`IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT, ACCRA

AD 2016

CORAM: ATUGUBA, JSC (PRESIDING)
ADINYIRA (MRS), JSC
YEBOAH, JSC
BENIN, JSC
AKAMBA, JSC

CIVIL MOTION
NO.J5/48/2015

17TH FEBRUARY 2016

THE REPUBLIC ...

VRS

HIGH COURT, ACCRA ... RESPONDENT
EX-PARTE THE ADA TRADITIONAL COUNCIL ... APPLICANT

NOMO DAKER OSAH ... INTERESTED PARTY

R U L I N G

ATUGUBA, JSC:

FACTS

The Applicant moves this court "for an order of certiorari directed at the High Court, Accra to bring forth and to be quashed the Ruling of the Court presided over by Her Ladyship Justice Barbara Ward Acquah (Mrs.), on the

ground that the High Court erred in exercising jurisdiction over the Ada Traditional Council, it not being its judicial committee.

The crux of this matter is that the Kabiawetsu clan of Big Ada, allegedly nominated and installed Nomo Jonathan Dzabeku Abodoadzi as the Divisional Chief (Wetsoyi) in succession to the last deceased Wetsoyi of the said clan. The applicant, the Ada Traditional Council was notified of this installation and a date was fixed for the presentation of the new Wetsoyi to it, but the event was postponed. However on the 7th day of January 2013, the applicant rather had one Haruna Ocansey presented to it as the new Wetsoyi.

Aggrieved, the Interested Party successfully applied and quashed the decision of the Ada Traditional Council by certiorari order of the High Court Accra, presided over by Mrs. Barbara Ward Acquah J, dated the 24th day of July, 2015.

It is against this order that this present application, aforesaid, has been brought.

The applicant's contention is that it is not amenable to the supervisory jurisdiction of this court in as much as it is rather its judicial committee which is an inferior court and thus amendable to our said jurisdiction.

We curtail this matter on the ground that the aforementioned application to the High Court presided over by Mrs. Barbara Ward Acquah J manifestly related to a cause or matter concerning chieftaincy, as it plainly was based on the question as to who was the rightful Divisional Chief or Wetsoyi nominated and installed by the Kubiawetsu clan. This is plain from s. 76(a) of the Chieftaincy Act, 2008, Act 759. The High Court therefore lacked jurisdiction over the matter.

See *In re Wa-Na; Republic v. Fijoli-Na; Ex parte Yakubu and others* (1987-88)1 GLR 180 C.A.

For all the foregoing reasons the application is granted. Let the order of the High Court, Accra presided over by Mrs. Barbara Ward Acquah J dated the

24th day of July 2015 be brought up before this court to be quashed and the same is hereby quashed.

(SGD) W. A. ATUGUBA

JUSTICE OF THE SUPREME COURT

(SGD) S. O. A. ADINYIRA (MRS)

JUSTICE OF THE SUPREME COURT

(SGD) ANIN YEBOAH

JUSTICE OF THE SUPREME COURT

(SGD) A. A. BENIN

JUSTIC E OF THE SUPREME COURT

(SGD) J. B. AKAMBA

JUSTICE OF THE SUPREME COURT

COUNSEL

JOSEPH NICOLAS NKRUMAH ESQ. FOR THE APPLICANT.

J. A. LARKAI INTERESTED PARTY.