

IN THE HIGH COURT OF MENCHUM DIVISION
HOLDEN AT WUM

BEFORE HIS LORDSHIP JUSTICE NGUEM NGUTE PAUL – PRESIDENT
WITH HIM MR. TECHA THOMAS ASONG REGISTRAR-IN-ATTENDANCE

FRIDAY 26TH JUNE 2015

SUIT NO. WHC/13M/2015



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BETWEEN:

ALHADJI BABA AMADOU DANPULLO
(The Proprietor of ELBA RANCH ESU)

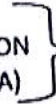


APPLICANTS

AND

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1. HRH FON KUM A CHUO II ALBERT CHI KAWZUH
2. THE ESU CULTURAL AND DEVELOPMENT ASSOCIATION
3. THE ESU YOUTHS DEVELOPMENT ASSOCIATION (EYDA)



RESPONDENTS

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CAUSE: MOTION EX-PARTE
 PARTIES: APPLICANT AND RESPONDENTS ABSENT
 APPEARANCES: BARRISTER PETER TAFAH EBA FOR THE APPLICANT WITH HIM
 BARRISTER ENOW MOSES AGBOR AND TANI IGNATIUS.
 COURT NOTES: RULING IS DELIVERED IN OPEN COURT TODAY 26/06/2015

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"REPUBLIC OF CAMEROON"
"IN THE NAME OF THE PEOPLE OF CAMEROON"
"RULING"

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This ruling is premised on an application by way of motion ex-parte wherein applicant through counsel seeks the following reliefs
 1) An order restraining the respondents and their assigns and agents from entering or interfering with the quiet enjoyment of applicant on his land and property popularly known as ELBA RANCH located in Esu Fungom Sub Division Menchum Division in whatsoever manner.

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And for such further orders that the honorable court may deem fit to make in the circumstances

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In support of this application is a 15 paragraph affidavit deposed to by Barrister Peter Eba Tafah on the applicant authority. Attached to this are two (2) annexures marked "A" and "B". At the hearing, counsel applied to adopt and rely on all the paragraphs of the affidavit and the annexures. Moving the court counsel submitted that this action is

brought pursuant to section 18(2)(c) of law No 2006/015 of the judicial organization in Cameroon as amended and supplemented by law No.2011/027 of 14th December 2011. In his submission Counsel referred the court to the preamble of the constitution which provides that the applicant has a right to settle in any place and move freely. Counsel further submitted that under the Land Tenure all the lands belong to the State with the exception of Lands with effective possession and those covered by a Land Certificate. He postulated that the respondents who seek to disturb the applicants are the same persons who are enjoying the fruits of the applicant occupation. He prayed the Court to grant the prayers sought.

I have perused the motion paper, the affidavit and the exhibits, I have equally listened to the submissions of the Counsel. Before I delve into an analysis of the application, I must state here that this court has jurisdiction to hear and rule on urgent applications made ex-parte. Generally an ex-parte motion or application is one in which the court rules without hearing the adverse party. It is an application made in extreme circumstances. In the case of LEEDO V. BANK OF THE NORTH (1998) 7 SCNJ 328 at 353, it was decided that there are just two main circumstances in which an application ex-parte could be made. These are (i) when from the nature of the application, the interest of the adverse party will not be affected, and (ii) when time is the essence of the application. In paragraph 8,9, 10 and 11 of the applicant's affidavit Counsel has highlighted the reasons which makes this application even the more urgent. In fact, in exhibit "A" the correspondence of the Divisional Officer of Fungom Sub-Division addressed to the National President of Esu Cultural and Development Association (ECUDA) and Copied amongst others, the Governor of North West Region Bamenda, It is obvious to this court that there is a settled and concerted decision by some persons to invade ELBA RANCH on the 29th day of June 2015. In exhibit 'B' the applicant had on the 18th of June 2015 written to the Sub-prefect Fungom Sub-Division complaining of the impending threat of destruction of his property. These all go to show the urgency of this application which makes it even more proper for this court to grant the application. In his oral submission Counsel referred, as I earlier mentioned the preamble of the constitution of this country. The applicant as a Cameroonian has shown that he has been in effective occupation of the grounds of the Ranch for over 28 years and has been actively taking part in the development of this locality. Again, by the Land Tenure of this Country the land as stated is National Land which is managed by specialised Bodies. It is only this legal bodies properly constituted that have the right to determine issues of this nature and

not some individuals. What ~~ever~~ grievances they have must be addressed to the appropriate quarters for determination and solution and not by recourse to self help.

From the foregoing, I find that the application is proper in fact and in law. I find merit in it and I grant same making the following orders:

1. That the respondents herein, their assigns and agents are hereby restrained from entering or interfering with the quiet enjoyment of applicant on his land and property popularly known as ELBA RANCH located in Esu Fungom Sub-Division, Menchum Division.
2. That the respondents are further prohibited from carrying out all acts which may jeopardize the security and safety of the personnel and property at ELBA RANCH.
3. That failure to comply with order 1 and 2 above will tantamount to contempt of this court.

WHEREFORE the President of the Republic of Cameroon commands and enjoins all Bailiffs and Process Servers to enforce this Court Judgment. The Procurer General and the State Counsel to lend them assistance and the Commanders and Officers of the Armed Forces and Police Forces to give them assistance when so required by law.

IN WITNESS WHEREOF this present Court Ruling has been signed by the President and the Registrar-In-Attendance of this Court.



REGISTRAR-IN-ATTENDANCE

Teoha Thomas Abong
GREFFIER ADJOINT
CHEF DE LA SECTION CRIMINELLE



THE PRESIDENT

Ngoua Njoku
SACRETAIRE



Ngoua Njoku
SACRETAIRE