the lands for at least two centuries and continuing. Both at law and as a matter of fact, the Plaintiff is and it is presumed to be the owner of the lands. The burden to prove otherwise is on the applicant.

8. That the applicant is a creature of statute. Its powers and rights are limited by statute and subject to the laws of Ghana. The applicant has no statutory right or lawful interest of any kind over the lands at Boadi. The ownership interest of the Plaintiff in the Boadi lands existed before the applicant was conceived and born. That right was never interrupted by any laws of

Ghana. There has never been any law made by the state that has compulsorily acquired the lands of the Plaintiff and paid any compensation for the use of such lands as required by the constitution of Ghana and even by the common law.

9. That furthermore, the mandate of the applicant in accordance with the law that established it, is limited to teaching and research. Any action concerning lands that is not reasonably necessary for teaching or research is an excess of jurisdiction and not a public purpose as it pertains to the applicant. Such an action is therefore, not lawful but null and void

10. That each of the best teaching and research institutions in the world such as Harvard, MIT, Yale, Stanford, U of T, Oxford, Osgoode Hall and more, uses less than one tenth of the lands currently being used by the applicant separate and apart from the Boadi lands. The applicant does not need Boadi lands for any legitimate functions as defined by its enabling statutes.

11. That indeed, over the years since the establishment of the applicant the world of education and research has changed dramatically so that the ability of the applicant to carry out its mandate is no longer based on the amount of land it occupies but on the amount of digital and intellectual space it creates, controls and manages. It is not physicality of the applicant's space that enables it to fulfil its mandate as a teaching and research institution but the digitality and its intellectual spaces. Thus, the applicant does not need Boadi lands which are miles and miles away from the lands currently being occupied and underutilized by the applicant.

12. That furthermore, assuming for the sake of argument only it was stated that the State had lawfully acquired portions of the Boadi lands and paid appropriate compensation for same to the Plaintiff family which is not admitted but expressly denied, the applicant has no right to those same lands for the following reasons. The lands in question are bare and they have not been developed. They have been in peaceful and uninterrupted possession of the Plaintiff at all material times. This failure to interrupt the Plaintiff's possession or to develop alone is evidence against the claims of the applicant and does establish that the lands are not needed for the purposes for which the applicant was set up decades ago. Pursuant to the Constitution, lands compulsorily seized by the State for a state institution that are not required for the legally stated purposes of that institution revert to the pre-acquisition owners especially in a

situation where the state has failed to comply with the law and has failed to pay appropriate compensation to the pre-acquisition owners.

13. That there is a significant distance between lands used and occupied by the applicant and the lands at Boadi which remain undeveloped and in possession of the Plaintiff. Thus, even if the for the sake of argument only it was stated that lands at Boadi were said to have been granted to the applicant for the sake of argument only, the Plaintiff family pleads and relies upon adverse possession, laches, acquiescence, and reversionary interests against the applicant.

14. That the State has never had any lawful interest or right in the lands of the Plaintiff for which it could have granted to the applicant. The applicant has no lands at Boadi and it would be just to dismiss the application.

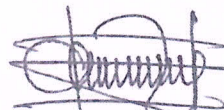
13. I therefore, pray in opposition to the motion.

by the said Nana Osei Bonsu

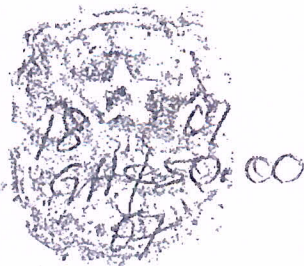
At the High Court, Kumasi
On this 14th day of January, 2021
Before me

Commissioner of Oaths

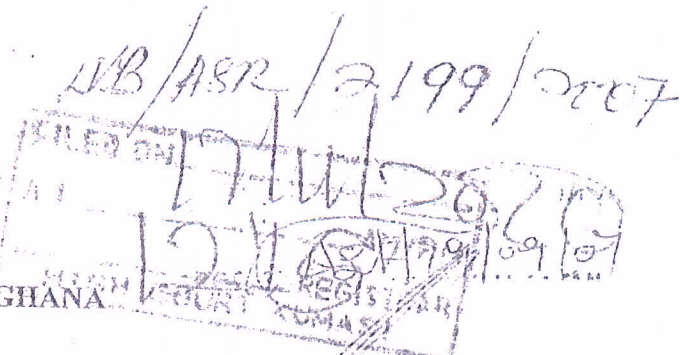
CHARLES KENNETH CAMPSON
COMMISSIONER OF OATHS
P. I. 504 KJ 598
KUMASI


Deponent

NO COPY OF SERVICE ON
1ST DEFENDANT - YAW ACHERNDON
2ND DEFENDANT LANDS COMMISSION
3RD DEFENDANT - KNUST - Isaac Berko-Berko



REPUBLIC OF GHANA



This Lease made the ... 16th day of ... MAY ... 20 07 ...
Between **THE GOVERNMENT OF THE REPUBLIC OF GHANA** (hereinafter called
"The Government" which expression shall where the context so admits or requires include
its successors in office and its duly authorized officers and servants) acting by **KWAME
AGYAPONG BOAFO, CHAIRMAN OF THE ASHANTI REGIONAL LANDS
COMMISSION** of the one part and **KWAME NKRUMAH UNIVERSITY OF
SCIENCE AND TECHNOLOGY** a body corporate established under an Act of
Parliament and whose postal address is *Private Mail Bag, University Post Office,
Kumasi* in the Ashanti Region of the Republic of Ghana (hereinafter called 'the Lessee'
which expression shall where the context so admits or requires include the personal
representatives, customary successors and the assigns of the Lessee) of the other part.

WHEREAS by a lease dated 24th May 1968 (hereinafter referred to as "the old lease")
made between the Government of the Republic of Ghana and the University of Science and
Technology now known as the Kwame Nkrumah University of Science and Technology
the parcel of land described in the schedule 'A' attached hereto (and hereinafter referred to
as "the demised premises") was demised unto the lessee for a term of 60 years from the 1st
of April 1956 to the 31st of March 2010 which lease was plotted at the Lands Commission
Kumasi as Document No. ASH 55/04/07 under Property No. A 1860.

AND WHEREAS the Ashanti Regional Lands Commission has approved the surrender by
the lessee of the unexpired term of the old lease for the grant of a lease for a longer term of
years.

AND WHEREAS the lessee has agreed with the Government to surrender the old lease
and take the longer term lease aforesaid.

THIS LEASE WITNESSES that in furtherance of the said agreement reached between
the parties herein and in consideration of the rent hereby reserved and of the covenants and
conditions hereinafter contained and on the part of the Lessee to be observed and
performed the Government hereby demises unto the lessee **ALL THAT** *piece or parcel of*

K 3686

CERTIFIED TRUE COPY
[Signature]
LAND REGISTRATION DIV.
KUMASI

land known as *Kumasi Site* for Kwame Nkrumah University of Science and Technology situate between Bomso, Ayigya, Kantinkronu, Anwomaso, Ayeduase, Kyirapatre, Ahinsan, Bebre and Fumesua suburbs of the city of Kumasi in the Ashanti Region of the Republic of Ghana the boundaries of which are provided in the schedule 'A' attached hereto TO HOLD unto the Lessee for a term of 50 years from the 1st day of March 2003 PAYING therefor unto the Government a yearly rent of *Fourteen million two hundred thousand cedis (¢14,200,000.00)* payable yearly in advance on the 1st day of January every year the payment for the period from 1st March 2003 to 31st December 2007 having been made on or before the execution hereof **PROVIDED THAT** the rent hereby reserved shall be subject to revision after every 7th year of the term.

1. The Lessee for itself and its assigns and to the intent that the obligations may continue throughout the term hereby created hereby covenants with the Government as follows:-
 - (a) To pay the said rent at the times and in the manner aforesaid without any deduction whatsoever whether formally demanded or not.
 - (b) To pay interest on all rent arrears at the prevailing bank rate.
 - (c) To bear pay and discharge all existing and future rates charges taxes duties assessments impositions and outgoings whatsoever imposed upon the demised premises or upon any building or buildings thereon or imposed upon or payable by the occupier in respect thereof but in the event of the Government at any time hereafter by virtue of any Statute Judgement or otherwise being or becoming liable or responsible for the payment of all or any part of such rates taxes charges duties assessments impositions and outgoings as aforesaid or a contribution or other payment in lieu thereof then and in every such case the Lessee will pay to the Government on demand all moneys paid by the Government as rent in arrears.
 - (d) To maintain at all times on the demised premises a University campus consisting of the appropriate educational buildings and facilities of their several kinds and to develop any future buildings in conformity in every respect with plans elevations sections and specifications previously approved in writing by or on behalf of the Regional Lands Commission and not to alter the structure of or add to the said buildings or erect any other building or structure or carry out any works of whatsoever nature without first obtaining the like approval.

- (e) Not to use or permit the use of the demised premises or any building or buildings thereon otherwise than for **Educational and Ancillary purposes only**.
- (f) To keep the demised premises together with all buildings thereon and all additions thereto and the walls fences vaults roads drains compound and appurtenances thereof clean and in good and substantial state of repair and condition.
- (g) To connect if so required by the Government the building or buildings erected upon the demised premises with the nearest water and electricity supply main and with the sewer where such exists or may eventually be installed.
- (h) Not to do or permit to be done upon the demised premises any act or thing which shall be or may become a nuisance damage annoyance or inconvenience to the Government or to the occupiers of any of the adjoining or neighbouring buildings or to the neighbourhood.
- (i) Not to encroach or trespass unto any other land in the area and in particular not to do or suffer to be done upon the road reservation or the land adjoining the demised premises any act or thing which shall block obstruct or prevent the use of any part of the said road reservation or adjoining land.
- (j) Not without the previous consent in writing of the Government to charge or mortgage at law or in equity assign underlet or part with the possession of the demised premises or any part thereof or any building or buildings thereon or any interest therein and to pay consent fee when such consent is granted.
- (k) To permit the Government and its agents at any reasonable time to enter upon the demised premises for the purpose of constructing laying down altering cleansing emptying or maintaining any sewers watercourses cesspools gutters drains water pipes telephone wires or electric wires which the Government may consider necessary either for the accommodation of any adjoining property or for any other purpose whatsoever doing as little damage as may be to the demised premises and restoring the surface of the soil and everything erected thereon without any unreasonable delay but without making compensation for any damage or inconvenience to the Lessee.
- (l) To permit the Government and its agents at any reasonable time to enter upon the demised premises and any building or buildings thereon and examine the state of repair and condition thereof and to repair and make good within a reasonable time all defects

for which the Lessee is responsible hereunder and of which notice in writing shall have been given by the Government to the Lessee or its agents.

(m) To keep the building or buildings upon the demised premises insured against fire with a reputable Insurance Company in the joint names of the parties hereto in the full value thereof and whenever required to produce to the Government the policy of insurance and the receipt for the current year's premium and to cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the premises and to make up any deficiency out of the Lessee's own moneys and in case the lessee shall make default in keeping such building or buildings so insured as aforesaid the Government may do all things necessary to effect and maintain such insurance and all moneys expended by the Government for that purpose shall be repayable by the Lessee on demand and may be recovered as rent in arrear.

(n) At the expiration or sooner determination of the term hereby created quietly to yield up the demised premises together with the building or buildings thereon in such state of repair and condition as shall be in accordance with the covenants hereinbefore mentioned without any claim for compensation whatsoever.

PROVIDED ALWAYS and it is expressly agreed that:-

- (a) The subsidized rent hereby reserved and payable from the commencement of the lease shall cease to be payable and a full economic rent shall be payable if the Lessee shall mortgage charge assign sub-demise or part with possession of the said demised premises or any part thereof without the written consent and approval of the lessor.
- (b) If the yearly rent hereby reserved or any part thereof shall be in arrears for three calendar months whether formally demanded or not or if the Lessee shall become bankrupt or shall file any petition under the Insolvency Laws of Ghana or elsewhere or compound with his creditors or suffer any execution to be levied on his effects within the territory of Ghana or if any assign being a Corporation shall enter into liquidation whether compulsory or voluntary (not being merely a voluntary liquidation for the purpose of amalgamation or reconstruction) or if any covenant on the Lessee's part shall not be duly performed and observed it shall be lawful for the Government to re-enter upon the said demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the rights of

action of the Government in respect of any antecedent breach of any of the Lessee's covenants herein contained.

- (c) If any part of the demised land falling within the road reservation line is required by Government for road widening or other public purposes the Government shall have the right upon giving reasonable prior notice in writing to re-enter upon such land which shall thenceforward cease to form part of the demised land without paying compensation but subject to the appropriate re-consideration of the rent to be thenceforward payable in respect of the remaining land hereby demised and subject to the Government carrying out such accommodation works as it considers necessary without cost to the occupiers.
- (d) Nothing contained in this Lease shall be construed to dispense with the necessity of applying for and obtaining every such permit and authority as may be required by the Lessee in connection with any works or activities of whatsoever nature proposed to be carried out on the land hereby demised.

SCHEDULE 'A'

The demised premises comprise two parcels of land the First of which is herein referred to as Site 'A' and the boundary whereof commences at a pillar marked GCG.A. 29/49/1 which pillar is on the Southern side of the motor road from Kumasi to Accra and is 50.2 feet on a bearing of $75^{\circ} 28'$ – which bearing together with all further bearings hereinafter mentioned is referred to the Meridian of 1° West Longitude – from a pillar marked K.T.B. 2^A runs on a bearing of $126^{\circ} 58'$ for 728.0 feet to a pillar marked GCG.A. 29/49/133 and thence on a bearing of $148^{\circ} 42'$ for 237.9 feet to a pillar marked GCG.A. 29/49/132 and thence on a bearing of $149^{\circ} 15'$ for 757.9 feet to a pillar marked GCG.A. 29/49/131 and thence on a bearing of $53^{\circ} 09'$ for 648.6 feet to a pillar marked GCG.A. 29/49/130 and thence on a bearing of $53^{\circ} 00'$ for 893.2 feet to a pillar marked GCG.A. 29/49/129 and thence on a bearing of $53^{\circ} 41'$ for 510.4 feet to a pillar marked GCG.A. 29/49/128 and thence on a bearing of $53^{\circ} 03'$ for 229.6 feet to a pillar marked GCG.A. 29/49/127 and thence on a bearing of $52^{\circ} 29'$ for 609.3 feet to a pillar marked GCG.A. 29/49/126 and thence on a bearing of $52^{\circ} 23'$ for 440.8 feet to a pillar marked GCG.A. 29/49/125 and thence on a bearing of $52^{\circ} 13'$ for 413.0 feet to a pillar marked GCG.A.

29/49/123 and thence on a bearing of $126^{\circ} 29'$ for 342.6 feet to a pillar marked GCG.A.
29/49/122 and thence on a bearing of $130^{\circ} 21'$ for 176.4 feet to a pillar marked GCG.A.
29/49/121 and thence on a bearing of $136^{\circ} 17'$ for 377.6 feet to a pillar marked GCG.A.
29/49/120 and thence on a bearing of $155^{\circ} 04'$ for 716.1 feet to a pillar marked GCG.A.
19/49/119 and thence on a bearing of $156^{\circ} 26'$ for 169.8 feet to a pillar marked GCG.A.
29/118 and thence on a bearing of $156^{\circ} 03'$ for 468.7 feet to a pillar marked GCG.A.
29/49/117 and thence on a bearing of $154^{\circ} 54'$ for 837.0 feet to a pillar marked GCG.A.
29/49/115 and thence on a bearing of $155^{\circ} 32'$ for 512.1 feet to a pillar marked GCG.A.
29/49/114 and thence on a bearing of $225^{\circ} 28'$ for 590.4 feet to a pillar marked GCG.A.
29/49/113 and thence on a bearing of $225^{\circ} 37'$ for 670.8 feet to a pillar marked GCG.A.
29/49/112 and thence on a bearing of $225^{\circ} 27'$ for 361.8 feet to a pillar marked GCG.A.
29/49/111 and thence on a bearing of $234^{\circ} 04'$ for 249.3 feet to a pillar marked GCG.A.
29/49/110 and thence on a bearing of $222^{\circ} 11'$ for 229.4 feet to a pillar marked GCG.A.
29/49/109 and thence on a bearing of $233^{\circ} 42'$ for 436.0 feet to a pillar marked GCG.A.
29/49/108 and thence on a bearing of $201^{\circ} 31'$ for 351.1 feet to a pillar marked GCG.A.
29/49/107 and thence on a bearing of $253^{\circ} 05'$ for 374.1 feet to a pillar marked GCG.A.
29/49/106 and thence on a bearing of $265^{\circ} 05'$ for 379.6 feet to a pillar marked GCG.A.
29/49/105 and thence on a bearing of $250^{\circ} 21'$ for 87.2 feet to a pillar marked GCG.A.
29/49/104 and thence on a bearing of $269^{\circ} 43'$ for 82.8 feet to a pillar marked GCG.A.
29/49/103 and thence on a bearing of $250^{\circ} 42'$ for 157.4 feet to a pillar marked GCG.A.
29/49/102 and thence on a bearing of $264^{\circ} 39'$ for 321.2 feet to a pillar marked GCG.A.
29/49/101 and thence on a bearing of $265^{\circ} 28'$ for 215.0 feet to a pillar marked GCG.A.
29/49/100 and thence on a bearing of $265^{\circ} 22'$ for 418.8 feet to a pillar marked GCG.A.
29/49/99 and thence on a bearing of $265^{\circ} 21'$ for 341.0 feet to a pillar marked GCG.A.
29/49/98 and thence on a bearing of $265^{\circ} 20'$ for 588.6 feet to a pillar marked GCG.A.
29/49/97 and thence on a bearing of $265^{\circ} 19'$ for 1202.3 feet passing through a pillar
marked GCG.A. 29/49/96 to a pillar marked GCG.A. 29/49/95 and thence on a bearing
of $265^{\circ} 15'$ for 793.9 feet to a pillar marked GCG.A. 29/49/94 and thence on a bearing of
 $265^{\circ} 14'$ for 699.2 feet to a pillar marked GCG.A. 29/49/93 and thence on a bearing of
 $265^{\circ} 15'$ for 800.3 feet to a pillar marked GCG.A. 29/49/92 and thence on a bearing of
 $265^{\circ} 17'$ for 1317.5 feet to a pillar marked GCG.A. 29/49/91 and thence on a bearing of

273° 49' for 304.9 feet to a pillar marked GCG.A. 29/49/90 and thence on a bearing of
 2740° 27' for 653.5 feet to a marked GCG.A. 29/49/89 and thence on a bearing of 257°
 45' for 995.7 feet passing through a pillar marked GCG.A. 29/49/88 to a pillar marked
 GCG.A. 29/49/87 and thence on a bearing of 167° 43' for 699.2 feet to a pillar marked
 GCG.A. 29/49/86 and thence on a bearing of 167° 42' for 299.5 feet to a pillar marked
 GCG.A. 29/49/56 which pillar is on the North side of the road from Kumasi to Ayeduaasi
 and thence on a bearing of 179° 29' for 179.8 feet to a pillar marked GCG.A. 29/49/85
 and thence on a bearing of 179° 27' for 1028.2 feet passing through a pillar marked
 GCG.A. 29/49/84 to a pillar marked GCG.A. 29/49/83 and thence on a bearing of 179°
 29' for 502.2 feet to a pillar marked GCG.A. 29/49/82 and thence on a bearing of 179°
 18' for 345.3 feet to a pillar marked GCG.A. 29/49/81 and thence on a bearing of 178°
 17' for 119.1 feet to a pillar marked GCG.A. 29/49/80 and thence on a bearing o 177°
 20' for 177.0 feet to a pillar marked GCG.A. 29/49/79 and thence on a bearing of 177°
 52' for 894.5 feet passing through a pillar marked GCG.A. 29/49/78 to a pillar marked
 GCG.A. 29/49/77 and thence on a bearing 177° 49' for 516.2 feet to a pillar marked
 GCG.A. 29/49/77 and thence on a bearing 177° 49' for 516.2 feet to a pillar marked
 GCG.A. 29/49/76 and thence on a bearing of 178° 13' for 430.4 feet to a pillar marked
 GCG.A. 29/49/75 and thence on a bearing of 178° 08' for 725.7 feet to a pillar marked
 GCG.A. 29/49/74 and thence on a bearing of 171° 26' for 93.7 feet to a pillar marked
 GCG.A. 29/49/74 and thence on a bearing of 183° 08' for 100.8 feet to a pillar marked
 GCG.A. 29/49/73 and thence on a bearing of 284° 42' for 342.4 feet to a pillar marked
 GCG.A. 29/49/72 and thence on a bearing of 284° 43' for 423.0 feet to a pillar marked
 GCG.A. 29/49/71 and thence on a bearing of 284° 41' for 49.8 feet to a pillar marked
 GCG.A. 29/49/70 and thence on a bearing of 284° 42' for 433.5 feet to a pillar marked
 GCG.A. 29/49/69 and thence on a bearing of 286° 37' for 320.0 feet to a pillar marked
 GCG.A. 29/49/68 and thence on a bearing of 283° 57' for 266.7 feet to a pillar marked
 GCG.A. 29/49/67 and thence on a bearing of 283° 56' for 471.5 feet to a pillar marked
 GCG.A. 29/49/66 and thence on a bearing of 244° 05' for 185.5 feet to a pillar marked
 GCG.A. 29/49/65 and thence on a bearing of 244° 04' for 232.6 feet to a pillar marked
 GCG.A. 29/49/64 and thence on a bearing of 244° 05' for 381.1 feet to a pillar marked
 GCG.A. 29/49/63 and thence on a bearing of 283° 57' for 1024.7 feet passing through a

pillar marked GCG.A. 29/49/62 to a pillar marked GCG.A. 29/49/61 and thence on a bearing of $283^{\circ} 55'$ for 1476.2 passing through pillars marked GCG.A. 29/49/60 and GCG.A. 29/49/59 to a pillar marked GCG.A. 29/49/58A and thence on a bearing of $304^{\circ} 55'$ for 765.5 feet passing through a pillar marked GCG.A. 29/49/57A to a pillar marked GCG.A. 29/49/56A and thence on a bearing of $304^{\circ} 54'$ for 1668.6 feet passing through pillars marked GCG.A. 29/49/55 and GCG.A. 29/49/54 to a pillar marked GCG.A. 29/49/53 and thence on a bearing of $304^{\circ} 55'$ for 118.1 feet to a pillar marked GCG.A. 29/49/52 and thence on a bearing of $304^{\circ} 57'$ for 2053.3 feet passing through pillars marked GCG.A. 29/49/51 GCG.A. 29/49/50 and GCG.A. 29/49/49 to a pillar marked GCG.A. 29/49/48 and thence on a bearing of $304^{\circ} 56'$ for 139.6 feet to a pillar marked GCG.A. 29/49/47 and thence on a bearing of $304^{\circ} 57'$ for 253.4 feet to a pillar marked GCG.A. 29/49/46 and thence on a bearing of $28^{\circ} 16'$ for 134.5 feet to a pillar marked GCG.A. 29/49/45 and thence on a bearing of $9^{\circ} 22'$ for 142.3 feet to a pillar marked GCG.A. 29/49/44 and thence on a bearing of $18^{\circ} 33'$ for 2724.0 feet passing through pillars marked GCG.A. 29/49/43 and GCG.A. 29/49/42 to a pillar marked GCG.A. 29/49/41 and thence on a bearing of $18^{\circ} 32'$ for 334.2 feet to a pillar marked GCG.A. 29/49/40 and thence on a bearing of $18^{\circ} 33'$ for 185.9 feet to a pillar marked GCG.A. 29/49/39 and thence on a bearing of $80^{\circ} 59'$ for 180.2 feet to a pillar marked GCG.A. 29/49/38 and thence on a bearing of $80^{\circ} 58'$ for 1131.9 feet passing through pillars marked GCG.A. 29/49/37 and thence on a bearing of $80^{\circ} 59'$ for 1131.9 feet passing through pillars marked GCG.A. 29/49/36 and GCG.A. 29/49/35 to a pillar marked GCG.A. 29/49/33 and thence on a bearing of $80^{\circ} 59'$ for 191.4 feet to a pillar marked GCG.A. 29/49/32 and thence on a bearing of $81^{\circ} 00'$ for 532.0 feet passing through a pillar marked GCG.A. 29/49/31 to a pillar marked GCG.A. 29/49/30 and thence on a bearing of $80^{\circ} 58'$ for 899.1 feet passing through a pillar marked GCG.A. 29/49/29 to a pillar marked GCG.A. 29/49/28 which pillar is on the Northern side of the road from Kumasi to Ayediasi and thence on a bearing of $32^{\circ} 36'$ for 557.4 feet to a marked GCG.A. 29/49/27 and thence on a bearing of $32^{\circ} 42'$ for 962.9 feet to a pillar marked GCG.A. 29/49/26 and thence on a bearing of $32^{\circ} 49'$ for 332.0 feet to a pillar marked GCG.A. 29/49/25 which pillar is on the Southern boundary of the Kumasi to Accra Road and thence follows the said Southern boundary of the Kumasi – Accra road firstly on a

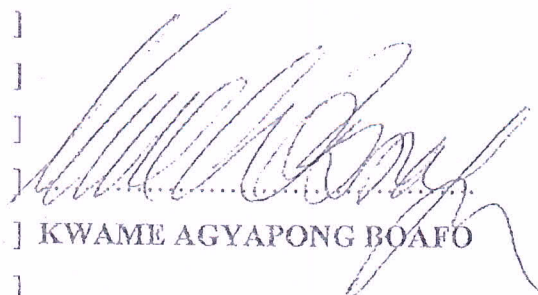
bearing of $94^{\circ} 35'$ for 1004.0 feet to a pillar marked GCG.A. 11/38/44 and then along a circular arc of 1950.2 feet radius for 679.2 feet to a pillar marked GCG.A. 11/38/47 which pillar is 675.9 feet on a bearing of $84^{\circ} 36'$ from the aforesaid pillar marked GCG.A. 11/38/44 and thence runs on a bearing of $35^{\circ} 00'$ for 1155.1 feet to a pillar marked GCG.A. 29/49/23 and thence on a bearing of $41^{\circ} 55'$ for 170.9 feet to a pillar marked GCG.A. 29/49/22 and thence on a bearing of $66^{\circ} 35'$ for 139.1 feet to a pillar marked GCG.A. 29/49/20 and thence on a bearing of $82^{\circ} 39'$ for 178.3 feet to a pillar marked GCG.A. 29/49/19 and thence on a bearing of $69^{\circ} 55'$ for 202.6 feet to a pillar marked GCG.A. 29/49/18 and thence on a bearing of $53^{\circ} 37'$ for 386.2 feet to a pillar marked GCG.A. 29/49/17 and thence on a bearing of $85^{\circ} 39'$ for 231.7 feet to a pillar marked GCG.A. 29/49/16 and thence on a bearing of $116^{\circ} 56'$ for 222.0 feet to a pillar marked GCG.A. 29/49/15 and thence on a bearing of $108^{\circ} 32'$ for 234.8 feet to a pillar marked GCG.A. 29/49/14 and thence on a bearing of $113^{\circ} 35'$ for 229.8 feet to a pillar marked GCG.A. 29/49/13 and thence on a bearing of $119^{\circ} 24'$ for 655.0 feet to a pillar marked GCG.A. 29/49/12 and thence on a bearing of $93^{\circ} 20'$ for 219.4 feet to a pillar marked GCG.A. 29/49/11 and thence on a bearing of $82^{\circ} 09'$ for 203.5 feet to a pillar marked GCG.A. 29/49/10 and thence on a bearing of $78^{\circ} 45'$ for 274.8 feet to a pillar marked GCG.A. 11/38/BP. 49 and thence on a bearing of $81^{\circ} 17'$ for 158.3 feet to a pillar marked GCG.A. 29/49/9 and thence on a bearing of $79^{\circ} 09'$ for 109.8 feet to a pillar marked GCG.A. 29/49/7 and thence on a bearing of $53^{\circ} 53'$ for 352.0 feet to a pillar marked GCG.A. 29/49/6 and thence on a bearing of $49^{\circ} 20'$ for 354.8 feet to a pillar marked GCG.A. 29/49/5 and thence on a bearing of $41^{\circ} 08'$ for 128.2 feet to a pillar marked GCG.A. 29/49/4 and thence on a bearing of $177^{\circ} 46'$ for 359.1 feet to a pillar marked GCG.A. 29/49/3 and thence on a bearing of $177^{\circ} 46'$ for 103.0 feet to peg G.6 and thence on a bearing of $74^{\circ} 46'$ for 1489.5 feet to a pillar marked GCG.A. 29/49/2A and thence on a bearing of $74^{\circ} 47'$ for 390.4 feet to a pillar marked GCG.A. 29/49/2 and thence on a bearing of $73^{\circ} 27'$ for 387.8 feet to the point of commencement thus enclosing an area of 2562.814 acres be the same several dimensions little more or less as the same premises are more particularly delineated and shown edged pink on the Plan Numbered LDA 1422/K 3686 attached hereto -----

The second parcel of land is herein referred to as Site 'B' the boundary whereof commences at a pillar marked GCG.A. 39/30/6 which pillar marks the most southerly corner of Fumesa Railway Station Site and is 377.8 feet on a bearing of $148^{\circ} 58'$ which bearing together with all further bearings hereinafter mentioned is referred to the Meridian of 1° West Longitude – from a pillar marked GCGA 39/30/1 which pillar is on the Eastern side of the Kumasi – Accra Railway Line runs on a bearing of $22^{\circ} 48'$ for 2015.0 feet to a pillar marked GCG.A. 39/30 and thence on a bearing of $291^{\circ} 52'$ for 76.3 feet to a pillar marked GCG.A. 39/30/4 and thence on a bearing of $99^{\circ} 11'$ for 499.2 feet to a pillar marked GCG.A. 29/49/170 and thence on a bearing of $99^{\circ} 10'$ for 499.7 feet to a pillar marked GCG.A. 29/49/171 and thence on a bearing of $99^{\circ} 11'$ for 595.2 feet to a pillar marked GCG.A. 29/49/172 and thence follows a circular arc of 1490.8 feet radius for 436.9 feet to a pillar marked GCG.A. 29/49/173 which pillar is 435.3 feet on a bearing of $90^{\circ} 46'$ from the aforesaid pillar marked GCG.A. 29/49/172 and thence on a bearing of $82^{\circ} 23'$ for 203.6 feet to a pillar marked GCG.A. 29/49/174 and thence follows a circular arc of 722.2 feet radius for 667.9 feet to a pillar marked GCG.A. 49/175 which pillar is 644.4 feet on a bearing of $108^{\circ} 53'$ from the aforesaid pillar marked GCG.A. 29/49/174 and thence on a bearing of $135^{\circ} 23'$ for 228.8 feet to a pillar marked GCG.A. 29/49/176 and thence follows a circular arc of 980.4 feet radius for 690.0 feet to a pillar marked GCG.A. 29/49/177 which pillar is 675.8 feet on a bearing of $95^{\circ} 03'$ for 1258.5 feet passing through pillars marked GCG.A. 29/49/178 GCG.A. 29/49/179 to a pillar marked GCG.A. 29/49/180 and thence follows a circular area of 1685.0 feet radius for 747.6 feet to a pillar marked GCG.A. 29/49/181 which pillar is 741.5 feet on a bearing of $107^{\circ} 46'$ from the aforesaid pillar marked GCG.A. 29/49/180 and thence on a bearing of $120^{\circ} 28'$ for 421.6 feet to a pillar marked GCG.A. 29/49/182 and thence follows a circular arc of 2159.8 feet radius for 1013.6 feet to a pillar marked GCG.A. 29/49/163 which pillar is 1004.3 feet on a bearing of $133^{\circ} 55'$ from the aforesaid pillar marked GCG.A. 29/49/182 and thence on a bearing of $177^{\circ} 47'$ for 4863.6 feet passing through pillars marked GCG.A. 29/49/162 GCG.A. 29/49/11 and GCG.A. 29/49/160 to a pillar marked GCG.A. 29/49/159 and thence on a bearing of $177^{\circ} 42'$ for 1070.6 feet to a pillar marked GCG.A. 29/49/159 and thence on a bearing of $177^{\circ} 42'$ for 1070.6 feet to a pillar marked GCG.A. 29/49/158 and thence on a bearing of $177^{\circ} 45'$ for 670.5 feet to a pillar

marked GCG.A. 29/49/157 and thence on a bearing of $177^{\circ} 43'$ for 784.0 feet to a pillar marked GCG.A. 29/49/156 and thence on a bearing of $280^{\circ} 43'$ for 951.1 feet to a pillar marked GCG.A. 29/49/155 and thence on a bearing of $280^{\circ} 42'$ for 3756.2 feet passing through pillars marked GCG.A. 29/49/154 GCG.A. 29/49/153 GCG.A. 29/49/152 and GCG.A. 29/49/151 to a pillar marked GCG.A. 29/49/150 and thence on a bearing of $348^{\circ} 37'$ for 436.2 feet to a pillar marked GCG.A. 29/49/149 and thence on a bearing of $346^{\circ} 02'$ for 607.0 feet to a pillar marked GCG.A. 29/49/148 and thence on a bearing of $346^{\circ} 02'$ for 822.9 feet to a pillar marked GCG.A. 29/49/147 and thence on a bearing of $304^{\circ} 54'$ for 889.0 feet to a pillar marked GCG.A. 29/49/146 and thence on a bearing of $273^{\circ} 47'$ for 783.5 feet to a pillar marked GCG.A. 29/49/145 and thence on a bearing of $294^{\circ} 05'$ for 352.5 feet to a pillar marked GCG.A. 29/49/144 and thence on a bearing of $302^{\circ} 38'$ for 532.2 feet to a pillar marked GCG.A. 29/49/143 and thence on a bearing of $294^{\circ} 29'$ for 741.4 feet to a pillar marked GCG.A. 29/49/142 and thence on a bearing of $307^{\circ} 06'$ for 670.8 feet to a pillar marked GCG.A. 29/49/141 and thence on a bearing of $307^{\circ} 16'$ for 351.4 feet to a pillar marked GCG.A. 29/49/140 and thence on a bearing of $307^{\circ} 01'$ for 1095.8 feet to a pillar marked GCG.A. 29/49/139 and thence on a bearing of $45^{\circ} 56'$ for 1103.9 feet to a pillar marked GCG.A. 29/49/138 and thence on a bearing of $15^{\circ} 38'$ for 449.0 feet to a pillar marked GCG.A. 29/49/137 and thence on a bearing of $34^{\circ} 49'$ for 827.1 feet to a pillar marked GCG.A. 29/49/136 and thence on a bearing of $23^{\circ} 20'$ for 733.7 feet to the point of commencement thus enclosing an area of 1396.711 acres be the same several dimensions little more or less as the same premises are more particularly delineated and shown edged pink on the Plan Numbered LDA 1423/K 3686 attached hereto thus comprising in the whole a total area of 3959.525 acres -----

IN WITNESS WHEREOF the party hereto of the first part has hereunto set his hand and affixed the Seal of the Regional Lands Commission and the party hereto of the second part has hereunto set his hand and seal the day and year first above-written.

Signed sealed with the Seal of the Lands
Commission and DELIVERED by the said
KWAME AGYAPONG BOAFO, CHAIRMAN
OF THE ASHANTI REGIONAL LANDS
COMMISSION for and on behalf of the
GOVERNMENT OF THE REPUBLIC OF
GHANA in the presence of:-


KWAME AGYAPONG BOAFO

Osei Kwame
P. O. Box 43 Kumasi
Chirine
.....
.....

THE COMMON SEAL of the within-named
KWAME NKRUMAH UNIVERSITY OF
SCIENCE AND TECHNOLOGY was affixed to
these presents and the same were DELIVERED in
the presence of:-

1. Full Name KWASI KWAFU
ADARKWA
Position/Status VICE CHANCELLOR
Signature [Signature]
2. Full Name KOBBY YEBO -
OKRMA
Position/Status REGISTRAR
Signature [Signature]

This is the Instrument marked "A" referred to in the Oath of Osei Kwame

Sworn before me this 26th day of September 2007


REGISTRAR OF LANDS

On the 26th day of September 2007 at 9:30 o'clock in the fore noon this Instrument was proved before me by the Oath of the within-named Osei Kwame To have been duly executed by the within-named KWAME AGYAPONG BOARFO


REGISTRAR OF LANDS

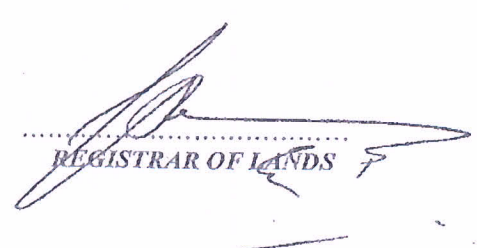
OATH OF PROOF

I, Osei Kwame of Lands Commission Secretariat
MAKE OATH and SAY that on the 16th day of May 2007 I was present and saw KWAME AGYAPONG BOARFO Esquire of the Republic of Ghana duly execute the Instrument now produced to and marked "A" and that the said KWAME AGYAPONG BOARFO Can read and write.

Sworn at Kumasi this 26th day of September 2007

Before me)

) 
DEPONENT


REGISTRAR OF LANDS

DATE 16TH MAY 2007

BETWEEN

GOVERNMENT OF THE REPUBLIC OF GHANA

TO

KWAME NKUMAH UNIVERSITY OF SCIENCE
AND TECHNOLOGY

Private Mail Bag, University Post Office, Kumasi

LEASE

LANDS COMMISSION
PLOTTING FORM
DCC. NO. ASH 79/09/07 K 3686
PROP. NO. A 2052 060244

REGISTERED BY 11/19/07

CHECKED BY 11-10-2007

RECAPTURED BY 11-10-2007

Plot No. Site for Kwame Nkrumah University of Science and Technology

District Kumasi

Term 50 years

Commences 1st March, 2003

Expires 28th February, 2052

Rent ₵14,200,000.00 per annum

Plan No.:

H.O. Lands File No.:

Ksi. Lands File No. K 3686

'ata'

IN WITNESS WHEREOF SECTION 17 OF THE STAMP ACT 1967
I HAVE SET MY HAND AND SEAL AT ACCRA THIS 18TH SEPTEMBER 2007
WITH A DUTY OF GH₵50.00
18th September, 2007
Commissioner of Stamp

Exhibit C

IN THE SUPERIOR COURT OF JUDICATURE; IN THE HIGH
COURT OF JUSTICE HELD AT KUMASI ON FRIDAY THE 7TH
DAY OF SEPTEMBER, 2021 BEFORE HIS LORDSHIP JUSTICE
FRANCIS OBIRI, HIGH COURT JUDGE

SUIT NO. C1/65/20

ABUSUAPANIN KWAME KONADU YIADOM
suing for and on behalf of Huahi Achamaa]
Tutuwaa Royal family of Boadi]
substituted by Nana Osei Bonsu]

PLAINTIFF/RESPONDENT

VS

**1. YAW ACHEAMPONG]
2. LANDS COMMISSION]
AND**

DEFENDANTS

NANA AWUAH NIMFOUR II]

...

APPLICANT

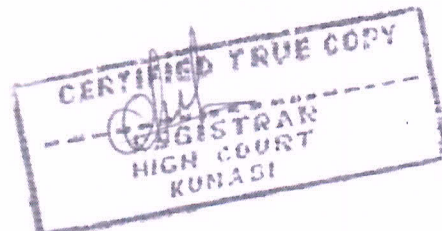
RULING

On 8th September, 2021, the applicant herein, Nana Awuah Nimfour II (hereinafter called the applicant) filed a motion on notice before this court for an order setting aside the judgment of this court differently constituted dated 18th September, 2020 and any document and or process premised on the said judgment upon the grounds set forth in the accompanying affidavit. The motion is supported by affidavit and exhibits.

I wish to quote the relevant paragraphs of the affidavit in support in this ruling.

2. That I am the eldest living male of Huahi Achamaa Tutuwaa Royal family and the Odikro and caretaker chief of Boadi.

This is the document
marked **Exhibit 2**
reference to in the Affidavit
This **13th** day of **Nov. 2022**
Before me **[Signature]**
Commissioner for Oaths



3. That I swear to this affidavit firstly, based on my knowledge as member of the family and secondly as the most senior male member, the Odikro and the caretaker of Boadi Stool lands.
4. That at the time when this matter was commenced by Kwame Konadu Yiadom, a member of Huahi Achamaa Tutuwaa Royal family, no substantive Abusuapanin was yet chosen and or appointed after the demise of the then Abusuapanin Owusu Ansah in 2017 (known in private life as Padmore Anane).
5. That neither the Queenmother nor the Odikro who are the custodians of the Boadi Stool lands participated in the conduct of this suit.
6. That while consultations were ongoing for a successor to replace Abusuapanin Owusu Ansah, (known in private life as Padmore Anane), Kwame Konadu Yiadon decided to assumed the role of Head of Family to sue the defendants.
7. That I am advised and verily believe same to be true that by customary law, and in particular Ashanti custom and traditions, the plaintiff is not vest with capacity to litigate in respect of stool lands, hence the plaintiff herein lacks the capacity to institute, defend and prosecute the instant action in respect of the Stool lands at Boadi.
8. That I am further advised by counsel and verily believe same to be true that the Honourable Court ought to have taken evidence to ensure that the plaintiff has the capacity to institute this action.
9. That Kwame Konadu Yiadom litigated the matter and on 18th September 2020, judgment on admission was given in his favour (Attached hereto and marked as Exhibits NK1 and NK2 respectively are copies of the Writ of Summons and Statement of Claim as well as the said judgement on admission).
10. That the said judgment was given in respect of land which delineation or boundaries were not clearly and precisely determined.

12. That had the Honourable Court averted its mind to the said paragraph 7, referred to in the immediate paragraph and the terse nature of the 1st Defendant's defence, it would not have given the judgment of 18th September, 2020.
13. That I have been advised and verily believe same to be true that to succeed in an action for declaration of title to land, the party must prove with certainty and clarity title to the said land including the boundaries of the land claimed but this was not the case.
14. That I am also advised by counsel and verily believe same to be true that to the extent that the Honourable Court lacks jurisdiction to have granted the judgment on admission, and same is null and void and of no legal effect.
15. That I am further advised by counsel and verily believe same to be true that, in an action for declaration of title to land, the plaintiff needs to go into the witness box and prove his title before he can obtain final judgement but this was not the case.
16. That in any case, the purported admission by the 1st Defendant was unequivocal and could not strictly be said to be an admission (Please attached to this application is the said Statement of Defence of the 1st Defendant with same marked as exhibit NK 4).
17. Again, whilst the relief was for a claim of 611.152 (sic) acres of land (Please see exhibit NK 1), the application for judgment on admission and for which the judgment was entered claims 1298.33 acres of land (Please attached hereto is the said application with same marked as exhibit NK 5).
18. That I have been advised by counsel and verily believe same to be true that, judgment in respect of declaration of title to land is judgment in rem and thus need to be made when the parties have entered the witness box to adduce credible evidence on same and to offer the various interests and rights,

groups or institutions and or entities the opportunity to be heard but this was not the case.

20. That I have sufficient interest in the matter both as a member and the Odikro of the Boadi Stool and the caretaker of the Boadi Stool lands and thus qualify to apply to the Honourable Court to set aside the judgment of 18th September, 2020 which is null and void so as to enable me safeguard the stool's interest against the rest of the world.

The Plaintiff/Respondent (hereinafter called the Respondent) resisted the application by filing affidavit in opposition on 13th September, 2021.

He also attached exhibits to the affidavit in opposition. The relevant paragraphs of the affidavit in opposition to this ruling are as follows:

6. That in the light of the abuse of process engaged in by the Applicant and his Counsel, we are faced with the incongruous situation where there is a pending application by one and the same person for substitution as plaintiff and for setting aside the judgment in the very case.
7. That I am advised by counsel and verily believe same to be true that, the Honourable Court has a duty to ensure that its processes are not abused and that whenever the processes of a court are abused, as in the instant case there is an inherent jurisdiction to stem the abuse of process.
8. That I will contend through counsel that the motion is fundamentally, flawed contrary to settled legal principle and authority and ought to be dismissed at the threshold.
10. That I will contend through counsel that the Applicant has no locus standi to make the instant application.
11. That I will again contend through counsel that the application falls well short of the yardstick with which to set aside the of a court of record more so when the Applicant has at all times

When the motion came up for hearing, counsel for both parties relied on their affidavit in support and in opposition as well as the applicant's supplementary affidavit. Both counsel also cited plethora of authorities to support their positions.

It is my duty to make a determination one way or the other. However, the first issue which the court has to address is whether the applicant who was not or has not been a party to the case can file the motion and pray for the judgment on admission obtained by the original plaintiff on 18th September 2020 to be set aside? This is important because, if the applicant has no locus standi to bring the application, then the merits of same cannot be determined even if he has a cast iron case.

See: Yorkwa V Duah (1992-1993) GBR 278.

It is trite that, if an objection to an application can succeed on a plea of lack of locus standi or capacity, then the court should not proceed to determine the merits of the case irrespective of the evidence.

See: Stephens V Apoh (2010) 27 MLRG 12 CA.

Amissah-Abaidoo V Abadoo (1974) 1 GLR 110

Akrong V Bulley (1965) GLR 469 SC

Therefore, if a party has no capacity to sue or bring an application, then it means he does not legally exist for the court to pronounce on the merits of his case.

See: Kowus Motors V Check Point Ghana Ltd (2009) SCGLR 230.

The law does not deal with busybodies but people who have been affected by a defendant actions or omissions which can give rise to their cause of action.

See: The Muzama Disco Christo Church V Jehu-Appiah (2010) 27 MLRG 56 CA.

It is the law that, cause of action is a factual situation the existence of which entitles one person to obtain from the court a remedy against the person. Cause of action also include a situation where a particular act of the defendant gives the plaintiff his cause of complaint.

See: *Mensah V Intercontinental Bank (2010) 28 MLRG 180 SC.*

It is therefore trite that, the issue or capacity can be raised at any time of the proceedings. It can even be raised by the court suo motu.

Bimpong-Buta V General Legal Council (2003-2004) 2 SCGLR 1200

I am not unmindful of the principle that, if a party sues or bring an application in a wrong capacity but some other capacity was disclosed which would entitle him to maintain the suit, he should not be non-suited but the court should allow all amendments necessary for the purpose of setting the real issues in controversy between the parties.

See: *Robertson V NiiAkramah II & Ors (Consolidated) (1973) 1 GLR 445 CA.*

However, such amendments deal with juristic entities or persons who are clothed with capacity in some way at the time of commencing the action or bringing the application.

The rules on amendment are never intended to replace a non-existent legal entity with persons or entitles with legal status.

Therefore, a person who lacks capacity cannot litigate either as a plaintiff or as a defendant. And if he has no capacity from the commencement of the matter, an amendment cannot be made to clothe the person with capacity.

See: *Nii Kpobi Tettey Tsuru III (substituted by Nii Obodai Adai IV & 2 Ors. V Agric. Cattle and 4 Ors (2020) 158 GJM 1 SC.*

It is also the law that, the issue of capacity can be a question of law only. It can also be a question of fact. There are also instances where the issue of capacity is mixed law and fact. In that case, it can only be ascertained when evidence is led by the parties. Therefore, it is not in all cases that, the court can determine the issue of capacity unless evidence is led.

See: Frimpong & Anor V Rome (2013) 58 GMJ 131 CA.

Capacity is a very crucial component of any civil litigation without which the plaintiff or an applicant cannot maintain an action.

See: National Investment Bank Ltd & 2 Ors V Standard Bank Offshore Trust Co. Ltd (Substituted by Dominican Corporate Trustees Ltd (2017) 113 GMJ 174 SC.

The law is also settled that, it is always the duty of a court not to assume jurisdiction over a matter where the court had no jurisdiction over either the subject matter of the suit the parties to the action or where a party to the suit is not clothed with capacity regarding the subject matter in issue.

Again, a court may not assume jurisdiction over a case where issues of limitation, estoppel, perem judicata are raised, and proved as preliminary points. In a situation where any of the above conditions is or are established, the court ought not to assume jurisdiction to decide the case on its merits.

See: John Dramani Mahama V Electoral Commission & Nana Addo Darkwa Akufo-Addo (2021) 171 GMJ 473 SC.

Therefore, the question which begs to be answered is whether the applicant who was not a party to the original suit can apply to have the judgment set aside and if so the procedure to be followed.

I went through the legal anatomy of this country and came across the case of ***Lamptey V Hammond (1987-1988) 1 GLR 327 at 328*** which held as follows: "There are two well-established modes whereby a person who is a stranger to a judgment (as the applicant in this case) which is injuriously or adversely affects him can have

that judgment set aside. He can obtain the leave of the defendant in the suit to use his name and then apply to the Court in the said defendant's name to have the judgment set aside. Alternatively, in case for some reason he cannot use the name of the defendant, he can take out a summons in his own name but in that case the summons should be served on both the plaintiff and the defendant asking for leave of the court to set aside the judgment and to be allowed to defend the action on such terms indemnifying the judgment as the judge consider just".

See: also Hydrafoam Estates Limited V Moi Ashong (2012) 44 GMJ 144 CA.

Asahin Industries Ltd V Kofifoh Boatbuilding Co. Ltd (1984-1986) 1 GLR 453 CA.

It is again settled law that, it is a party against whom a judgment or an order has been given or made who has locus standi or capacity to apply for or seek same to be set aside.

The party in this context may however include the original party as well as his successor in title or privy or his lawyer properly authorized by the party to the litigation.

In Re Arthur (deceased) Abaka & Another V Atta-Hagan & Anor (1972) 1 GLR 435.

This position appears to be the preliminary thump card of the Respondent's counsel. He submitted that, the applicant not being a party cannot apply to set the judgment on admission dated 8th September 2020 aside without complying with the procedure set down in ***Lamptey V Hammond (supra)***

Counsel for the applicant contends otherwise and relied on the case of ***Nai Otuo Tetteh & Opanyin Kwadwo Ababio V Nai Kojo Adu II (2018) 120 GMJ 86 SC.***

In the ***Nai OtuoTetteh case (supra)***, a total stranger to a case applied to have a consent judgment set aside. The applicant capacity was challenged and the High Court and the Court of

Appeal upheld the issue of the applicant's capacity and dismissed his motion. However, the Supreme Court in a unanimous decision allowed the appeal that, the stranger has capacity to apply to have the consent judgment set aside. The court held at page 108 per Pwamang JSC as follows: ***"The lower courts concerned themselves with the procedure whereby a stranger may apply to set aside judgment discussed in Lamptey V Hammond (1987-1988) 1 GLR 327 and that line of cases but that procedure is where a default judgment has been taken and a stranger to the proceedings who is affected seeks to set the default judgment aside and defend the action. Even in those cases, the summons, that is referred to in the decisions, is application by summons as distinguished from an application by motion and it is not a reference to writ of summons. Having regard to the fact that, our current High Court Rules have done away with applications by summons, that procedure prescribed in Lamptey V Hammond (supra) would be satisfied if a stranger filed a motion and served both plaintiff and the defendant praying for leave to set aside a default judgment that affects him. In this case, the appellant had his application to set aside served on the plaintiff and the defendant. That appears to be the intendment of order 19 rules 1 and 2 of the High Court Civil Procedure Rules, 2004 (C.I 47)***

Where a direct application is made to the court that made a void order praying for an order to be set aside the only locus that needs to be proved by an applicant is that he stands to be affected by the order. He does not necessarily need to be a party to the proceedings in which the order was made".

It is also a fact that, ***Lamptey V Hammond (supra)*** is a Court of Appeal decision which the ***Nai Otuo Tetteh case (supra)*** is a Supreme Court decision. It is trite that under Article 130 (3) of the 1992 Constitution and section 2 (3) of the Courts Act, 1993 (Act 459) all other courts shall be bound to follow the decision of the Supreme Court on questions of law. This is also in consonance

with the principle of stare decisis which is an integral part of our legal system.

It is therefore my view that, the strict compliance of the procedure in **Lamptey V Hammond (supra)** is no more a good law.

The applicant application falls in line with all the facts in the **Nai Otuo Tetteh case (supra)**.

It is therefore my considered opinion that, the applicant has capacity to file the application since from the events, the decision in one way or the other affects his position as the Odikro of Boadi Stool. He is also claiming in his averments that the land in dispute is a Stool land and not a family land. It is the law that, if it is a Stool land then the proper person to sue and be sued is the occupant of the Stool.

I will now proceed to determine the merits of otherwise of the applicant's application.

Counsel for the Respondent contended that, the deponent to the applicant's substantive application is not known in the case. In the view of counsel; this makes the affidavit a nullity. However, it is trite that, a deponent to an affidavit is only to show person knowledge of the facts deposed to in the affidavit. That is the reason why the law even permits a clerk of a lawyer to swear to an affidavit.

See: 18th July Ltd. V Yehans International Limited (2012) 1 SCGLR 167.

Republic V High Court (Financial Division) Accra Ex-parte Tweneboah Koduah (2015) 81 GMJ 191 SC

Counsel for the applicant explained to the court that the deponent is the same person as the applicant. In any case, any defect in the two names do not go to the root of the application.

Again, counsel for the Respondent took issue on the fact, that the motion paper only stated that, the motion is praying the court to set aside the judgment of this court dated 18th September

simpliciter without indicating the year of the judgment. In the view of the Respondent counsel, this is fatal to the application. However, the applicant in paragraph 20 of the affidavit in support stated that, he is seeking to set aside the judgment given by this court on 18th September 2020.

I am of the view that, this defect in the motion paper has been cured in paragraph 20 of the affidavit in support. In any case, the date the judgment was given is not in dispute. Therefore, no issue was joined as to the date it was given. In anyway, this omission does not affect the substance of the application. If the court is to go by the Respondent's counsel argument in that direction, then the court would be adhering to the strictest rules of procedure which though does not affect the substance of the case. In that respect, I would borrow the words of Benjamin Nathan Cardozo, an American Jurist who was quoted by **Abban JSC in New Patriotic Party V Attorney-General (1993-1994) 2 GLR at 35 at 118 as follows:**

"Judges march at times to pitiless conclusion under the prod of remorseless logic which is supposed to leave them no alternative. They deplore the sacrificial rite. They perform it nonetheless, with averted gaze, convinced as they plunge the knife, that they obey the bidding of their office. The victim is offered up to the gods of jurisprudence on the altar of regularity".

However, I think the justice of this case should not be far to be sought.

In all cases, the courts are to ensure flexibility in their proceedings to ensure justice. And it was in this direction, that the Supreme Court held in the case of **Halle and Sonns SA V Bank of Ghana and & Anor (2011) SCGLR 378 per Adinyira JSC at page 384** as follows.

"Although I agree that a Court cannot conduct its business without a code of procedure, I think that the relation of the rules of practice to the work of justice is intended to be that of a handmaid rather than a mistress and the Court ought not to be so far bound and

... tied by rules, which are after all only intended as general rules of procedure, as to be compelled to do what would cause injustice in a particular case".

This means that in all cases, the aim of the court should be flexible in the application of its rules and in the interest of justice, as the applicant is praying in this case, unless the defect affects the substance of the case.

I have examined the entire proceedings to determine whether the judgment of the High Court dated 18th September 2020 should be set aside or not. I observed the following:

First, the 2nd defendant filed defence on 11th June 2020. The 2nd defendant concluded its defence as follows "wherefore the 2nd defendant avers that, the plaintiff is not entitled to the reliefs sought against it or at all". This means the 2nd defendant denied the Respondent reliefs. Consequently, issues were joined as to whether the Respondent reliefs can be granted or not against the 2nd defendant.

Therefore, even after the Respondent had taken the judgment on admission against the 1st defendant on 18th September 2020, it ought to have proceed against the 2nd defendant and lead evidence against it or to discontinue against the 2nd defendant and not to have filed application ex-parte for leave to issue writ of possession on 26th August 2020 based upon the 18th September 2020 judgment against the 1st defendant.

It is settled law that, when averments are denied, a party proves it by producing other evidence, description of things circumstances etc. to establish that what he avers is true. The Respondent did not do this against the 2nd defendant before filing for the writ of possession to be issue. This is a fundamental error in the proceedings which affects the writ of possession to issue which is predate upon the judgment on admission obtained on 18th September 2020.

See: Attorney-General V Faroe Atlantic Co. Ltd (2005-2006) SCGLR 271.

Courage Adonoo V Fan Milk Ltd (2006) 8 MLRG 211 CA.

T. K. Serbeh Co. Ltd V Mensah (2005-2006) SCGLR 341.

Frabina Ltd V Shell Ghana Ltd (2011) 1 SCGLR 429

Abbey V Antwi (2010) SCGLR 17.

Secondly, the original plaintiff in his writ filed pm 7th May 2020 prayed as relief 'a' for an order adjudging the plaintiff family as the lawful owner of 116.152 acres of a portion of land described in the plan of land made by the licensed surveyor Anthony Ackahin favour of Huahi family and particularised by the plaintiff in his proceedings".

However, in the Respondent motion filed on 9th September 2020, against the 1st defendant, the Respondent stated that, his family is the owner of 1298.33 acres of land. Therefore, judgment should be entered in their favour for 1298.33 acres of land. This is contrary to the 116.152 acres of land the plaintiff asked for in his writ of summons and the statement of claim.

At no point did the Respondent amended his relief 'a' from claiming 116.152 acres of land to 1298.33 acres of land. I therefore, do not know how the Respondent relief of 116.152 acres of land metamorphosed into 1298.33 acres by himself suo motu and upon which the judgment on admission was given for him on 18th September 2020. This is a fundamental error which goes to the root of the judgment.

By the rules on pleadings, parties are bound by the facts contained in their respective pleadings. The only way a party can change his/her pleadings is by way of amendment. The pleadings circumscribed the parameters within which the evidence should be given. Pleadings form the factual basis upon which a party's case is built and place fetters on their evidence.

See: *Adehyeman Industrial Complex V Ofosu Mensah* (2010-2012) 2 GLR 37 CA.

***Hammond V Odoi* (1982-1983) 2 GLR 1215**

***Klah V Phoenix Insurance Co. Ltd* (2012) 2 SCGLR 1139.**

In the case of ***Adom V Marfor* (2012) 38 MLRG 58** the Supreme Court held at page 68 per Gbadegbe JSC as follows: "A change in the version of an appellant case between the statement of claim and the evidence is fundamental in nature as not to be seen as a variation but a conflict in his case that has the effect of disentitling him to relief on the ground that, he had departed substantially from his case and accordingly, his case should not have been given a favourable consideration by the learned trial judge".

See *Mahama V Issah & Anor* (2001-2002) 1 GLR 694 CA.

***Oworka III V Amontia IV* (2006) 1 MLRG 61 SC**

***Whittaker V Nanka Bruce* (1994-1995) GLR 284.**

The law is settled that, if a party's evidence contradicts or departs from his pleadings, then the evidence should not be given a favourable consideration of course, affidavit is evidence.

See: *Adom Marfo* (supra).

A party is bound by its pleadings and cannot at the trial set up a different case.

See: *Kwahinkrom V Mmony* (2010) 28 MLRG 183 CA.

***Koranteng V Crocodile Matchets (Ghana) Ltd* (2013) 58 GMJ 101 CA.**

***Agyeiwaa V P&T Corporation* (2007-2008) 2 SCGLR 985.**

It therefore stands to reason that, granted that, the 1st defendant admitted the Respondent claim in his defence, it was not in respect of 1298.33 acres but rather 116.152 acres of land which the Respondent pleaded and did not amend.

Meanwhile, judgment was entered in respect of 1298.33 acres of land and entry of judgment was entered in respect of that. This in my opinion, affect the substance of the judgment. The jurisdiction of the court was invoked in the original writ in respect of 116.152 acres of land which has not been amended. Consequently, the jurisdiction of the court was wrongly invoked in respect of the 1298.33 acres of the land. Therefore, the court had no jurisdiction to give judgment on admission in respect of 1298.33 acres of land when no amendment was filed by the Respondent. This makes the judgment on admission given by the court on 18th September 2020 a nullity.

It is trite, that judgment on admission can only be granted on admission which is tact and devoid of any ambiguity. Therefore, where there are triable issues, judgment on admission cannot be granted.

See: Mustapha V National Investment Bank (2005-2006) SCGLR 1037.

Thirdly, the original plaintiff attached a site plan as exhibit KKY4 to his motion on notice for the judgment on admission. This was attached as evidence by the plaintiff. However, for the site plan has not been stamped in accordance with the stamp duty Act, 2005 (Act 689). In the case of ***Lizori Ltd V Boye & School of Domestic Science & Catering (2013-2014) 2 SCGLR 889***. The Supreme Court held per Benin JSC at 903 as follows: "The provision in section 32 of Act 689 is so clear and unambiguous and requires no interpretation. Either the document has been stamped and appropriate duty paid in accordance with the law in force at the time it was executed or it should not be admitted in evidence".

See also Wood house Ltd V Airtel Ghana Ltd (2017) 114 GMJ 96 CA.

Such unstamped evidence per the decision in the ***Lizori case*** (supra) is inadmissible and should be excluded even if no is objection raised by the other side.

See: Frimpong & Anor V Rome (supra).

Juxon-Smith V KLM Dutch Airlines (2005-2006) SCGLR 438.

Thompson V Total Ghana Ltd. (2011) 34 GMJ 16 SC.

Tormekpey V Ahiable (1975) 2 GLR 432 CA.

Amoah V Arthur (1987-1988) 2 GLR 87 CA.

The admissibility of exhibit KKY4 which is not stamped in accordance with Act 689 also affects the substance of the judgment on admission.

Again, the Respondent reliefs a, b and c are to the effect that, legal title should be decreed in favour of his family and himself in respect of 116.152 acres of land at Boadi near Kumasi. Relief's a was granted without the Respondent leading any evidence. I went through the legal principles to look for the answer as to whether it was proper. I came across the case ***Jibril Mahama V Akwasi Mensah (2020) 170 GMJ 441 SC.***

The Supreme Court held in the ***Jibril Mahama case*** (supra) that a declaration of title to land cannot be granted unless evidence is led by the party claiming legal title to the land. And it does not matter whether the opponent has admitted same in his pleading. Once the relief borders on declaration of title to land, evidence must of necessity be led. However, this was absent in this case.

See also Republic V High Court Accra; Ex-parte Osafo (2011) 2 SCGLR 966.

This means, notwithstanding the fact that in this case, the Respondent contends that the 1st defendant admitted his claims, once some of the reliefs borders on the fact that, his family is to be on declared as legal owner of the land in dispute, it was mandatory for the Respondent to have still led evidence no matter any admission made by the opponent.

Therefore, the fact that the Respondent did not lead evidence in respect of reliefs a, b, and c is fatal to the judgment as per the decision in the ***Jibril Mahama case (Supra)***

Furthermore, after the judgment on admission granted on 18th September, 2020. The Respondent filed motion ex-parte on 28th May, 2021 and prayed the court to correct an omission in the judgment and also to amend the judgment. This was procedurally and fundamentally wrong in law.

The law is settled that an error in a judgment or entry of judgment cannot be corrected by the judgment creditor without notice to the judgment debtor.

See: Akowuah & Anor V Armoo (2012) 1 SCGLR 261.

Therefore, it was wrong for the Respondent judgment creditor to have filed an ex-parte motion to correct the entry of judgment. It should have been on notice.

Also, the judgment of the court dated 18th September, 2020 granted only relief "A" of the Respondent claim, but the Respondent without any leading evidence went ahead to have the judgment entered by the lands commission. Clearly this procedure cannot be justified in anyway.

In respect of the judgment on admission the court delivered itself as follows: Judgment is entered in favour of the plaintiff under order 23 Rule (1) and Rule 6(2) and Order 81 of C.I. 47

The court grants relief 'a' endorsed on the writ of summons of the plaintiff/applicant as per the plan referred to in paragraph 4 of the plaintiff's affidavit in support of this application.

No order as to cost. This means it was only the Respondent relief 'a' which was granted by the court.

However, in the Respondent's entry of judgment filed on 14th January, 2021, it captured all the reliefs he asked for in the writ contrary to what the court granted in respect of only relief 'A'. The

entry of judgment is thus frivolous and vexatious as one can imagine.

The Respondent counsel filed motion ex-parte for substitution on 23rd July 2021 to substitute the current Respondent. From the contents of the motion, the original Respondent who was dead as at 23rd July, 2020 was described as plaintiff/applicant. However, the death certificate attached to the application indicates that, the original plaintiff died on 28th March, 2021. The order for substitution dated 28th September, 2020 was based on this fundamentally flawed application. This makes the order for substitution a nullity.

It is trite, that application cannot be made on behalf of a dead person in the same way proceedings cannot continue against a dead person.

See: Ofori V Star Assurance Co. Ltd (2015) 83 GMJ 94 SC.

If anything at all, the present Respondent ought to have filed the motion for substitution in his own capacity as an applicant and not the dead person being described as an applicant.

The Respondent averred in paragraph 6 of his statement of claim that the land in dispute was gifted by Asantehene Osei Tutu I to Oheneyere Achamaa Tutuwaa I, her great ancestress of his family generations ago. The court does not know when the said Oheneyere Achamaa Tutuwaa I died. This is the reason why evidence should have been led in this case. This is because, granted that it is true that the land was gifted to the said Oheneyere died intestate before 1985, then, the land would have devolved unto her immediate maternal family. And in that case, the proper person to sue and be sued would have been her customary successor and not the head of the family or the Respondent.

See: Fosua & Adu Poku V Dufie (deceased) & Adu Poku Mensah (2009) SCGLR 310.

Tetteh V Mensah (1987-88) 1 GLR 471.

It is when the property is being mismanaged by the customary successor that the head of the wider family will come in to protect it.

See: Kwakye V Tuba & Ors. (1961) GLR 720.

It is the law that, those who led the immediate enjoyment of the self-acquired properties of a person who died intestate prior to 1985 is the immediate family and not the wider family.

See: Okine V Welbeck (2013-2014) 2 SCGLR 1335.

Andrews V Hayford (1982-83) 1 GLR 214 CA.

Fianko V Aggrey (2007-2008) 2 SCGLR 1135.

However, if the said Ohenekyere died intestate after 1985, then PNDCL III would have determined who can sue and be sued in respect of the land. And this would have been established if evidence had been led.

Not all, the injunction order purporting to be against the applicant which is the respondent exhibit "C" was based on an ex-parte application for injunction which was filed and granted by the court. It appears to have enjoined the Respondents in that application until the final determination of the case. However, it is trite that ex-parte injunction does not last beyond 10 days.

See order 25 rule 1 (9) of CI 47.

Taylor J (as he then was) held in Harlley V Ejura Farms (Ghana) Ltd (1977) 2 GLR 179 at 214 as follows:

"In these courts, we dispense justice in accordance with three and only three yardsticks; statute law, case law and well-known practice of our courts".

I took my time to examine the entire processes in this ruling being fortified by the principle that a court is entitled to apply the law to the facts of the case before her even if the parties are unaware of it. Therefore, the court is not bound by the misconceptions arising therefrom.

See: Gihoc Refrigeration and Household Products Limited (No.1) V Hanna Assi (No.1) (2007-2008) 1 SCGLR 1.

Seraphim V Amuah-Sekyi (1971) 2 GLR 132 CA

Board of Directors of Orthodox Secondary School of Peki V Tawila-Abels (1974) 1 GLR 419 CA.

The law is also settled by number of authorities that, if an order or judgment is a nullity, it does not matter how it was brought to the notice of the court and no discretion arises in such cases. Consequently, when a court by itself notices an invalid order, no rule of law or constitution of the court can prevent the court from setting aside such an order.

See: Merchant Bank Ghana Ltd V Similar Ways Ltd (2012) 1 SCGLR 440.

Network Computer System Ltd. V Intelsat Global Sales (2012) 1 SCGLR 218.

If a court order is void, then time does not run in respect of such orders or judgments. And anytime such a nullity is brought to the notice of the court either suo muto or through a party, same has to be set aside ex debito justiae an applicant.

See: Republic V High Court (Fast Track Division) Acrra, E-parte Speedline Stevedoring Co. Ltd (Dolphyne-Interested Party) (2007-2008) 1 SCGLR 102.

Consequently, if a step taken by a party to proceedings before a court is fundamentally wrong on grounds of jurisdiction then, such an error will not be within the purview of the instances where a court can waive such non-compliance.

See: Republic V High Court Kumasi, Ex-parte Atumfuwa (2000) SCGLR 72.

If a court has no jurisdiction to entertain or grant a relief in a particular way as in this case, then the court cannot roam for jurisdiction. In that case the court would be behaving like a

midfield lib football parlance who is not constrained to a particular part of the field but can do as he pleases.

From the above epistle, the court will not be in limbo like Ato, the protagonist in Ama Atta Aidoo's Dilemma of a Ghost who did not know whether to follow his family or his wife.

This court has been fortified by plethora of decided cases, statutes, and procedures to answer the applicant's prayer in the affirmative. Consequently, the judgment on admission entered by this court differently constituted on 18th September, 2020 in respect of this case is hereby set aside and all the consequential orders made from the said judgment on admission are also set aside except the pleadings in the case.

(SGD)

**FRANCIS OBIRI
(HIGH COURT JUDGE)**

COUNSEL

**KWASI AFRIFA FOR THE PLAINTIFF/RESPONDENT
MUJEEB RAHMAN AHMED FOR THE APPLICANT**

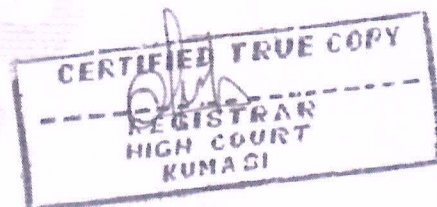


Exhibit D

IN THE COURT OF APPEAL
KUMASI.

| | | |
|--------------------|----------|-------|
| FILED ON | 27/09/21 | AM/PM |
| AT | 12:00 | |
| REGISTRAR | | |
| HIGH COURT, KUMASI | | |

SUIT NO.

ABUSUAPANYIN KWAME KONADU YIADOM) PLAINTIFF/
SUING FOR AND ON BEHALF OF) APPELLANT
HUAHI ACHAAMA YIADOM ROYAL FAMILY
OF BOADI SUBSTITUTED BY NANA OSEI BONSU
HOUSE NO. 14, BOADI, KUMASI.

VERSUS

1. YAW ACHEAMPONG
2. LANDS COMMISSION

This is the document
marked Ex H. 1 & 2
referred to in the Affidavit
This 15th day of Dec. 2022
I, [Signature]
Commissioner for Oaths

DEFENDANTS

AND

NANA AWUAH NIMFOUR II) APPLICANT/
H/NO. PLOT I BOADI, KUMASI.) RESPONDENT

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Plaintiff/Appellant herein dissatisfied with and aggrieved by the Ruling of the High Court, Kumasi, presided over by Justice Francis Obiri dated 27th September, 2021, do hereby appeal to the Court of Appeal, Kumasi, upon the grounds set forth in paragraph 3 below and will at the hearing of the appeal seek the reliefs set forth in paragraph 4 below.

2. PART OF THE RULING COMPLAINED OF:

The Ruling setting aside the judgment of the High Court, Kumasi, differently constituted delivered on the 18th September, 2020, and a further order setting aside all the proceedings of the said differently constituted court save the pleadings.

3. GROUND OFS OF APPEAL

- a. The assumption of jurisdiction by Justice Francis Obiri when the court was functus officio cannot be supported in law.
- b. The assumption of jurisdiction by Justice Francis Obiri is contrary to the principle enshrined in PUNJABI versus NAMI 1962 2 GLR 46 that a court

of coordinate jurisdiction cannot pronounce on the correctness of the decision of a court with which it has coordinate jurisdiction.

- c. The decision of the Honourable Court cannot be supported having regard to the facts and the law.
- d. The Honourable based itself on extraneous matters.
- e. The Honourable Court misconceived the scope and ambit of its jurisdiction.
- f. The Honourable sidestepped fundamental and insuperable legal objections to the filing and granting of the application thus occasioning a substantial miscarriage of justice to the Plaintiff/Appellant.
- g. The decision of the Honourable Court is against the weight of affidavit evidence.
- h. The Honourable Court indulged a party blowing hot and cold and abusing the processes of court in an impermissible manner thus occasioning a substantial miscarriage of justice to the Plaintiff/Appellant.
- i. Additional grounds may be filed upon receipt of a certified true copy of the Ruling.

4. NATURE OF RELIEF(S) SOUGHT

An order setting aside the ruling of the Honourable Court dated 27th September, 2021, and a further dismissing the Applicant/Respondent's application as abusive of the process of court and in any event unmeritorious.

5. NAME AND ADDRESS OF PERSON AFFECTED BY APPEAL

NANA AWUAH NIMFOUR II
H/NO. PLOT I BOADI, KUMASI.

DATED AT KUMASI THIS 27TH DAY OF SEPTEMBER, 2021.

KWASI AFRIFA ESQ
SOLICITOR'S LICENCE NO. EASH 01736
O & A LEGAL CONSULT
CHAMBERS REGISTRATION NO. ePP00070/21
TIN PP0008672822
SOLICITOR FOR PLAINTIFF/APPELLANT

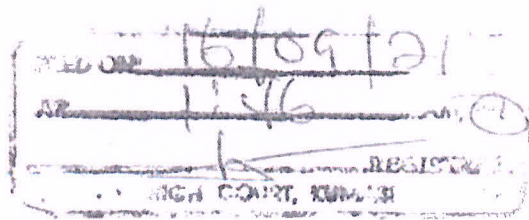
THE REGISTRAR
COURT OF APPEAL
KUMASI.

O & A LEGAL CONSULT
BARRISTERS, SOLICITORS &
NOTARIES PUBLIC
P. O. BOX 6376
H/No. NTER 301, AMAKPA

THROUGH:
THE REGISTRAR
HIGH COURT
KUMASI.

AND TO THE APPLICANT/RESPONDENT HEREIN.
NANA AWUAH NIMFOUR II
H/NO. PLOT I BOADI, KUMASI.

IN THE COURT OF APPEAL
KUMASI.



SUIT NO.

ABUSUAPANYIN KWAME KONADU YIADOM)
SUING FOR AND ON BEHALF OF)
HUAHI ACHAAMA YIADOM ROYAL FAMILY)
OF BOADI SUBSTITUTED BY NANA OSEI BONSU)
HOUSE NO. 14, BOADI, KUMASI.)
PLAINTIFF/
APPELLANT

VERSUS

1. YAW ACHEAMPONG)
2. LANDS COMMISSION)
DEFENDANTS

AND

NANA AWUAH NIMFOUR II)
H/NO. PLOT I BOADI, KUMASI.)
APPLICANT/
RESPONDENT

NOTICE OF INTERLOCUTORY APPEAL

PLEASE TAKE NOTICE that the Plaintiff/Appellant herein dissatisfied with and aggrieved by the Ruling of the High Court, Kumasi, presided over by Justice Francis Obiri dated 16th September, 2021, do hereby appeal to the Court of Appeal, Kumasi, upon the grounds set forth in paragraph 3 below and will at the hearing of the appeal seek the reliefs set forth in paragraph 4 below.

2. **PART OF THE RULING COMPLAINED OF:**

The Ruling dismissing the legal objection to the withdrawal of the Applicant/Respondent's motion for substitution as plaintiff when there was a pending objection to same on Record which objection the Honourable Court was under a duty to rule upon as well as the failure of the Honourable Court to recognize that the simultaneous filing of an application to be substituted as Plaintiff and an application to set aside the judgment dated 18th September, 2020, in favour of the Plaintiff was an abuse of the process of Court by the Applicant/Respondent herein.

07/2279
16/09/2021 - 20

3. GROUND(S) OF APPEAL

- a. In the light of the pending objection of Plaintiff/Appellant against the said motion for substitution by the Applicant/Respondent the ruling/order of the Honourable Court is subversive of the due and proper administration of justice and intrusive of the principle governing pending objections.
- b. The decision of the Honourable Court cannot be supported having regard to the facts and the law.
- c. The decision of the Honourable Court has no basis in law and has occasioned a substantial miscarriage of justice to the Plaintiff/Appellant whose iron-cast contention that the Applicant/Respondent was abusing the processes of court was thereby destroyed by the order of the Honourable Court.
- d. Assuming, without admitting, that the Honourable Court had a discretion in the matter, the discretion was not exercised in accordance with law and the reasons proffered for the exercise are completely misconceived.
- e. Additional grounds may be filed upon receipt of a certified true copy of the Ruling.

4. NATURE OF RELIEF(S) SOUGHT

An order setting aside the ruling/order of the Honourable Court dated 16th September, 2021, and a further order that the Applicant/Respondent's conduct in filing an application to be substituted as Plaintiff and another application to set aside the judgment in favour of the Plaintiff is an abuse of the process of Court.

5. NAME AND ADDRESS OF PERSON AFFECTED BY APPEAL

NANA AWUAH NIMFOUR II
H/NO. PLOT I BOADI, KUMASI.

DATED AT KUMASI THIS 16TH DAY OF SEPTEMBER, 2021.



**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
LAND DIVISION
KUMASI-AD 2021**

**STATUTORY DECLARATION ACT 389 OF 1971
-AND-**

**IN THE MATTER OF STATUTORY DECLARATION IN SUPPORT OF AN ALLODIAL TITLE
REGISTRATION COVERING 1298.33 ACRES OF LAND SITUATE AT BENIMASI-BOADI**

I, ABUSUAPANIN ODENEHO ODEHYE NANABA KWABENA BADU OF HOUSE NO. PLT 10 BLK K BOADI AND HOUSE NO. OB 456 OLD BOMPATA KUMASI, HEAD OF HUAHI ACHAMA TUTUWAA ROYAL FAMILY OF BENIMASI-BOADI in the Oforikrom Municipality in the Ashanti Region of the Republic of Ghana with the consent and concurrence of the Principal Elders according to customs and tradition and all other necessary parties of my said Family including all my successors (hereinafter called the "Family") hereby make oath and say as follows;

1. That, I am the Declarant herein.
2. That I am a biological descendant of the ASANTEHENE OTUMFUO OSEI TUTU I through his daughter, NANABA KONADU AFIA-OFI and more particularly described by my family tree chart prepared under the supervision of the late ASANTEHENE OTUMFUO OPOKU WARE II and subsequently published in the Ghanaian Times newspaper on 29th March 2021 and 14th August 2021 respectively.
3. That I am the legitimate owner of 1298.33 Acres of Land situate and lying at Benimasi-Boadi locality within the Oforikrom Municipality in the Ashanti Region of the Republic of Ghana and more particularly described by a cadastral plan of Land bearing regional number SGA/A296/2019 approved on 18th December 2020 by the Director of Survey, Ashanti Regional Lands Commission.
4. That I inherited the lands from my great maternal ancestor by the name of OHENEYERE HUAHI ACHAMA TUTUWAA as a gift from my great-great grandfather ASANTEHENE OTUMFUO OSEI TUTU I, Bearer of the ASHANTI GOLDEN STOOL.
5. That the said Parcel was plotted at the Lands Commission on 18th January 2021 with instrument number ASH.63/01/2021 and Property No. A. 8673
6. That the said parcel of land is a unique FAMILY PROPERTY NOT STOOL LANDS and free from all family encumbrances or interference whatsoever.
7. That all rights and interest in the said parcel was originally transferred by the late ASANTEHENE OTUMFUO OSEI TUTU I to his wife OHENEYERE HUAHI ACHAMA TUTUWAA to keep and to have absolutely.
8. That the said parcel was affirmed as SCHEDULE 3 in my family constitution document which was Duly stamped at the Lands Commission with valuation number LVD/FC/ASR/2241/2021
9. That I have never pledge nor transferred my rights and interests in the said Parcel of Lands to Kwame Nkrumah University of Science and Technology (KNUST) nor any institution whatsoever.
10. That the Government of Ghana has never at any material times compulsorily acquired BOADI lands in accordance with the 1992 constitution of the Republic of Ghana.
11. That I pray that ASHANTI REGIONAL LANDS COMMISSION register an ALLODIAL TITLE CERTIFICATE with HUAHI ACHAMA TUTUWAA ROYAL FAMILY as the lawful owners
12. The boundary description of the said parcel of land is accurately described in the schedule below as : ALL THAT PIECE OR PARCEL OF LAND situate, lying and being at BOADI in the Oforikrom Municipality in the Ashanti Region of the Republic of Ghana and more particularly described on attached Plan of Land approved on 18th December 2020 by the Director of Survey, Ashanti Regional Lands being the property of the Huahi Achama Tutuwaa Royal Family of BOADI more or less described and starting from survey pillar SGA A001 12 1 on a bearing of 095°43' measuring 24764.7 feet more or less from Point SGA A296/19/1 to SGA A296/19/2 on a bearing of 335°22' measuring 546.0 feet more or less from SGA A296/19/2 to SGA A296/19/3 on a bearing of 074°21' measuring 2511.1 feet more or less from SGA A296/19/3 to SGA A296/19/4 on a bearing of 074°31' measuring 1762.7 feet more or less from SGA A296/19/4 to SGA A296/19/5 on a bearing of 072°26' measuring 671.7 feet more or less from point SGA A296/19/5 to SGA A296/19/6 on a bearing of 069°16' measuring 283.4 feet more or less from point SGA A296/19/6 to SGA A296/19/7 on a bearing of 061°42' measuring 320.3 feet more or less from point SGA A296/19/7 to SGA A296/19/8 on a bearing of 060°55' measuring 270. feet more or less from point SGA A296/19/8 to SGA A296/19/9 on a bearing of 050°23' measuring 1206.9 feet more or less from point SGA A296/19/9 to SGA A296/19/10 on a bearing of 124°25' measuring 1023.5 feet more or less from point SGA A296/19/10 to SGA A296/19/11 on a bearing of 130°44' measuring 871.1 feet more or less from point SGA A296/19/11 to SGA A296/19/12 on a bearing of 122°13' measuring 288.2 feet more or less from point SGA A296/19/12 to SGA A296/19/13 on a bearing of 200°35' measuring 441.5 feet more or less from point SGA A296/19/13 to SGA A296/19/14 on a bearing of 161°06' measuring 122.7 feet more or less from point SGA A296/19/14 to SGA A296/19/15 on a bearing of 224°23' measuring 298.3 feet more or less from point SGA A296/19/15 to SGA A296/19/16 on a bearing of 174°39' measuring 195.3 feet more or less from point SGA A296/19/16 to SGA A296/19/17 on a bearing of 165°237' measuring 347.9

feet more or less from point SGA A296/19/17 to SGA A296/19/18 on a bearing of 253°41' measuring 136.1 feet more or less from point SGA A296/19/18 to SGA A296/19/19 on a bearing of 175°35' measuring 491.2 feet more or less from point SGA A296/19/19 to SGA A296/19/20 on a bearing of 187°28' measuring 296.3 feet more or less from point SGA A296/19/20 to SGA A296/19/21 on a bearing of 074°43' measuring 234.5 feet more or less from point SGA A296/19/21 to SGA A296/19/22 on a bearing of 170°13' measuring 579.6 feet more or less from point SGA A296/19/22 to SGA A296/19/23 on a bearing of 155°01' measuring 471.8 feet more or less from point SGA A296/19/23 to SGA A296/19/24 on a bearing of 141°17' measuring 197.9 feet more or less from point SGA A296/19/24 to SGA A296/19/25 on a bearing of 147°01' measuring 289.7 feet more or less from point SGA A296/19/25 to SGA A296/19/26 on a bearing of 165°58' measuring 461.9 feet more or less from point SGA A296/19/26 to SGA A296/19/27 on a bearing of 152°26' measuring 459.2 feet more or less from point SGA A296/19/27 to SGA A296/19/28 on a bearing of 173°03' measuring 620.4 feet more or less from point SGA A296/19/28 to SGA A296/19/29 on a bearing of 202°22' measuring 1613.5 feet more or less from point SGA A296/19/29 to SGA A296/19/30 on a bearing of 202°50' measuring 138.0 feet more or less from point SGA A296/19/30 to SGA A296/19/31 on a bearing of 205°52' measuring 4206.7 feet more or less from point SGA A296/19/31 to SGA A296/19/32 on a bearing of 300°36' measuring 922.4 feet more or less from point SGA A296/19/32 to SGA A296/19/33 on a bearing of 338°32' measuring 3151.2 feet more or less from point SGA A296/19/33 to SGA A296/19/34 on a bearing of 334°06' measuring 2216.3 feet more or less from point SGA A296/19/34 to SGA A296/19/35 on a bearing of 265°36' measuring 3315.9 feet more or less from point SGA A296/19/35 to SGA A296/19/36 on a bearing of 354°30' measuring 1957.3 feet more or less from point SGA A296/19/36 to SGA A296/19/37 on a bearing of 281°40' measuring 519.4 feet more or less from point SGA A296/19/37 to SGA A296/19/1 on a bearing of 022°09' measuring 1493.3 feet and closed on Survey Pillar SGA 1 80 1 on bearing of 275°59' measuring 24202.4 feet more or less covering an approximate area of 1298.33 Acres or (525.43 Hectares), more or less which piece of land is more particularly delineated on the Cadastral Plan attached to these presents and thereon shewn edged pink in addition the old and new boundary of Ashanti Region from the Town and Country Planning Department.

WHEREFORE, I make this solemn declaration conscientiously believing the above statement to be true and correct in accordance with Statutory Declaration Act 389 of 1971.

DECLARED IN KUMASI THIS 1st DAY OF NOVEMBER 2021.

ABUSUAPANIN ODENEHO ODEHYE NANABA KWABENA BADU
(DECLARANT)

WITNESSES:

1. NAME: OBAAPANIN ABENA ATAA BIRAGO A.K.A HUAHI TUTUWAA III (CUSTOMARY SUCCESSOR OF OHENEYERE HUAHI ACHAMA TUTUWAA)
2. NAME: SAMUEL OPOKU (PRINCIPAL MEMBER OF HUAHI ACHAMA TUTUWAA ROYAL FAMILY OF BOADI)

OATH OF PROOF

I, Samuel Opoiku of Kumasi make Oath and say that on the 1st day of November, 2021, I was present and saw the Declarant duly execute this instrument and the said Declarant can read and write:-

SWORN IN KUMASI THIS 8TH DAY OF

NOVEMBER 2021.

BEFORE ME.

}.....
} DEPONENT

CERTIFICATE OF PROOF

On the 8th day of November, 2021, at 2:00 O'clock in the afternoon this Instrument was proved before me by the Oath of the within-named to have been duly executed by the within-named Declarant

REGISTRAR
HIGH COURT

Exhibit E

This is the document
marked Exhibit E
referred to in the Affidavit
This is the day of August
2022
Before me
[Signature]
Commissioner for Oaths

Exhibit 'F'

17th December 2021

DIRECTOR GENERAL
POLICE PROFESSIONAL
STANDARDS BUREAU (PPSB)
DEPARTMENT.
GHANA POLICE SERVICE

this is the document
marked *ExH. 1 F1*
referred to in the Affidavit
his *12th* day of *Dec 2021*
before me. *[Signature]*
Commissioner for Oaths

Dear Sir,

PETITION ON POLICE MISCONDUCT

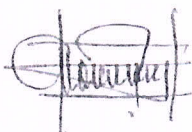
I write for and on behalf of Abusuapanin Odencho Odehye Nanaba Kwabena Badu Head of Huahi Achama Tutuwaa Royal family of BOADI-KUMASI (Biological descendants of Asantehene Otumfuo Osei Tutu I, Bearer of the Ashanti Golden Stool..

I hereby report an unlawful arrest and humiliation against my uncle who is currently incapacitated and residing in BOADI- Kumasi. He was arrested in the early mornings of 18th November 2021 without any offense and detained at Manhyia Police Station by one L/Co Asare accompanied by two unidentified policemen acting under the instructions of Mr Obiri, (TEL: 0244512959) KNUST district crime officer.

According to my uncle he was never interrogated for any committed offense but was rather subjected to persecution and humiliation. They later took him to the Palace of Asantehene to further disgrace him in the public gathering organized by Manhyia. My Uncle has been demoralized by the police misconduct..

I sincerely pray for a remedy against the abuse on his fundamental human right. Upon my personal investigation I learn all the police involved in the incident are stationed in KNUST District Police Station. Thank you and hoping my request will be given the necessary accordance.

Sincerely.



Nana Kwesi Osei Bonsu

FOR: Abusuapanin Odencho Odehye Nanaba Kwabena Badu