



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM... 20-6-2025... SUIT No. Ashhadokhadei/177/25

IN THE HIGH COURT OF JUSTICE

LAND DIVISION
KUMASI - A.D.2025

ABUSUAPANYIN ODENEHO ODEHYEE

Plaintif

NANABA KWABENA BADU Suing For and on Behalf of.
HUAHI ACHAMA TUTUWAA ROYAL FAMILY
OF BOADI PER HIS LAWFUL ATTORNEY
NANA KWESI OSEI BONSU
(House No. Plot 10 Block K, Boadi)

VERSUS

1. KWAME NKURUMAH UNIVERSITY

OF SCIENCE & TECHNOLOGY (KNUST)
(Office of the Vice-Chancellor
KNUST Campus, Kumasi)

Defendants*

2. LANDS COMMISSION

(Regional Office, Kumasi)

TO

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff **ABUSUAPANYIN ODENEHO ODEHYEE**

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you.

1. **KWAME NKURUMAH UNIVERSITY** 2. **LANDS COMMISSION**

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you. 1. **KWAME NKURUMAH UNIVERSITY**

2. LANDS COMMISSION

Dated this 25th day of JUNE 2025

Chief Justice of Ghana **P. BAFFOE-BONNIE**

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he desire give notice of appearance by post.

*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

**State name, place of residence or business address of defendant (not P.O. Box number).

STATEMENT OF CLAIM

The Plaintiff claims against the Defendants the following reliefs:

- a. A declaration that the purported lease executed in favour of the 1st Defendant by the Government of Ghana, affecting 1298.33 acres of land located at Boadi locality, as delineated in a Plan of Land approved by the Director of Survey on December 18, 2020, and bearing Regional Number SGA/A296/2019, is unlawful, unconstitutional, and void ab initio.
- b. An order directed at the Lands Commission to cancel and to expunge all records, registrations and certificates affecting the lands described in relief (a) and made in favour of the 1st Defendant and any person claiming through the 1st Defendant
- c. A permanent order prohibiting the 1st Defendant from alienating, leasing, mortgaging, selling or in any manner whatsoever transferring any interest in any portion of the lands of the Plaintiffs at Boadi, to any person.
- d. An order directed at the Lands Commission to process and to register in its records this judgement of the Court.
- e. Damages.
- f. Costs.
- g. Such further or other reliefs as the Honourable Court may see fit to grant.

This writ was issued by **PROFESSOR NANA OPPONG, ESQ.**

Whose address for service is **"DIDA" CHAMBERS**
H/NO. MDN 603
AKOSOMBO JUNCTION NEW ROAD. MADINA ACCRA
TELEPHONE: 02799-45678
email: duediligencecompany@gmail.com

Agent for **PLAINTIFF**

Address Number and date of lawyer's current licence No. **eGAR 04706/25**

Lawyer for the plaintiff who resides at **ACCRA**

PROFESSOR NANA OPPONG
KWAKUMI LAW CONSULT
DIDA CHAMBERS
P. O. BOX 67 2518
ACCRA

Indorsement to be made within 3 days after service

This writ was served by me at

on the defendant

on the

day of

endorsed

the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(LAND DIVISION)
KUMASI-AD 2025**

Suit No.....

ABUSUAPANYIN ODENEHO ODEHYEE
NANABA KWABENA BADU Suing For and on Behalf of
HUAHI ACHAMA TUTUWAA ROYAL FAMILY
OF BOADI PER HIS LAWFUL ATTORNEY
NANA KWESI OSEI BONSU
(House No. Plot 10 Block K, Boadi)

) Plaintiff

FILED ON 25/6/25
AT 10:17 AM/PM
REGISTRAR
HIGH COURT, KUMASI

versus

KWAME NKRUHMAH UNIVERSITY
OF SCIENCE & TECHNOLOGY (KNUST)
(Office of the Vice-Chancellor
KNUST Campus, Kumasi)

) 1st Defendant

LANDS COMMISSION
(Regional Office, Kumasi)

) 2nd Defendant

STATEMENT OF CLAIM

1. The Plaintiff is the Head of Family and the authorized representative of the Huahi Tutuwaa Achamaa Royal Family of Boadi in Ashanti Region (hereinafter referred to as “the Family”). He brings this action for and on behalf of the Family in order to protect and to preserve the Family’s lands at Boadi for the present and future generations of the Family.

2. The Family has at all materials times been the owners of 1298.33 acres of lands situated and lying at Benimasi-Boadi locality as more particularly described in a Plan of Land made in favour of the Family as owners and approved by Director of Survey on 18th December 2020 and bearing Regional Number SGA/A296/2019, duly stamped by the Land Valuation Division and marked as LVD/FC/ASR/2241/2021 (hereinafter referred to as “the Boadi lands”).

3. The first Defendant is a public educational institution for higher learning with its main campus in Kumasi, Ashanti. It claims to have acquired a lease granted by the Government of

Ghana to it in the year 20007 over the Boadi lands. Accordingly, the 1st Defendant claims interests in the Boadi lands that are adverse to interest of the Plaintiff.

4. The Defendant Lands Commission is the legal authority in charge of the registering of lands in Ghana and for issuing the appropriate title documents to persons, in accordance with law. The Lands Commission has a constitutional and statutory duty to be fair and reasonable in the conduct of all its affairs.

5. Although the Family is occasionally referenced as 'Oheneyere,' this designation is purely historical. This appellation pertains to the matriarch of the Family, serving as a memorial honorific. In actuality, the Family is comprised of the lineal descendants of the first Asantehene, and thus, their nexus to the King is not through a spousal relationship but rather by consanguinity.

6. The Plaintiff avers that the family comprises the lineal descendants of Oheneyere Huahi Yaa Achama Tutuwaa, the revered and lawfully wedded spouse of His Majesty, Asantehene Otumfuo Osei Tutu I. The matrimonial union between the King and Oheneyere Huahi Yaa Achama Tutuwaa culminated in a unique and historically significant genealogy, solidified by the procreation of their daughter, Nana Konadu Afia Ofi.

7. The Plaintiff family, representing the lineal descendants of Oheneyere Huahi Achama Tutuwaa, asserts their indefeasible title and unencumbered ownership, possessory, customary, and beneficial rights over the Boadi lands. These rights stem from a valid inter vivos gift of the lands from Asantehene Otumfuo Osei Tutu I to his wife, Oheneyere Huahi Achama Tutuwaa, in her personal capacity, and have been continuously exercised for generations in accordance with Asante customary law and the laws of Ghana.

8. The Family's proprietary rights over the subject lands were duly adjudicated and affirmed by the K.M.A Circuit Court in the matter entitled: Abusuapanin Odeneho Odehye Nanaba Kwabena Badu v. Nana Kwame Adu and Mr. Wobil, bearing Court File No. A1/73/2023.

9. Under the laws of Ghana, only the Head of Family has the power and the authority to act for and on behalf of the Family in respect of all significant Family interests, including the alienation of the Boadi lands and the making of lawful contracts affecting the Family's interests.

10. Furthermore, the Plaintiffs assert that no past act of alienation concerning any portion of the Boadi lands can legally alter the established principles of family law in Ghana or divest the Family of its inherent rights. The Head of Family retains their status as the duly authorised representative, empowered to initiate and defend legal actions for and on behalf of the Family.

11. That the Head of Family is unequivocally vested with the legal right and authority to alienate the Family's lands at all material times. Any prior purported alienation of Family lands by an individual, regardless of its occurrence, has not, and does not, effect an amendment to the established laws of Ghana pertaining to the inherent power and authority of the Head of Family.

12. That all lineal descendants, including Nana Konadu Afia-Ofi and grandchildren, of the matriarch are, by extension, recognized as the progeny of the first Asantehene. This specific designation or customary position neither alters nor has the legal effect of altering the established principles governing the role and authority of the Family Head within the Family unit, nor does it diminish the vested rights of the Family concerning its landholdings.

13. Since the Family inherited the Boadi lands generations ago, the Family has been in lawful, open, controlled and uninterrupted possession over same. Indeed, with respect to the issue of the ownership interest of the Family in the Boadi lands, this is proved by undisputed settlement of the Family in Boadi and further, by the fact that the Family has since time immemorial executed hundreds of leases to third parties unchallenged. .

14. The Plaintiffs assert the Family's possessory, beneficial, and legal interests in the lands are legally recognized and registrable. This aligns with Section 2 of the Land Act 2020 (Act 1036), which defines allodial title—the highest form of land ownership—and its various modes of acquisition (e.g., conquest, settlement, gift, purchase). The Act's framework solidifies the Family's inherent land rights and their capacity for formal registration with the Lands Commission.

15. The Plaintiff avers that at no material time has the First Defendant lawfully dispossessed the Family of its lands situated at Boadi. The execution of a purported lease agreement between the State and the First Defendant did not, at any juncture, result in the ouster of the Family from the Boadi lands. Therefore, even assuming, solely for the sake of argument and without any admission, that the First Defendant possessed a valid leasehold interest in the Boadi lands—an assertion expressly denied—any such alleged interest has been conclusively defeated by the continuous adverse possession of the Boadi lands by the Family throughout all material times. The Family hereby pleads and expressly relies upon the legal doctrine and principles of adverse possession against the First Defendant.

16. The Family avers that, even assuming arguendo and without admission—an assertion expressly denied—that the First Defendant held a leasehold interest in the Boadi lands from the Government of Ghana, the Family has maintained continuous and uninterrupted possession of these lands throughout all material times. This possession has been openly, notoriously, and adversely exercised against the First Defendant's purported interests. Therefore, in refuting the First Defendant's claims, the Family specifically pleads and relies upon the provisions of the Limitations Act against the First Defendant.

17. The Plaintiffs avers that the First Defendant possesses no lawful interest or proprietary rights whatsoever in the Boadi lands. The entirety of the First Defendant's claims is predicated upon the alleged interest of the Government of Ghana in the Boadi lands, which at all material times has been devoid of any legal basis. Specifically, the Government of Ghana has never held any right or authority to lease, alienate, or otherwise lawfully grant any portion of the Family's Boadi lands to the First Defendant. The Plaintiffs hereby plead and expressly rely upon the fundamental legal principle of *Nemo dat quod non habet* to rebut any assertion of lawfulness regarding the purported lease claimed by the First Defendant from the Government of Ghana concerning the Boadi lands.

18. That Indeed, an official Search Report, bearing Certificate of Search Number KSI. 239/2021, issued by the Regional Lands Officer on 29th January 2021 (acting in the capacity of the Second Defendant), categorically affirms the Plaintiffs' legitimate rights to the Boadi lands. This report further confirms that these rights are unencumbered by the purported lease claimed by the First Defendant. This documentary evidence logically supports the Plaintiffs' position regarding their unblemished proprietary interest in the subject lands.

19. The Plaintiffs avers that the Boadi lands are unequivocally **Family lands**, not stool lands, notwithstanding any historical royal association. Consequently, the Government of Ghana lacked the requisite authority to vest these lands at any material time, as the power of presidential vesting was, and remains, exclusively applicable to stool lands. Even assuming, purely for the sake of argument and without any admission (an assertion expressly denied), that the Boadi lands were indeed stool lands, the 1992 Constitution expressly prohibited the vesting of stool lands subsequent to its promulgation. Therefore, the Government of Ghana could not have possessed any lawful interest in the Boadi lands, enabling it to grant same to the First Defendant following the expiration or surrender of the First Defendant's purported lease in 2007.

20. Plaintiff avers that as of 2007, upon the expiration or purported surrender of the First Defendant's alleged lease affecting the Boadi lands, the 1992 Constitution unequivocally mandated that private lands could not be utilized, taken, or controlled by the State unless compulsorily acquired in strict adherence to the prescribed constitutional procedures. No such compulsory acquisition has transpired. The Government of Ghana has, at no material time, compulsorily acquired the Boadi lands in accordance with law. Indeed, no legislative instrument has ever been enacted to initiate or complete any lawful due process, including the provision of proper notice, fair and adequate compensation, or a lawful acquisition of the Boadi lands as mandated by the 1992 Constitution. This absence of constitutional compliance renders any State claim over the Boadi lands legally untenable.

21. Thus, as of 2007, when the First Defendant purportedly acquired a new lease over the Boadi lands from the Government of Ghana, the State possessed no power, right, or authority to alienate any portion of these lands or to grant any leasehold interest affecting them in favor of the First Defendant. Consequently, any purported grant of a lease over the Boadi lands from the Government to the First Defendant is unconstitutional, null, and void ab initio. The

First Defendant therefore holds no valid leasehold interest in any portion of the Boadi lands. Logically, the State has never possessed any lawful interest or proprietary right in the Plaintiffs' lands that it could have lawfully conveyed or leased to the First Defendant.

22. As the Family has been in possession of the Boadi lands at all material times, it is legally presumed to be the owner thereof. The burden of proof to rebut this presumption and establish a contrary claim rests squarely upon the First Defendant or any other party asserting an adverse interest.

23. The Plaintiffs Plead and rely upon adverse possession, laches, estoppel, acquiescence, and the Limitation Act against the first Defendant at all material times in support of this action.

24. WHEREFORE the Plaintiffs claims against the Defendants the following reliefs:

- a). A declaration that the purported lease executed in favour of the First Defendant by the Government of Ghana, affecting 1298.33 acres of land located at Boadi locality, as delineated in a Plan of Land approved by the Director of Survey on December 18, 2020, and bearing Regional Number SGA/A296/2019, is unlawful, unconstitutional, and void ab initio.
- b). An order directed at the Lands Commission to cancel and to expunge all records, registrations and certificates affecting the lands described in relief (a) and made in favour of the 1st Defendant and any person claiming through the 1st Defendant
- c). A permanent order prohibiting the 1st Defendant from alienating, leasing, mortgaging, selling or in any manner whatsoever transferring any interest in any portion of the lands of the Plaintiffs at Boadi, to any person.
- d). An order directed at the Lands Commission to process and to register in its records this judgement of the Court.
- e). Damages.
- f). Costs
- h). Such further or other reliefs as the Honourable Court may see fit to grant.

Dated at Accra this 3rd day of June, 2025

PROFESSOR NANA OPPONG
KWAKU NTI LAW CONSULT
DIDA CHAMBERS
P. O. BOX 2518
ACCRA

Professor Nana Oppong
Kwaku Nti Law Consult
(License No. EGAR04706/25
Solicitors for the Plaintiff
"DIDA" Chambers H/No. MDN 603
Akosombo Junction New Road. Madina Accra
Tel:02799-45678; duediligencecompany@gmail.com

To: The Registrar
High Court
Kumasi

And To: The above-named Defendants upon whom the Plaintiffs shall direct service