

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

SUIT NO: FHC/L/CS/85/2020

IN THE MATTER OF AN APPLICATION BY CHIEF F. A. OLUSESI AND OTHERS
FOR AN ORDER FOR THE ENFORCEMENT OF THEIR FUNDAMENTAL RIGHTS

AND

IN THE MATTER OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT
PROCEDURE) RULES 2009 MADE BY THE CHIEF JUSTICE OF NIGERIA
PURSUANT TO SECTION 46 (3) OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999

BETWEEN:

1. CHIEF F. A. OLUSESI (OLOJA OF ONISIWO)
2. CHIEF F. O. MAXWELL (THE BALE OF TARKWA BAY)
3. CHIEF W. KPOSSU (THE BALE OF OKUN AYO)
4. HON. ADESINA NUNAYON JAMES

(Suing for themselves and on behalf of other residents of
the areas known as Tarkwa Bay & Okun Ayo communities)

5. MR. ESANMORE ADEBANJO
6. MR. ALABA ASEMUDARA
7. MR. EDAMSAN IPINSOKAN

(Suing for themselves and on behalf of other residents of
the area known as Itun Agan community)

8. CHIEF AMISU GEGNYAWO
9. CHIEF ADAMS LATEEF OLUWO
10. MR. WALIU A. JAMIU
11. MR. YINUSA A. ASHIMI
12. ALH. SHEHUTIJANIY AKINWUNMI

(Suing for themselves and on behalf of other residents of

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the area known as Igbologun community)

- 13. CHIEF MURITALA FASASI
- 14. CHIEF OSENI MICHAEL (AKOGUN OF IGBOESEYORE)
- 15. CHIEF ADAM GANIYU
- 16. CHIEF TAJUDEEN OSENI
- 17. CHIEF AREMU SABITU
- 18. ALH. TALUBI ARMOIRE

(Suing for themselves and on behalf of other residents of the area known as Igboeseyore community)

- 19. CHIEF EMMANUEL OMOTAYE (BALE OF ILUFEMILOYE)
- 20. PASTOR OLALEYE PETER
- 21. MRS. JUDITH OPIA

(Suing for themselves and on behalf of other residents of the area known as Ilufemiloye community)

- 22. IREDE COMMUNITY DEVELOPERS ASSOCIATION
- (Suing for themselves and on behalf of other residents of the area known as Irede community)

- 23. CHIEF SEWANE CHIKU (BALE OF CHIKU)
- (Suing for themselves and on behalf of other residents of the area known as Chiku community)

- 24. CHIEF ADEPETU ARAOMI (BAALE OF ARAOMI ONISIWO)
- (Suing for themselves and on behalf of other residents of the area known as Araromi community)

- 25. CHIEF EBENEZER JAMES (BAALE OF IFAKO FATUMO)
- (Suing for themselves and on behalf of other residents of the area known as Ifako Fatumo community)

- 26. CHIEF HOUSESOU OSENI (BALE OF NEW AGBODEJO)
- (Suing for themselves and on behalf of other residents of the area known as New Agbdejo community)

- 27. CHIEF LASISI LATEEF (BAALE OF OKO ATA)
- (Suing for themselves and on behalf of other residents of the area known as Oko Ata community)

APPLICANTS

ASIN

<p>NWAGWU C.N.N (MR) CERTIFIED TRUE COPY PRINCIPAL EXECUTIVE OFFICER FEDERAL HIGH COURT IKOYA LAGOS DATE <i>[Signature]</i></p>

28. **DANSU PETER**

29. **WHESU GASTON**

30. **GUJEMEJI THOMAS**

(Suing for themselves and on behalf of other residents of the area known as Bishop Koji community)

31. **CHIEF JACOB SAIDE (BALE OF OGOGORO)**

(Suing for themselves and on behalf of other residents of the area known as Oogoro community)

32. **CHIEF KATE TETTE (BALE OF OKO KATE & CHAIRMAN OF BALES IN COUNCIL, ONISIWO KINGDOM)**

33. **CHIEF SAHEED ONISIWO (BALE OF AGALA & PUBLIC RELATIONS OFFICER OF BALES, ONISIWO KINGDOM)**

34. **CHIEF RLIWAN ONISIWO (BAALE OF TIE GATE COMMUNITY & MEMBER OF BALES IN COUNCIL, ONISIWO KINGDOM)**

(Suing for themselves and on behalf of other residents of the area known as Oko Kate community, Agala community, Tie Gate community, and all other communities falling within the Onisiwo Kingdom)

35. **INCORPORATED TRUSTEES OF COMMUNITY LEGAL SUPPORT INITIATIVE**

(Suing on behalf of other occupiers and residents of other Island communities/areas falling under the current threat of eviction)

APPLICANTS

AND

1. **THE CHIEF OF THE NAVAL STAFF**

2. **THE MINISTER OF DEFENSE**

3. **THE ATTORNEY GENERAL OF THE FEDERATION**

RESPONDENTS

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ORDER

UPON THIS MOTION EX-PARTE dated the 23rd day of January and filed the 27th day of January 2020 praying this Honourable Court for the following Orders:

1. AN ORDER OF INTERIM INJUCTION

restraining the Respondents whether by themselves or through their agents, Servants, privies or otherwise, from demolishing any of the Applicants' and others' homes, business premises, properties or community facilities in Island communities across Lagos or evicting the Applicants or others therefrom pending the hearing of the Motion on Notice and/or the conclusion of the substantive suit.

2. AN ORDER OF INTERIM INJUNCTION

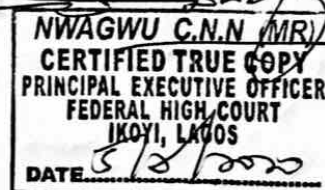
restraining the Respondents themselves or through their agents, servants, privies or otherwise, from harassing the 1st - 4th Applicants and other unlawfully evicted residents of Okun Ayo or Tarkwa Bay communities with shooting of guns, other

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violent attacks, threats of arrest or arrest of persons for simply being in the community pending the hearing of the Motion on Notice the hearing of the substantive suit.

3. **AN ORDER OF MANDATORY INJUNCTION** requiring the Respondents to immediately provide the 1st - 4th Applicants and other unlawfully evicted residents of Okun ayo Tarkwa Bay community with relief materials and emergency shelter and to rebuild their unlawfully demolished homes, business premises, properties, and community facilities at the soonest possible moment.
4. **AND** for such further Order or Orders as this Honourable Court may deem fit to make in the circumstances.

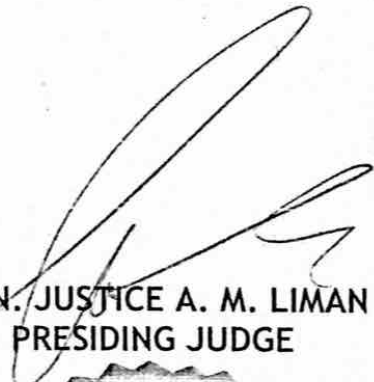
AND AFTER READING the affidavit in support of Motion Ex- sworn to by Chief F. O. Maxwell, Male, Christian, Adult, Nigerian, a Sailor and Baale of Tarkwa Bay, of Baale's Palace, Tarkwe Bay Community, Eti-Osa LGA, Lagos State, filed in this Court Registry, Ikoyi, Lagos.



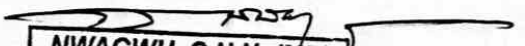
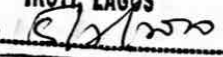
AND AFTER HEARING I. Nwabueze Esq. with E. Ezeonwu Esq. and M. A. Alo Esq. counsel for the Applicants move in terms of the Motion paper.

IT IS HEREBY ORDERED AS FOLLOWS:

1. That an Order of Interim Injunction is granted restraining the Respondents whether by themselves or through their agents, Servants, privies or otherwise, from demolishing any of the Applicants' and others' homes, business premises, properties or community facilities in Island communities across Lagos or evicting the Applicants or others therefrom pending the hearing of the Motion on Notice and/or the conclusion of the substantive suit.
2. That an Order of Interim Injunction is granted restraining the Respondents themselves or through their agents, servants, privies or otherwise, from harassing the 1st - 4th Applicants and other unlawfully evicted residents of Okun Ayo or Tarkwa Bay communities with shooting of guns, other violent attacks, threats of arrest or arrest of persons for simply being in the community pending the hearing of the Motion on Notice the hearing of the substantive suit.
3. That only the above 2 prayers (1 and 2) of the Interim application are granted pending the hearing of the Motion on Notice when the Respondents shall show cause.


 HON. JUSTICE A. M. LIMAN
 PRESIDING JUDGE




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- 4. That the Interlocutory Order of Injunction cannot be made until the hearing of the substantive fundamental Right Applicant.
- 5. That the Motion for Interlocutory Injunction/or substantive application shall be heard on the 13th day of February 2020

ISSUED AT LAGOS, UNDER THE seal of this Honourable Court and by the Hand of the presiding Judge this 30th day of January 2020..

Imoh Bassey
IMOH BASSEY
 REGISTRAR.

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