

IN THE HIGH COURT OF RIVERS STATE OF NIGERIA

IN THE PORT-HARCOURT JUDICIAL DIVISION

HOLDEN AT PORT-HARCOURT

BEFORE HON. JUSTICE A. I. IYAYI-LAMIKANRA

SUIT NO PHC/876/2013

BETWEEN

1. HON. PRINCE TIMOTHY NSIRIM

2. HON. SOLOMON ABEL EKE

3. HON. HENRY ODUM

(For themselves and as representing the 17 democratically Elected Councilors of Obio/Akpor Local Government Council And Members of Obio/Akpor Local Government Legislative Council)

4. PEOPLES DEMOCRATIC PARTY (PDP)

CLAIMANTS

AND

1. THE GOVERNOR OF RIVERS STATE

2. THE ATTORNEY GENERAL AND COMMISSIONER FOR JUSTICE OF RIVERS STATE

3. THE HOUSE OF ASSEMBLY FOR RIVERS STATE

4. RIVERS STATE INDEPENDENT ELECTORAL COMMISSION

1ST SET OF DEFENDANTS

5. CHIKORDI DIKE

6. STANLEY EHORO

7. OVUNDA IHUNWO

8. ERNEST OGBONDA YELLOWE

9. OWHOR KINIKANWO FRIDAY

10. CHIMA WORGU

11. CHIKWERI EJIMS

(For themselves as Chairman and Members of the Caretaker Committee of Obio/Akpor Local Government Council)

2ND SET OF DEFENDANTS

JUDGMENT ORDER

UPON THIS MATTER coming up for hearing and determination, before His Lordship HON. JUSTICE A. I. IYAYI-LAMIKANRA sitting at High Court No. 3 Port Harcourt, Rivers State;

Judgment is hereby entered in favour of the claimants against the defendants as follows:-

IYAYI-LAMIKANRA
JUDGE

CERTIFIED TRUE COPY
A. OMUBO IRUENE ESQ
REGISTRAR

DATE: 26/11/2013

0016836
THE JUDICIARY
HIGH COURT REGISTRY
PORT HARCOURT
CASH OFFICE
DATE: 26/11/2013

1. It is declared that the purported suspension of the 1st, 2nd and 3rd claimants from office as Chairman, Vice-Chairman and Councillors respectively of the Obio/Akpor Local Government Council on allegations of reckless spending and security breach without affording them any opportunity of being heard is unlawful and constitutes a violation of the claimants' constitutional right to fair hearing.
2. It is declared that by virtue of the provisions of Section 7(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and Section 9(1) of the Local Government Law No. 2 of 2012, the claimants are entitled to a guaranteed tenure of 3 years in office as democratically elected Chairman, Vice-Chairman and Councillors respectively of Obio/Akpor Local Government Council, commencing from the date of inauguration on the 1st June, 2011.
3. It is declared that the purported Resolution of the Rivers State House of Assembly (3rd defendant) made on the 22nd day of April 2013, directing the Rivers State Government to appoint a Caretaker Committee to take over the running of the affairs of Obio/Akpor Local Government Council pursuant to Section 64(4) of the Rivers State Local Government Law is unconstitutional, wrongful, null and void.
4. It is declared that the purported appointment, constitution and inauguration of the 5th to 11th defendants into a Caretaker Committee to run the affairs of the Obio/Akpor Local Government Council is unconstitutional, null and void.
5. An order is hereby issued setting aside the purported Resolution of the Rivers State house of Assembly (3rd defendant) made on the 22nd day of April 2013 suspending the claimants for being unlawful, unconstitutional, null and void.

CERTIFIED TRUE COPY
A. OMUBO IRUENE ESQ
REGISTRAR
DATE 25/11/2013

THE JUDICIARY
HIGH COURT REGISTRY
PORT HARCOURT
CASH OFFICE
DATE 25/11/13

6. An order is hereby issued reinstating the claimants forthwith to their respective positions as Chairman, Vice-Chairman and Councillors respectively of Obio/Akpor Local Government Council of Rivers State.

7. An order of injunction is hereby issued restraining the defendants from interfering or continuing to interfere with the rights and privileges of the claimants as democratically elected Chairman, Vice-Chairman and Councillors respectively of Obio/Akpor Local Government Council in Rivers State and or appointing persons or constituting Caretaker Committee to take over the offices of the claimants or replace them before they serve out their tenure of office.

The defendants shall pay cost of N50,000.000 in favour of each of the 1st, 2nd and 3rd claimants.

GIVEN AT PORT HARCOURT, under the seal of court and the Hand of the presiding Judge, this 25th day of November, 2013.

Mina H. H. Jumbo
MINA H. H. JUMBO (JP)
DIRECTOR (LIT.)

Certification - H 150

CERTIFIED TRUE COPY
A OMUBO IRUENE ESQ
REGISTRAR
DATE *26/11/2013*

THE JUDICIARY
HIGH COURT REGISTRY
PORT HARCOURT
CASH OFFICE
Date *26/11/2013*

Frank UKPONG
28/02/14
[Signature]