IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT
ACCRA AD 2015

CORAM: ADINYIRA (MRS.) JSC (PRESIDING)
DOTSE JSC
ANIN YEBOAH JSC
BAFFOE-BONNIE JSC
AKAMBA JSC

CIVIL MOTION
NO.J5/33/2015

21ST JULY 2015

THE REPUBLIC
VRS.
THE HIGH COURT, SEKONDI

EX-PARTE: MECHANICAL LLOYED CO. LTD - - APPLICANT

1. MANTRAC GHANA LTD - - INTERESTED PARTIES
2. TAKORADI FLOUR MILLS LTD
3. ELECTRICITY COMPANY OF GHANA
4. SEKONDI/TAKORADI METROPOLITAN ASSEMBLY

RULING

ADINYIRA (MRS) JSC:
On 28th October 2014, this Court discharged an order of interlocutory injunction granted by the High Court Sekondi on 10th April, 2014. Soon after that the 1st and 2nd Interested parties herein on 24th November, 2014

filed another application for mandatory injunction and Interlocutory injunction based on the same facts as in the earlier application.The applicant herein managed to have the trial High Court to set aside the aspect of the application relating to the mandatory injunction as irregular but dismissed the aspect in relation to the interlocutory injunction on the ground that it was properly before him. Counsel argued that the dismissal of the application to set aside the application for interlocutory injunction is an error in law which affects the jurisdiction of the High Court as it undermines the authority of the Supreme Court which had discharged the earlier order. Counsel for the 1st and 2nd Interested parties opposed the application on the grounds that the proper procedure for the applicant to adopt was to appeal against the refusal by the High court to set aside the application for interlocutory injunction. Both counsel for the 3rd and 4th Interested parties threw their weight behind the applicant.
Having considered the submissions made before us, as well as the affidavits and exhibits filed in the application, we are of the view that this application be granted. Our reasoning is that, under Article 132 of the 1992 Constitution, the Supreme Court has got supervisory jurisdiction over all courts and authority to issue orders and directions as well, as we did on 28th October, 2014; for purpose of enforcing and securing the enforcement of our supervisory jurisdiction . The order of 28th October discharged the order of interlocutory injunction. Although the circumstances and facts upon which the High Court granted the earlier interlocutory injunction on 10th April 2014 have not changed, yet the 1st and 2nd Interested parties went back to the High Court with an application for the same reliefs based on the same facts. If the High Court judge is not prohibited from hearing the application, it would completely undermine the authority of this Court pursuant to Article 129 (3) of the Constitution; and also undermine the administration of justice.

Accordingly, we will quash the aspect of the ruling of Akrowiah J. dated 10th June 2015 relating to the application for interlocutory injunction. We further prohibit Akrowiah J. from proceeding and hearing the application for interlocutory injunction filed by the 1st and 2nd Interested parties on 24th November 2014. We further hereby prohibit Akrowiah J. from hearing the entire case and we hereby inform the Chief Justice to exercise her powers of transfer and place the entire case before another judge to hear the case expeditiously.

The Order of 10th June 2015 is to be brought up and quashed. It is hereby quashed.

Registrar is to carry out the other orders.

We will award the Applicant cost of GH¢6,000, and award the 3rd and 4th Interested Parties GH¢2,000 each.

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

(SGD) V. J. M. DOTSE
JUSTICE OF THE SUPREME COURT

(SGD) ANIN YEBOAH
JUSTICE OF THE SUPREME COURT

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

(SGD) .J. B. AKAMBA
JUSTICE OF THE SUPREME COURT

COUNSEL:
CONSTANTINE KUDZEDZI FOR THE APPLICANT.
FREDERICK FAIDOO FOR THE 1ST & 2ND INTERESTED PARTIES.
SEYIRAM DARBI FOR THE 3RD INTERESTED PARTY.
EBENEZER KWAITOO FOR THE 4TH INTERESTED PARTY.