IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA, GHANA

CORAM: DATE-BAH JSC (PRESIDING)

WRIT
J1/6/2012

13TH JUNE,2012

WELFORD QUARCOO ... PLAINTIFF.

VERSUS

1. **THE ATTORNEY-GENERAL**
2. **THE ELECTORAL COMMISSION ... DEFENDANTS**

R U L I N G

DR. DATE-BAH JSC:

After a careful reading of the plaintiff's motion paper and supporting affidavit and a consideration of his counsel's oral submissions as well as the affidavit in opposition for the 1st defendant and the oral submissions of counsel for the first and second defendants, I have made the decision that I am about to explain.

It has always been my understanding that the requirements for the grant of an interlocutory injunction are: first, that the applicant must establish that there is a serious question to be tried; secondly, that he or she would suffer irreparable damage which cannot be remedied by the award of damages, unless the interlocutory injunction is granted; and finally that the balance of convenience is in favour of granting him or her the interlocutory injunction. The balance of convenience, of course, means weighing up the disadvantages of granting the relief against the disadvantages of not granting the relief. Where the relief sought relates, as here, to a public law matter, particular care must be taken not to halt action presumptively for the public good, unless there are very cogent reasons to do so, and provided also that any subsequent nullification of the impugned act or omission cannot restore the status quo. Given the reliefs that the plaintiff is seeking in the substantive suit in this case, it is clear that if he succeeds in securing the declarations he has claimed, the impugned provisions of the Local Government Act, 1993 (Act 462) will be declared void and any actions made in pursuance of them nullified.

Accordingly, no irreparable damage will have been caused the plaintiff during the period between the issue of the writ and the date of judgment. On the other hand, the Government's programme for the creation of districts would suffer irreparable delay with a knock-on effect on the general elections scheduled for December, which delay cannot be remedied by monetary compensation, if the plaintiff should lose the substantive action.

Applying the principles outlined above, my decision is that the interlocutory injunction sought should be dismissed.

(SGD) DR. S. K. DATE-BAH

JUSTICE OF THE SUPREME COURT

COUNSEL;

BRIGHT OKYERE-AGYEKUM WITH TETTEH JOSIAH FOR THE PLAINTIFF.

AMMA GAISIE SOLICITOR GENERAL WITH SYLVIA ADUSU PRINCIPAL STATE ATTORNEY FOR THE 1ST DEFENDANT .

JAMES QUASHIE-IDUN WITH HIM ANTHONY DABI FOR THE 2ND DEFENDANT.