

IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA – AD.2025

CORAM: **PWAMANG JSC (PRESIDING)**
GAEWU JSC
ADJEI-FRIMPONG JSC
SUURBAAREH JSC
MENSAH JSC

CIVIL MOTION
NO. J5/75/2025

23RD JULY 2025

THE REPUBLIC

VRS.

HIGH COURT, KUMASI

EX PARTE:

KING TACKIE TEIKO TSURU II APPLICANT

NATIONAL HOUSE OF CHIEFS 1ST INTERESTED PARTY

NII TACKIE ADAMA LATSE II 2ND INTERESTED PARTY

NII TETTEH ASHONG V 3RD INTERESTED PARTY

THE RULING OF THE COURT

This is an application for certiorari to quash the decision of the High Court, Kumasi dated 11th November, 2021 and a further quashing of the orders of the Court of Appeal dated 12th June, 2025. We have carefully read the motion paper and the affidavit in support together with the exhibits as well as the affidavit in opposition and the exhibit thereto. We listened to the lawyers of the parties argue their respective cases and have given deep consideration to the matters arising in the proceedings.

The main ground on which the applicant has mounted his application is, that before the High Court, Kumasi made the order for the name of the 2nd Interested Party to be entered into the National Register of Chiefs, he the Applicant's name had been entered already in the Register of Chiefs as Ga Mantse. He submits that by the entry of his name he had acquired certain statutory rights on account of Section 57 (5) of the Chieftaincy Act, 2008 (Act 759) such that if the High Court's decision was intended to affect his rights, then he ought to have been heard. This right to be heard in the circumstances of the Applicant is rooted on the common law principles, the Constitution and provisions of Order 55 of the High Court (Civil Procedure) Rules, 2004 (C.I.47).

The Court finds this argument of the Applicant unassailable as the lawyer for the 2nd Interested party's response was that it was the right to hearing of the 2nd Interested party that was first to be violated when the 1st Interested party expunged his name from the National Register of Chiefs without giving 2nd Interested party a hearing. This response cannot be acceptable to a Court of law as it urges the Court to engage a comedy of illegalities and also condone the violation of the right to hearing of the Applicant.

In the case of Republic v. High Court, Bolgatanga, Ex parte: Hawa Yakubu, [2001-2002] SCGLR 53, this Court was faced with a situation where an Applicant, who to the knowledge of the Court and the Interested party, stood to be affected by proceedings

nonetheless conducted the proceedings without notice to her and made a ruling that affected the electoral right of the Applicant.

On an application for certiorari, this court quashed the orders made in violation of the Applicant's rights to be heard.

In view of what we have explained above, the Court is of the opinion that the decision of the High Court, Kumasi cannot stand. The statutory rights the Applicant is seeking to enforce in these proceedings are personal to him and he cannot be denied on the ground that someone related to him participated in the High Court proceedings. In the circumstances, we grant an order of certiorari directed at the High Court, Kumasi in Suit No. GJMISC/83/21 entitled Republic v National House of Chiefs, Ex parte: Nii Tackie Adama Latse I & Anor, Nii Tetteh Ashong – Interested Party, for the decision of the Court dated 11th November, 2021 in that case to be brought to the Supreme Court for the purpose of being quashed and same is hereby quashed.

As the decision of the Court of Appeal dated 12th June, 2025 was in respect of the decision of the High Court we have just quashed, that Court of Appeal decision is consequentially set aside. The application is granted. An order of certiorari to issue.

(SGD.)

G. PWAMANG
(JUSTICE OF THE SUPREME COURT)

(SGD.)

E. Y. GAEWU
(JUSTICE OF THE SUPREME COURT)

(SGD.)

R. ADJEI-FRIMPONG
(JUSTICE OF THE SUPREME COURT)

(SGD.)

G. S. SUURBAAREH
(JUSTICE OF THE SUPREME COURT)

(SGD.)

P. B. MENSAH
(JUSTICE OF THE SUPREME COURT)

COUNSEL

**PETER ATUDIWE ATUPARE ESQ. FOR THE APPLICANT WITH HIM
STEPHEN NSIAH OPOKU ESQ. EMMANUEL DEI TUMI JNR. ESQ. AND
AMA AGYEMANG-PREMPEH ESQ.**

STEPHEN ASANTE BEKOE ESQ. FOR THE 2ND INTERESTED PARTY