

PRESS CONFERENCE HELD BY THE NUNGUA TRADITIONAL COUNCIL REGARDING THE ADJIRIGANOR LAND DISPUTE INVOLVING EMPIRE BUILDERS, TOP KINGS ENTERPRISE LIMITED AND THE NUNGUA STOOL ON 30TH OCTOBER, 2023.

Good afternoon Ladies and Gentlemen, Members of the press and all present.

We want to first of all, thank you all for attending all this important press conference despite your busy schedules. The purpose of this press conference is to send a word of caution to all our clients on Adjiringanor/Borteyman land to desist from their blatant disregard of Judgements of the Supreme Court of Ghana confirming the Nungua Stool and portion of the leased to Top Kings Enterprise Ltd. as the rightful owners of the Adjiringanor/Borteyman Lands.

Interestingly and surprisingly, nowhere in the said judgements were Empire Builders given a possession of any portion of the disputed land which dispute have long been settled by the Courts, and Top kings portion was affirmed, the rest in the judgement plan and the large track beyond the plan was affirmed to the Nungua Stool.

Further to this, Empire Builders, not satisfied with the decisions of the courts, filed separate suits at the Accra High Court, Land Court Division, and the Adenta High Court, which were all dismissed.

An appeal of the dismissal of the Adenta suit was also dismissed by the Court of Appeal together with a subsequent dismissal of an application to relist the dismissed Adenta suit by the same Appeal Court.

A free legal advice to Empire Builders Ltd is for them to continue using the courts rather than fighting the Nungua Stool and its Clients through press conferences and the use of landguards. They should respect the rule of law and the Nungua Stool.

Be that as it may, we are urging members of the public seeking to have interest in land lease in the aforementioned area to only deal with the Nungua Stool and Top Kings Enterprise Ltd. on his portion as we have been adjudged the rightful owners of the Land in question.

Home owners on the said land are been called upon to approach the Nungua Stool, pay homage personally first to be known as subjects by the King and to regularize their documents and to have extension of lease covering their properties on the land to legitimize their peaceful stay and to secure their properties as well.

NOW WE CALLED ON THE GENERAL PUBLIC TO WIT:

By a Writ of Summons issued on 24th February, 1999, the plaintiff Empire Builders commenced an action against the 1st Defendant, Top Kings Enterprise Ltd. for the following reliefs:

- a. *“A declaration of title to a parcel of land situate at Adjiringanor-North, Accra comprising an approximate area of 456.25 acres the full description of which were provided in the statement of claim.*
- b. *General damages for trespass.*
- c. *Perpetual injunction restraining the Defendant, her assigns, privies or workmen from interfering with the quiet enjoyment of Plaintiffs land.*
- d. *An order that Land Certificate No. T.D 0042 recorded in Land Register Volume 019 Folio 28 issued in the name of the Defendant Company be nullified and expunged from the Lands Register on ground of fraud, misrepresentation and, or mistake.*
- e. *Costs.”*

1. Plaintiff (Empire Builders) being dissatisfied with the judgment of the High Court appealed to the Court of Appeal which also dismissed the appeal.
2. The Court of Appeal in dismissing the said appeal, held among others that:

- The failure by the Appellant (Empire Builders) to make required searches when the Teshie Stool purported to lease the land to it largely accounts for its mishap. The Trial judge was right in finding that plaintiff (Empire Builders) failed to prove its title to the land claimed.
- Even though registration constitutes notice to the whole world, registration per se does not constitute proof of title. There was abundant evidence on record to support the Trial Judge's finding that the land belonged to the Nungua Stool and not Teshie Stool.
- There was the evidence to show that before the Statutory Declaration ownership by the Ashong Mlitse Family of Teshie, the Nungua Stool per its Chief Nii Odai Ayiku iv had been granting leases of the lands to its subjects which were registered by the Land Commission.
- There was the evidence to show that the Government of the Gold Coast acquired land from the Nungua Stool in the 1940's.
- There was also undisputed evidence that it was the Nungua Stool which granted part of their land to the Teshie people to settle on but the Teshie people went beyond the area granted to them.
- The Ashong Mlitse Family did not testify to prove ownership of the land they swore the Statutory Declaration to claim.
- The plaintiff (Empire Builders) lease was registered before its grantor, the Ashong Mlitse Family's statutory declaration was registered. The Trial Judge was therefore right in not attaching any weight to the plaintiff's Statutory Declaration.
- The evidence on record shows that the plaintiff (Empire Builders) later got to know that the land it occupied belonged to the Nungua Stool and not the Teshie Stool and that was why when he was challenged by the Defendants he approached the Nungua Stool to sign the Memorandum of Understanding to regularize its occupation of the land. The Memorandum per se is not a deed of conveyance. It also

explains why in the second suit at Tema the plaintiff claimed ownership of the land as grantee of the Nungua Stool.

- The evidence on record clearly established that when the Plaintiff (Empire Builders) sought to regularize its grant with the Nungua Stool, the Stool had already leased the disputed land to the 1st Defendant and therefore the Nungua Stool had no interest in the land to lease to the Plaintiff except a reversionary interest.
3. Again, the plaintiff appealed the decision of the Court of Appeal pronounced on the 18th December, 2014 to the Supreme Court.
 4. The Supreme Court held that there was no sufficient basis in law for any appellate interference with the findings of fact made by the trial High Court as Affirmed by the Court of Appeal and consequently no reason to disturb the order giving effect to those findings and conclusions made by the judgment of the court of appeal. The Supreme Court further held that save the variation made with respect to the order of the Court of Appeal, which reduced the term of Plaintiff's lease, the Court affirmed the judgment and dismissed the appeal.

Subsequent to this, plaintiff instituted another action against Top Kings Ltd. at the Adenta High Court titled "Empire Builders Ltd vrs Top Kings Limited: Suit No. C1/310/21, in respect of the same subject matter which has already been adjudicated upon and determined in favour of the Top Kings Ltd and the 1st and 2nd Co- Defendants in the earlier suit. His Lordship Justice Fred Kwasi Awuah(J), sitting at the Adenta High Court, in dismissing the Suit against the Defendant (Top Kings Ltd) on 30th July, 2021, had this to say at page 7 of paragraph 1 of his ruling; "*As I have already observed in my preliminary decision, I am persuaded by the argument of the Applicant. There is no doubt that the land being claimed by the Respondent forms part of what has already been litigated between them for the past 20 years.*

The court consequently determined the whole dispute between the parties based on the evidence provided by the Respondent.

What the Respondent is seeking to do is after the judgment of the three Courts, look for fresh evidence and come back to litigate with the Applicant which should have been done earlier. The Respondent is seeking to rely on a Deed of Assignment which purportedly existed as far back as 2010 when the litigation between the parties was ongoing. I find this preposterous/ridiculous and unacceptable that same could not be relied upon for the previous litigation. And it is incontrovertible that the Respondent ought to be aware that the Nungua Stool are the allodial owners of the land all this while''.

Upon careful study of the judgements and the ruling, you will certainly come to the conclusion that, since Plaintiff's (Empire Builders) action, subsequent appeals and fresh action were all dismissed by the courts, Plaintiff (Empire Builders) cannot exercise any right of ownership whatsoever over the disputed land which Defendant, 1st and 2nd Co-Defendants were adjudged owners and ordered to possess same. With reference No. **NTC/LC/VOL.1/14**, The Stool has contracted the Survey and Mapping Division of Lands Commission to demarcate the judgement plan on the ground to know who owns what.

On this note, as the Paramount Chief of Nungua Traditional Area and the occupant of the Nungua Stool, I'm sounding a warning to the unscrupulous encroachers, being individuals or group of individuals on the Borteyman Lands to desist from their actions immediately before they face the full rigors' of the law. Those who think they have legitimately acquired the lease from the Nungua Stool should report to the palace with their document in no time for authentication.

We are assuring all and sundry that by the end of this year there is going to be a massive exercise, you can call it demolishing if you wish, so the earlier you report to the palace, the better for you.

To the home owners once again, we promise you a fatherly care – you are in safe hands.

Thank you.