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Barristers & Solicitors

FOUNDED IN 1946 BY HON. JUSTICE CHUBA IKPEAZU M.A. LLB (Cantab). Q.C, O.F.R

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ABUJA OFFICE

Plot 10, Block IX

David Dodo Street,

Federal Government Layout,

Gwarimpa, FCT, Abuja

Tel:08020753923, 08035994678

Your Ref: _____

Our Ref: _____

Date: 25th August, 2023

ONITSHA OFFICE

46 Oguta Road,

Onitsha

Anambra State

Tel:08146476077

The Honourable Attorney-General & Commissioner for Justice,

Honourable Attorney-General's Chambers

Ministry of Justice

Jerome Udorji Secretariat Complex

P. M. B. 5086

Awka

Dear Learned HAG,

RE: CORRESPONDENCE DATED 22ND AUGUST 2023 WITH THE CAPTION -

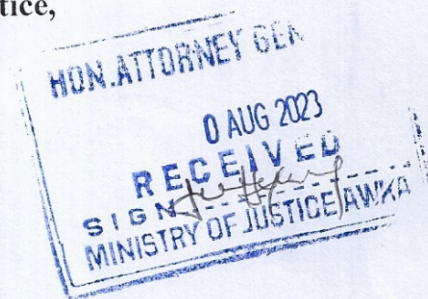
'RE: A CALL FOR YOUR URGENT INTERVENTION TO STOP A DETHRONED TRADITIONAL RULER OF ALOR COMMUNITY IN IDEMILI SOUTH LOCAL GOVERNMENT AREA OF ANAMBRA STATE FROM ACTS WHICH ARE IN BREACH OF PUBLIC PEACE AND ADVISE HIM TO OBEY AND RESPECT SUBSISTING COURT JUDGMENT SO AS TO AVERT FURTHER CRISIS, AGITATIONS AND YOUTH RESTIVENESS WHICH IS LIKELY TO CAUSE BREAKDOWN OF LAW AND ORDER IN ALOR COMMUNITY AND AS WELL AS ADVISE GOVERNMENT OFFICIALS TO DESISIT FROM GIVING HIM SUPPORT.'

We are Solicitors and Counsel representing Mr. Frank Nwabufo Okoye, Mr. Ifenna Okafor and HRH Igwe MacAnthony Okonkwo all of Alor in Idemili South Local Government Area of Anambra State who are the Appellants in Appeal No. CA/AW/95/2022: MR. FRANK N. OKOYE & 2 ORS VS. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY & CHIEF UZOMA IGBONWA.

We shall hereinafter refer to all of them (the Appellants) as our clients. Our attention has been drawn to a correspondence with the above-stated caption dated the 22nd day of August 2023 and addressed to Chief Uzoma Igbonwa the content of which has necessitated this response. A copy of the said letter is hereto attached and marked **Annexure 1**.

Background facts

In a suit initiated by the Appellants as Plaintiffs at the High Court of Anambra State sitting at Ogi in Suit No. HID/354/2019: MR. FRANK NWABUFO OKOYE & 2 ORS VS. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY & ANOTHER, the said High Court in a judgment delivered on 17th February 2022, made some orders in favour of both sides to the matter. The Court



also made a restraining order against the 3rd Plaintiff/Appellant in respect of his status and recognition as the traditional ruler of Alor, among others, despite the fact that neither the Governor nor the Government of Anambra State nor any of its Agent/Agency was a party to the suit wherein such orders were made. Being dissatisfied with the decision aforesaid, the Appellant on the day after the date of judgment, that is on 18th February 2022, filed a Notice of Appeal and Motion on Notice for Stay of Execution of the Orders made by the High Court in the suit. On the 1st day of April 2022, the Record of Appeal was transmitted and the Appeal entered at the Court of Appeal, Awka Division as Appeal No. CA/95/2022: MR. FRANK N. OKOYE & 2 ORS. VS. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY & ANOR. Appeal having been entered at the Court of Appeal thereby divesting the High Court of jurisdiction in respect of the matter, the Appellants on the 13th day of May 2022, filed a Motion dated 12th May 2022 for Stay of Execution and Injunction Pending Appeal in respect of the judgment of the High Court. That Motion on Notice for Injunction Pending Appeal and Stay of Execution filed by the Appellants at the Court of Appeal which is still pending and yet to be determined by the Court of Appeal, was duly served alongside Appellants' Brief of Argument and Record of Appeal, on the Respondents including Chief Uzoma Igbonwa on the 3rd day of November 2022 pursuant to the Order of the Court of Appeal for substituted service of same on the Respondents. A copy of the Appellants' Motion for Stay of Execution and Injunction Pending Appeal filed at the Court of Appeal on 13/5/2022 and which Motion has not been determined by the Court of Appeal is hereto attached and marked **Annexure 2.**

On the 9th day of June 2022 when the earlier Motion for Stay of Execution filed by the Appellants at the High Court on the 18th day of February 2022 was to be heard at the High Court, the attention of the High Court was called to an Affidavit of Facts filed by the Appellants on the 7th day of April 2022, informing the Court that Appeal had already been entered against the judgment and that a Motion for Stay of Execution and Injunction Pending Appeal had been filed at the Court of Appeal the implication of which, in law, is that the High Court no longer had the jurisdiction to entertain the matter, the High Court on that basis struck out the Motion for Stay of Execution before it. For the avoidance of doubt, that Motion for Stay of Execution before the High Court was neither argued/heard nor dismissed. As at the date of striking out of the Motion for Stay of Execution at the High Court as stated above, the one filed at the Court of Appeal was already pending and is yet to be determined by the Court of Appeal. A copy of the Affidavit of Facts filed on the 7th day of April 2022 is hereto attached and marked **Annexure 3.**

Letter of 22nd August 2023

In the letter emanating from office of the Honourable Attorney-General subject matter of this correspondence, your good office in the concluding portion of paragraph 1.2 thereof gave a restraining directive/order in the manner following – “... *Mr. Mac Anthony Chinedu Okonkwo should not conduct or superintend over the new yam festival scheduled on Saturday, the 5th of August 2023 in the purported capacity of Traditional ruler of Alor Town is unlawful and against the public peace of the town, therefore he is restrained from doing so to avoid a total breakdown of law and order in the community.*” In paragraph 2.0 of the said letter under reference, it was further stated “... *since the motion for stay of execution had been dismissed, he should not parade himself as the Igwe of Alor or perform any function in the name of Igwe of Alor until the High Court judgment is overruled by the appellant(sic) Court. At the interim he is not the Igwe of Alor.*”

Matters Arising

The following are clear from the letter under reference vis-à-vis the background facts stated above:

1. The motion for Stay of Execution filed at the High Court was not dismissed as stated in the letter under reference but was merely struck out upon the court becoming aware that appeal had been entered and that a Motion for Stay of Execution and Injunction Pending Appeal had been filed at the Court of Appeal the implication of which is that the High Court no longer had the vires to proceed further with the matter. In other words, the Motion for Stay of Execution and Injunction pending Appeal (Annexure 2) filed by the Appellants including Igwe Mac Anthony C. Okonkwo (the 3rd Appellant) is still pending and has not been determined by the Court. It is thus patently misleading and clearly inappropriate to take a 'decision' or issue a directive that the said 3rd Appellant in the Appeal should not parade himself as Igwe of Alor or perform any function in the name of Igwe of Alor until the High Court judgment is overruled on the basis that his Motion for Stay of Execution has been dismissed, when in fact, the Motion for Stay of Execution and Injunction Pending Appeal has not even been heard and determined by the Court of Appeal. The restraining and declaratory orders contained in the letter of 22/8/23 emanating from your office when there is pending an appeal against such orders issued by Court of competent jurisdiction and a yet-to-be determined Motion on Notice for Stay of Execution and Injunction pending appeal is as incongruous as it smacks of unwarranted interference with due administration of justice. Other than a Court of competent jurisdiction, no other person or authority has the right to issue such directives or orders in respect of a matter before the Court.
2. It is pertinent to underscore the point that none of the Governor, Government and/or any agency or parastatal of Anambra State is a party to the suit or the appeal in question in which the trial Court nullified a recognition of traditional rulership of Igwe MacAnthony Okonkwo made by the Governor/Government of Anambra State. Yet the letter emanating from the same Government issued directives restraining the 3rd Appellant in the Appeal in a matter that is still pending before the Court.
3. Having exercised the option of appeal even within 24 hours from the time the judgment of the High Court was delivered challenging the declaratory and injunctive reliefs therein pronounced which appeal is still pending, it is clearly not right for any other authority or person other than the Court to issue further or other restraining and declaratory directives/orders as contained in the letter of 22/8/2023. The restraining and declaratory orders/directives in the letter under reference clearly stand in contest with the authority of the Court by issuing directives over a matter that is yet to be decided by the Court of Appeal. This is not right.
4. The letter dated 22nd August 2023 under reference in paragraph 1.2 thereof even issued a retrospective restraining directive over an event scheduled to hold on 5th August 2023.

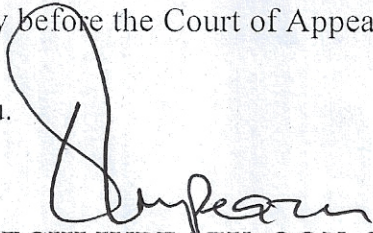
Conclusion

As can be gleaned from the above, the restraining and declaratory directives contained in the letter under reference are not proper as they fly in the face of the authority of the Court of Appeal which is already seised of the matter on appeal. The opinion contained in the said letter which obviously assumed the dimension of orders that can only be made by a Court, especially when the matter is still

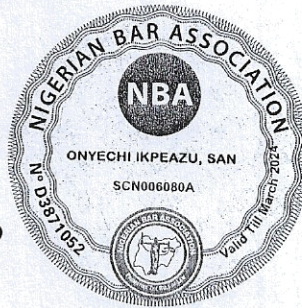
pending in Court, is capable of undermining the authority of the court and places such an opinion in competition, and indeed in conflict, with the established judicial process and powers of a Court of law. We have in this correspondence presented the facts which we strongly believe that if they had been made available to the Honourable Attorney-General & Commissioner for Justice by the addressee of the letter subject matter of this correspondence, would have immensely guided the opinion rendered in the said letter. We were, however, unaware of the petition which necessitated the letter under reference but only became aware of it (Annexure 1) when it was brought to the attention of our clients.

In view of the above, we implore the Learned HAG, to address the issues raised in the correspondence with a view to correcting the impressions that had been, perhaps, erroneously created by the letter of 22nd August 2023 under reference. By so doing, the integrity of the Court and its processes would have been maintained by the Government and particularly Office of the Honourable Attorney-General. It is hoped that the clarifications provided by this letter would assist your good office in rendering an informed opinion on the matter, as against issuing declaratory and injunctive orders over matters that are already before the Court of Appeal.

Thank you.



DR. ONYECHI IKPEAZU, OON, SAN, FCARB



ANAMBRA STATE OF NIGERIA

MINISTRY OF JUSTICE



Your Ref:

Our Ref:

.....Department
Jerome Udoji Secretariat Complex,
P.M.B. 5086
Awka.

Date: 22nd August, 2023

Chief Uzoma Igbonwa,
Alor People's Convention,
Alor.

Sir,

RE: A CALL FOR YOUR URGENT INTERVENTION TO STOP A COURT DETHRONED TRADITIONAL RULER OF ALOR COMMUNITY, IN IDEMILI SOUTH LOCAL GOVERNMENT AREA OF ANAMBRA STATE FROM ACTS WHICH ARE IN BREACH OF PUBLIC PEACE AND ADVISE HIM TO OBEY AND RESPECT SUBSISTING COURT JUDGMENT SO AS TO AVERT FURTHER CRISIS, AGITATIONS AND YOUTH RESTIVENESS WHICH IS LIKELY TO CAUSE BREAKDOWN OF LAW AND ORDER IN ALOR COMMUNITY AND AS WELL AS ADVISE GOVERNMENT OFFICIALS TO DESIST FROM GIVING HIM SUPPORT.

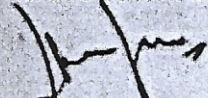
- 1.0 The above subject matter refer, wherein you petitioned the Honorable Attorney General/Commissioner for Justice Anambra State, for his urgent intervention to avert crisis in Alor Community.
- 1.1 I am directed by the Honorable Attorney General and Commissioner for Justice, Anambra State to inform you that after considering content of your petition and the stated judgment in suit HID/354/2019; Between MR. FRANK NWABUFO OKOYE & ORS VS. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY AND ANOR.
- 1.2 Having been satisfied that the judgment and orders delivered in the above mentioned suit in Paragraph 1.1. above are the extant and subsisting orders of the court between the parties and on the same subject matter, save and

All replies to Hon. Attorney General/Commissioner Ministry of Justice

until the contrary is established, Mr. Mac Anthony Chinedu Okonkwo should not conduct or super Intend over the new yam festival scheduled on Saturday, the 5th of August 2023, in the purported capacity of Traditional ruler of Alor Town is unlawful and against the public peace of the town, therefore he is restrained from doing so to avoid total breakdown of law and order in the community.

- 2.0 Finally, it is the opinion of the Hon. Attorney General/Commissioner for Justice that since the motion for stay of execution had been dismissed, he should not parade himself as the Igwe of Alor or perform any function in the name of Igwe of Alor until the High Court judgment is overruled by the appellate Court. At the interim he is not the Igwe of Alor.
- 3.0 You are therefore by this letter sufficiently informed of the position, your cooperation in this regard is highly solicited.

Yours faithfully,



T. C. Ikemba ESq.

For Hon. Attorney General/Commissioner for Justice.

CT. I ANNEXURE 3

IN THE HIGH COURT OF ANAMBRA STATE OF NIGERIA
IN THE IDEMILI JUDICIAL DIVISION
HOLDEN AT OGIDI

SUIT NO. HID/354/2019

BETWEEN

1. MR. FRANK NWABUFO OKOYE
2. MR. IFENNA OKAFOR
3. HRH IGWE MAC ANTHONY OKONKWO
(Ezediohanma III of Alor Community)

PLAINTIFFS

AND

1. INCORPORATED TRUSTEES OF ALOR
PEOPLES ASSEMBLY
2. CHIEF UZOMA IGBONWA

DEFENDANTS

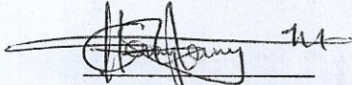
AFFIDAVIT OF FACTS

I, Mr. Ifenna Okafor, adult, male, Christian, a businessman and a Nigerian citizen of Umuru Ide village, Alor in Idemili South Local Government Area of Anambra State do hereby make oath and say as follows:

1. I am the 2nd Plaintiff in this suit and by virtue of my said position I am conversant with the facts and circumstances of this case.
2. I have the consent and mandate of the 1st and 3rd Plaintiffs to make this deposition and I do so both for myself and on their behalf.
3. Being dissatisfied with the judgment of this Court delivered in this suit on the 17th day of February 2022, we the Plaintiffs instructed our counsel to lodge an appeal against same and this was done by virtue of a Notice of Appeal filed on the 18th day of February 2022.
4. We the Plaintiffs later retained the services of Dr. Onyechi Ikpeazu, OON, SAN, FC Arb as well as other Counsel led by him to prosecute the appeal on our behalf.
5. Consequent upon the foregoing, Record of Appeal in the appeal against the judgment of the Court in this case was transmitted and appeal entered at the Court of Appeal, Awka Division on the 1st day of April 2022, with Appeal No. CA/AW/95/2022: MR. FRANK NWABUFO OKOYE & 2 OTHERS VS. INCORPORATED TRUSTESS OF ALOR PEOPLES ASSEMBLY & ANOTHER. Certified true copy of the acknowledgement copy of the forwarding

letter by which the Registry of this court transmitted to the Court of Appeal the Record of Appeal, exhibits and original case file in the case and showing the date they were received and the Appeal Number is hereto attached and marked **Exhibit 1**.

6. This Affidavit of Facts is to bring to the knowledge of this Honourable Court the fact that appeal against the judgment in this case has been entered at the Court of Appeal.
7. I make this deposition conscientiously believing the contents to be true and correct to the best of my knowledge and information and in accordance with the Oaths Act.


DEPONENT

Sworn to at the High Court Registry, Ogidi
this 7th day of April, 2022

BEFORE ME


COMMISSIONER FOR OATHS



Pd In C No
2196163

07-04-2022

EXHIBIT 1

GOVERNMENT OF ANAMBRA STATE OF NIGERIA
THE JUDICIARY

Telephone

Your Ref:.....

Our Ref:.....



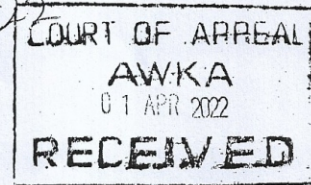
HIGH COURT REGISTRY.....

JUDICIAL DIVISION

Date: 1st April 2022

CA/Aw/95/2022

The Deputy Chief Registrar
Court of Appeal
Awka.
Sir,



TRANSMISSION OF THE CASE FILE, RECORD OF APPEAL & EXHIBITS
IN RE: SUIT NO.HID/354/2019; MR.FRANK NWABUFO OKOYE & 2 ORS VS
INCORPORATED TRUSTEES OF ALOR & ANOR

I forward herein Ten (10) Copies of Record of Appeal, two (2) flash drives and exhibits in the above mentioned suit for the use of the Honourable Judges of Court of Appeal, Awka

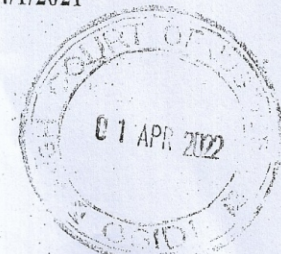
Case file Numbering 1 - 744

Exhibit :

- 1.Exhibit P1' -The constitution of Alor People's Convention tendered and marked on 16/12/2020
- 2.Exhibit P2A' -Certificate of Registration Idemili Local Govt. Area tendered on 16/12/20
- 3.Exhibit P2B' -General Receipt from No.16615 tendered on 16/12/2020
- 4.Exhibit P2C' -General Receipt from No.16619 tendered on 16/12/2020
- 5.Exhibit P3' - Appellants' Brief of Argument tendered on 16/12/2020
- 6.Exhibit P4(A) - Treasury Revenue Receipt No.0102862 tendered on 16/12/2020
- 7.Exhibit P4(B) - Treasury Revenue Receipt No 01451694 tendered on 16/12/2020
- 8.Exhibit P4C- Treasury Revenue Receipt No.46 tendered on 16/12/2020
- 9.Exhibit P5-Judgment in Suit No.A/14/2018 tendered on 14/1/2021
- 10.Exhibit P6 The constitution on Alor Peoples Convention tendered & marked on 14/1/2021
- 11.Exhibit P7- Daily Sun Newspaper (C.T.C) Dated 16/8/16 tendered on 14/1/2021
- 12.Exhibit P8-Judgment in Suit No.HID/8582014 tendered on 22/1/2021

CERTIFIED TRUE COPY

11 APR 2022
M.C ONYEONORO
(DIRECTOR)



13. Exhibit P9-A..P.C. minute book Alor tendered and mrked on 22/1/2021
14. Exhibit P10-Certificate of Registration on O.MLG/CD/SC/303 tendered on 22/1/2021
15. Exhibit P11-The constitution of Ifite People's form Alor (I.P.F) tendered on 22/1/2021
16. Exhibit P12- Report of Screaming Commminute the selection of candidate for Igwe tendered and
Marked on 22/1/2021
17. Exhibit P13- Letter of Invitation for Screaming from Ifite People's form Alor tendered and marke
On 22/1/2021
18. Exhibit P14-Letter from Ifite Peoples forum Alor titled Report of the Presentation tendered
On 22/1/2021
19. Exhibit P15-Form X1A tendered and marked on 22/1/2021
20. Exhibit P16-Judgment in Suit No.HID/MISC.11/2015 tendered and marked on 22/3/2021
21. Exhibit D17-Letter from Ifite people form Alor tendered on 1/2/2021 titled presentation of C
Mark Anthony Chinedu Okonkwo.
22. Exhibit P18- Letter from Ifite People Forum Alor tedeed and marked on 1/2/2021
23. Exhibit P19-Judgment in Suit No.FHC/AWK/CS/294/2021 tendered and marked on 1/2/2021
24. Exhibit D1-Letter titled Dissolution of Alor Peoples Convention in Idemili South L.G.A. tend
and marked on 3/3/2021.
25. Exhibit D2-Daily Sun Newspaper of Tuesday tendered on 3/3/2021.
26. Exhibit D3- Daily Sun Newspaper tendered on 3/3/2019
27. Exhibit D4- Judgment in Suit No.FHC/AWK/CS/332/2015 tendered on 3/3/2021
28. Exhibit D5- Corporate Affairs Commissin on Alor Peoples Asseembly tendered on 3/3/2021
29. Exhibit D6- Anambra State of Nigeria Official Gazette tendered on 3/3/2021
30. Exhibit D7- Photocopy of Certificate of recognition of Government of Anambra State of Ni
tendered & Marked on 3/3/2021
31. Exhibit D8- Letter dated 11/08/2020 titled suspension of twelve traditional rulers in Anambra S
32. Exhibit D9- Letter from Ministry of Local Government and Community Affairs titled p
announcement-update on suspended Igwes in Anambra State tendered & Marked on 3/3/2021
33. Exhibit D10- Daily Sun Newspaper tendered & marked on 3/3/2021

CERTIFIED TRUE COPY

1 APR 2022

M.C. ONYEONORO
DIRECTOR



- 34. Exhibit D11- Alor people's convention , Letter dated 27/3/2012 tendered & marked on 16/3/2021
- 35. Exhibit D12- Alor Peoples Convention Letter titled change of leadership of caretaker committee of Alor town tendered and marked on 16/3/2021.
- 36. Exhibit D13- Letter from Government of Anambra State titled Reconstitution of caretaker committee in Alor Community, Idemili South L.G.A. tendered & marked on 16/3/2021.
- 37. Exhibit D14- Alor : An Anthropological source book tendered & marked on 16/3/2021.
- 38. Exhibit D15- The bye-laws of the Incorporated Trustees of Alor people's Assembly (APA) 2011 tendered & marked on 16/3/2021
- 39. Exhibit D16- Corporate Affairs Commission on Federal Republic of Nigeria- Certificate of Incorporation tendered & Marked on 16/3/2021.
- 40. Exhibit D17- Letter from Government of Anambra State titled Reconstitution of Caretaker Committee of Alor People's convention .
- 41. Exhibit D18.- Alor Peoples Assembly extract from the minutes of the general meeting tendered and marked on 16/3/2021
- 42. Exhibit D19- Report of compliance with the Judgment of this Honourable Court tendered & marked on 16/3/2021.
- 43 Exhibit D20- A letter titled 'A' sincere letter of apology tendered & marked on 16/3/2021
- 44 .Exhibit 21- Alor peoples Assembly letter tendered and marked on 16/3/2021

Please Acknowledge Receipt.

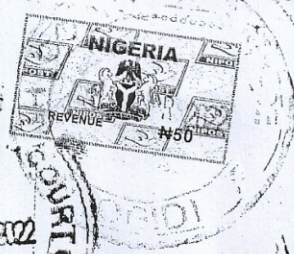
Exhibits tendered & received
Anambra State
Received
01/4/22

COURT OF APPEAL
 AWKA
 01 APR 2022
 RECEIVED

M.C. ONYEONORO CERTIFIED TRUE COPY
 DIRECTOR (LITIGATION)

COURT OF APPEAL
 AWKA
 01 APR 2022

H/C
 01 APR 2022
 COURT OF JUSTICE



01 APR 2022
 HIGH COURT OF JUSTICE

pd on c/mo #2196053
 1/4/2022
 Certification of 2 folios at #2196053
 each = #250.00
 1-4-2022

ANNEXURE 2

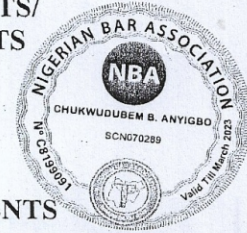
**IN THE COURT OF APPEAL
HOLDEN AT AWKA**

APPEAL NO. CA/AW/95/2022
SUIT NO. HID/354/2019

BETWEEN

- 1. MR. FRANK NWABUFO OKOYE
- 2. MR. IFENNA OKAFOR
- 3. HRH IGWE MAC ANTHONY OKONKWO
(Ezediohanma III of Alor Community)

APPELLANTS/
APPLICANTS



AND

- 1. INCORPORATED TRUSTEES OF ALOR
PEOPLES ASSEMBLY
- 2. CHIEF UZOMA IGBONWA

RESPONDENTS

MOTION ON NOTICE

**BROUGHT PURSUANT TO ORDER 6 RULES 1 & 4 OF THE COURT OF APPEAL
RULES, 2021 AND SECTION 6(6)(a) OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 (AS AMENDED)**

TAKE NOTICE that this Honourable Court shall be moved on _____ the _____ day of _____ 2022 at the hours of 9 o'clock in the forenoon or so soon thereafter as the business of the Court may permit the Appellants/Applicants or Counsel on their behalf to be heard praying the Court as follows:

- 1. FOR AN ORDER OF INJUNCTION restraining the Respondents, their privies, assigns, agents or any other person acting for or through them by whatever designation, from giving effect to the declaratory Orders numbered 1 to 13 made in the Judgment of the High Court of Anambra State sitting at Ogidi in Idemili Judicial Division and delivered on the 17th day of February 2022 by Hon. Justice Peter Chudi Obiorah in Suit No. HID/354/2019: MR. FRANK NWABUFO OKOYE & 2 OTHERS vs. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY AND ANOTHER pending the determination of this appeal, namely;

- 1. I declare that the process of selection, presentation, installation and coronation of the traditional ruler of Alor town as at 2014 could only be conducted within and under the provisions of the Constitution of Alor peoples Convention, 2011 (which replaced the Constitution of Alor peoples Convention, 1992) binding on all indigenes of Alor community in Idemili South Local Government Area of Anambra State.
- 2. I declare that as at 9th of march 2014 at the end of the mourning period for the departed Ezediohanma II, only a democratically elected Executive Committee of Alor peoples Convention (APC) and other stakeholders in the community including the 2nd

**COURT OF APPEAL
AWKA**
13 MAY 2022
REVENUE

39527
05-22

Moham - 2000
Ogburn - 2000
Lilij - 2000
WIAJ - 100
A3600

Counterclaimant as the president-General could initiate, supervise, superintend, observe, organize and conduct the process of selection, presentation, installation and coronation of a traditional ruler of Alor town (Igwe Alor) in accordance with the provisions of the Constitution of Alor Peoples Convention 2011 (which replaced Alor Peoples Convention, 1992).

3. I declare that the condition precedent for the selection of a new traditional ruler to fill the vacant stool for Alor community has not been fulfilled to enable the 3rd plaintiff or anyone interested in the traditional rulership to be nominated, selected, installed or to parade himself as the traditional ruler of Alor town.
4. I declare that by the terms of reference contained in the letter of appointment of successive Caretaker Committee for Alor Peoples Convention from 2012 till date by the Anambra State Government, the caretaker Committee lacks the powers to activate the process of selection, nomination and presentation of any aspirant or candidate for the traditional stool of Igwe Alor.
5. I declare that having regard to the subsisting judgment of Oguji J. in Suit No. A/14/2015 Chief Uzoma Igbonwa & Anor vs. Inspector – General of Police & Ors delivered on the 5th of February, 2019, which set aside the Anambra State Government's letters with ref nos. OSPA/LG/133/T/163 dated 28th February 2014 and OSPA/LGCM/133/T/23 dated 28th May 2014 both signed by Sir Dr. G. N. Muotolu, then Special Adviser to the Governor of Anambra State on Chieftaincy and Town Union Matters appointing or reconstituting a Caretaker Committee for Alor Peoples Convention as the town union government for Alor people all actions taken by the said caretaker committee including the process of selection, nomination, and presentation of the 3rd plaintiff as Igwe of Alor are unconstitutional, *ultra vires*, mala fide, null and void and of no effect whatsoever.
6. I declare that having regard to the subsisting judgment of Hon. Justice M. T. Salihi in Suit No. FHC/AWK/CS/294/2012 Obiora Obimalume vs. Commissioner of Police delivered on the 27th of March 2014 a Special Adviser to the Governor of Anambra State lacks the power to dissolve, appoint, re-appoint, constitute or reconstitute a town union executive under the provisions of Fund for rural Development Law Cap 54 Revised laws of Anambra State 1991.
7. I declare that having regard to the subsisting judgment of Oguji J. in the case of Chief Uzoma Igbonwa & ANor vs Inspector General of Police & Ors delivered on the 5th February 2019 a Special Adviser to the Governor of Anambra State lacks the power to dissolve, appoint, reappoint, constitute or reconstitute a town union executive under the provisions of Fund for Rural Development Law, Cap 54 Revised Laws of Anambra State 1991.
8. I declare that having regard to the subsisting judgment of Oguji J. in the case of Chief Uzoma Igbonwa & Anor vs Inspector General of Police & Ors delivered on the 5th of February 2019 which nullified section 26 of Fund for rural Development Law, Cap 54 Revised Laws of Anambra State 1991 the continued appointment or reconstitution of Caretaker Committee by the Anambra State Government for any Community or town in Anambra state is null and void and of no effect whatsoever.
9. I declare that members of the Caretaker Committee of Alor Peoples Convention appointed by the Special Adviser to the Governor of Anambra State on or about the 28th day of February 2014 lacked the powers and vires to initiate, supervise, superintend, supervise, organize and conduct the process of selection, presentation, installation and coronation of a traditional ruler in Alor town (Igwe Alor).

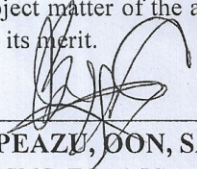
10. I declare that the purported selection and presentation of the 3rd Plaintiff as a traditional ruler of Alor town by the Caretaker Committee of Alor Peoples Convention by a contrived process held between the 7th April to 17th May 2014 is null and void for the breach of extant provisions of the Constitution of the Alor Peoples Convention 2011 (which replaced the Constitution of Alor Peoples Convention 1992) and the Traditional Rulers Law of Anambra State, 2007 or any other law relating to traditional rulers.
 11. I declare that the 3rd Plaintiff being a person who is not an Ozo titled person as at 9th of March 2014 *ab initio* is not qualified, not a fit and proper person to be nominated, selected, enthroned or recognized as Igwe of Alor.
 12. I declare that upon the fulfillment of all condition precedents, the Uruzeani Village/Quarters being the most senior among the Village/Quarters in Ifite Section of Alor has a right to present a qualified candidate or aspirant in the matter of selection of a traditional ruler from Ifite Section for onward presentation to Alor people.
 13. I declare that the only ways and means of according recognition of the Government of Anambra State of Nigeria to a Traditional Ruler within the meaning and context of the Traditional Ruler's Law of Anambra State 2007 is by first and foremost publishing such fact in the Gazette of the Government of Anambra State of Nigeria and thereafter the issuance of certificate to the candidate democratically selected by the community in accordance with her constitution and customs and tradition and that the failure by the State Government to follow the laid down procedure rendered the recognition of the 3rd Plaintiff a nullity.
2. For An Order Staying Execution of the three (3) Orders numbered 14, 15 and 16 as contained in the Judgment of the High Court of Anambra State sitting at Ogidi in Idemili Judicial Division and delivered on the 17th day of February 2022 by Hon. Justice Peter Chudi Obiorah in Suit No. HID/354/2019: MR. FRANK NWABUFO OKOYE & 2 OTHERS vs. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY AND ANOTHER pending the determination of the appeal to this Court against that judgment, namely;
14. I grant an order that the certificate of recognition issued to the 3rd Plaintiff by the Anambra State Government on the 23rd day of June, 2014 is in breach of the constitution of Alor peoples Convention then in force and Anambra State Traditional Rulers Law 2007.
 15. I grant an order of perpetual injunction restraining the 3rd Plaintiff, Mac Anthony Okonkwo from parading himself as the Igwe of Alor, carrying on any functions and/or duties of Igwe of Alor, occupying or using the palace of Obi Eze Agbudugbu (the original ancestral abode of Alor People) and generally from intermeddling in the various customs and practices as well as administrative affairs of Alor town.
 16. I grant an order directing the 2nd defendant/counter-claimant as the president general of Alor Peoples Convention elected in compliance with the judgment in Suit no. A/14/2015 delivered on 5th February, 2019 in conjunction with the regency Council of Alor to commence the process of filing the vacant stool of Igwe of Alor in accordance with the Constitution of Alor Peoples Convention 2011.

3. **AND FOR SUCH ORDER OR FURTHER ORDERS** as this Honourable Court may deem fit and proper to make in the circumstances.

TAKE FURTHER NOTICE THAT THE GROUNDS FOR THIS APPLICATION ARE AS FOLLOWS:

- a. On the 17th day of February 2022, the High Court of Anambra State sitting at Ogidi in Idemili Judicial Division delivered judgment in Suit No. HID/354/2019: MR. FRANK NWABUFO OKOYE & 2 OTHERS vs. INCORPORATED. TRUSTEES OF ALOR PEOPLES ASSEMBLY AND ANOTHER per by Hon. Justice Peter Chudi Obiorah in which the Court granted some declaratory and executory reliefs in favour of the Respondents.
- b. Dissatisfied with the said decision, the Appellants initially filed a Notice and Grounds of Appeal on the 18th day of February 2022 against the said judgment. Later the Appellants filed on the 31st day of March 2022, another Notice and Grounds of Appeal founded on fourteen (14) Grounds of Appeal.
- c. The grounds of appeal raise jurisdictional issue of non-joinder of necessary parties and also raise substantial and arguable grounds of appeal which prima facie show good cause while the application ought to be granted.
- d. The Applicants have shown diligence in prosecuting the appeal as the Appellants' Brief of Argument has also been filed and served.
- e. Owing to the recondite and substantial nature of the grounds of appeal, it is necessary that order for injunction and stay of execution pending the determination of the appeal be granted so that the competing rights of the parties be determined on the merit once for all.
- f. Respondents are poised to give effect to the orders made in their favour in the judgment subject matter of this appeal and if they are not restrained from giving effect to the orders made by this Court in the judgment aforesaid, the Court of Appeal may be foisted with *fait accompli* in the event the appeal succeeds.
- g. The Appellants/Applicants are willing to enter into an undertaking to prosecute the appeal diligently and undertaking as to damages in the event that it turns out this application ought not to be granted.
- h. Respondents will not in any way be prejudiced by the grant of this application as they do not lose anything if the orders made in the judgment subject matter of the appeal are not given effect to pending when the appeal is determined on its merit.

Dated this 12th day of May 2022



DR. ONYECHI IKPEAZU, OON, SAN, FCARB
✓DR. C. B. ANYIGBO, FICMC, FCARB(Nig), FCIARB(UK)✓
GIDEON UGWUANYI, ESQ, ACARB
I. I. ORJI, ESQ
Appellants'/Applicants' Counsel

IN THE COURT OF APPEAL
HOLDEN AT AWKA

APPEAL NO. CA/AW/95/2022

SUIT NO. HID/354/2019

BETWEEN

<p>1. MR. FRANK NWABUFO OKOYE 2. MR. IFENNA OKAFOR 3. HRH IGWE MAC ANTHONY OKONKWO (Ezediohanma III of Alor Community)</p>	}	<p>APPELLANTS/ APPLICANTS</p>
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AND

<p>1. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY 2. CHIEF UZOMA IGBONWA</p>	}	<p>RESPONDENTS</p>
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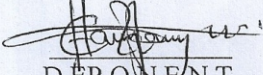
AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE

I, Mr. Ifenna Okafor, adult, male, Christian, a businessman and a Nigerian citizen of Umuru Ide village, Alor in Idemili South Local Government Area of Anambra State do hereby make oath and say as follows:

1. I am the 2nd Appellant in this suit and by virtue of my said position I am conversant with the facts and circumstances of this case.
2. I have the consent and mandate of the 1st and 3rd Appellants to make this deposition and I do so both for myself and on their behalf.
3. On the 17th day of February 2022, the High Court of Anambra State sitting at Ogidi in Idemili Judicial Division delivered judgment in Suit No. HID/354/2019: MR. FRANK NWABUFO OKOYE & 2 OTHERS vs. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY AND ANOTHER per by Hon. Justice Peter Chudi Obiorah in which the Court granted some declaratory and executory reliefs in favour of the Respondents.
4. Dissatisfied with the said decision, we the Appellants initially filed a Notice and Grounds of Appeal on the 18th day of February 2022 against the said judgment. Later we filed on the 31st day of March 2022 another Notice and Grounds of Appeal founded on Fourteen (14) Grounds of Appeal.
5. The grounds of appeal raise jurisdictional issue of non-joinder of necessary parties and also raise substantial and arguable grounds of appeal which *prima facie* show good cause while the application ought to be granted. This I was informed by the learned lead Senior

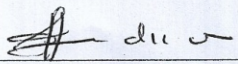
Counsel in the matter, Dr. Onyechi Ikpeazu, OON, SAN, FCARB at his office No. 46 Oguta Road, Onitsha on the 12th day of May, 2022 at about 4:00PM and I verily believe same to be correct.

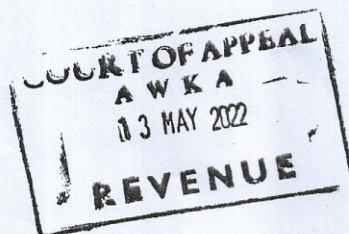
6. Respondents are poised to give effect to the orders made in their favour in the judgment subject matter of this appeal and if they are not restrained from giving effect to the orders made by this Court in the judgment aforesaid by way of injunction pending appeal and stay of execution, the Court of Appeal may be foisted with *fait accompli* in the event the appeal succeeds.
7. The Appellants/Applicants are willing to enter into an undertaking to prosecute the appeal diligently and undertaking as to damages in the event that it turns out this application ought not to be granted.
8. We the Applicants have shown diligence in prosecuting the appeal, as our Appellants' Brief of Argument has also been filed and served.
9. Owing to the recondite and substantial nature of the grounds of appeal, it is necessary that injunction and stay of execution pending the determination of the substantive appeal be granted so that the competing rights of the parties be determined on the merit once for all.
10. Respondents will not in any way be prejudiced by the grant of this application, for they do not lose anything if the orders made in the judgment subject matter of the appeal are not given effect to pending when the appeal is determined on its merit.
11. I make this deposition conscientiously believing the contents to be true and correct to the best of my knowledge and information and in accordance with the Oaths Act.


DEPONENT

Sworn to at the Court of Appeal Registry, Awka
this 13th day of May, 2022

BEFORE ME


COMMISSIONER FOR OATHS



IN THE COURT OF APPEAL
HOLDEN AT AWKA

APPEAL NO. CA/AW/95/2022
SUIT NO. HID/354/2019

BETWEEN

<p>1. MR. FRANK NWABUFO OKOYE 2. MR. IFENNA OKAFOR 3. HRH IGWE MAC ANTHONY OKONKWO (Ezediohanma III of Alor Community)</p>	}	<p>APPELLANTS/ APPLICANTS</p>
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AND

<p>1. INCORPORATED TRUSTEES OF ALOR PEOPLES ASSEMBLY 2. CHIEF UZOMA IGBONWA</p>	}	<p>RESPONDENTS</p>
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WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE

1.00 Introduction

- 1.01 The High Court of Anambra State sitting at Ogidi in Idemili Judicial Division had on the 17th day of February, 2022 delivered judgment in the suit subject matter of this appeal. In the said judgment the learned trial Judge granted declaratory and mandatory orders and reliefs in favour of the Respondents and against the Appellants. Dissatisfied, the Appellants timeously appealed to this Court and have also filed their Appellants' Brief of Argument. All these show that the Appellants are desirous of diligently prosecuting the appeal. The essence of so doing is to ensure that the Court of Appeal determines on the merit the competing rights of the parties in the appeal.
- 1.02 The Respondents on the other hand are poised to give effect to the orders made in the judgment and unless restrained by order of this Court by way of injunction pending appeal and stay of execution, the Respondents would go ahead to give effect to the said orders. If the Respondents are not restrained before the determination of the substantive appeal and they proceed to give effect to that judgment, the Court of Appeal would be foisted with *fait accompli*. It is therefore in view of the foregoing that we have brought this application seeking exercise of the discretion of this court in favour of granting the application as prayed.
- 1.03 The application is supported by an affidavit of eleven (11) paragraphs on which we place reliance. This is the Appellants/Applicants' Written Address in substantiation of the argument in support of the application.

2.00 ISSUE FOR DETERMINATION

- 2.01 The sole issue which is called for the determination of the Court of Appeal is whether the Appellants/Applicants have placed before the Court sufficient materials to warrant the Court to exercise its discretion in favour of the grant of the application.

3.00 ARGUMENT ON THE SOLE ISSUE

Whether the Appellants/Applicants have placed sufficient materials to warrant the Court to exercise its discretion in favour of the grant of the application.

- 3.01 It is submitted that the Appellants/Applicants have placed before this Court sufficient materials to warrant the court exercise its discretion in favour of the grant of this application. Guiding principles for the grant of order for injunction pending appeal have been reiterated by the Court in a number of decided authorities. For instance, in the case of **Ozigbo v. PDP & Others (2009) LPELR – 4822(CA)**, the Court of Appeal had this to say:

The guiding principle in the grant of injunction pending appeal was properly captured in the case of *Onuzulike v. Commissioner for Special Duties (1990) 7 NWLR (Pt. 161) 262* when that court held thus:- 1. There must be a competent appeal on which the motion for injunction pending appeal is predicated. 2. The grounds of appeal must raise substantial legal issues in an area of law that is recondite. 3. The existence of special/exceptional circumstances that justify its grant. 4. It must be right to put matters in status quo and that it will be equitable to maintain the status quo or preserve the res so as not to render the appeal nugatory. Those four broad criteria operate as beacon lights in considering the material available to this Court and clearly what is before this court is weighty enough and a decision could be given either way especially where as in this case the circumstances surrounding the nomination of the 2nd Respondent are such as have thrown up a novel scenario and a situation whose recondity cannot safely be ignored.

See also the cases of **Akeem v University of Ibadan [2001] 15 NWLR (Pt. 164) 596**; **Ajomale v. Yaduat (No.2) [1991] 7 NWLR (Pt. 191) 266**.

- 3.02 On another counter pane and as aptly captured by the Supreme Court in the case of **Josien Holdings Ltd & Ors v. Lornamed Ltd & Anor (1995) LPELR – 1634(SC)**, on the issue of stay of execution,

Where grounds of appeal exist suggesting a substantial issue of law to be decided on the appeal and where either side may have a decision in his favour a stay will be ordered.

See also the case **Olunloye v. Adeniran (2001) LPELR 2627(SC)**

- 3.03 In this case, the Appellants, it is submitted, have satisfied the requirements of the law to warrant the grant of the application and we urge the court to so hold. On the first

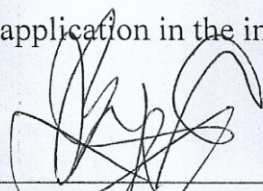
requirement, that is competent appeal on which the Motion for Injunction and Stay of Execution will be predicated, Appellant/Applicant's Notice of Appeal filed on 31st March, 2022 which is contained at pages 908 – 923 of the Record of Appeal qualifies as a competent appeal on which the Motion is predicated. The grounds of appeal raise substantial issues in an area of law that is recondite. The grounds of appeal also prima facie show good cause why the application ought to be granted.

- 3.04 The issue of exceptional/special circumstance is founded on the fact that there exists a jurisdictional issue of non-joinder of necessary parties and borders on want of fair hearing for which reason the application ought to be granted. Furthermore giving effect to the orders made in that judgment including selecting and enthroning another traditional ruler would create a chaotic situation in the town. It is also right to put matters in status quo pending the determination of the appeal so that the decision of the Court of Appeal would not be rendered nugatory in the event the appeal is allowed.
- 3.05 Applying the forgoing authorities to the facts of this case, it is humbly submitted that the Appellants/Applicants have made out a case to warrant the court to exercise its discretion in favour of the grant of this application and the court is urged to so hold.

4.00 CONCLUSION

- 4.01 The Court of Appeal is humbly urged to grant this application in the interest of justice.

Dated this 12th day of May 2022



DR. ONYECHI IKPEAZU, OON, SAN, FC Arb
✓**DR. C. B. ANYIGBO, FICMC, FC Arb(Nig), FCI Arb(UK)** ✓
GIDEON UGWUANYI, ESQ, AC Arb

I. I. ORJI, ESQ

Appellants'/Applicants' Counsel

IKPEAZU CHAMBERS

No. 46 Oguta Road, Onitsha

canyigbo@yahoo.com

0806 829 3603

SERVICE ON THE RESPONDENTS

1. Incorporated Trustees of Alor Peoples Assembly
C/o Chief Uzoma Igbonwa, Okebunoye village, Alor
2. Chief Uzoma Igbonwa: Chief Uzoma Igbonwa's Compound, Okebunoye village, Alor

OR

C/o Their Counsel:

BONA ORAEKWE ESQ

Bona Oraekwe & Co

Lamb of God Plaza

Arroma Junction, Awka