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**IN THE HIGH COURT OF EKITI STATE**  
**IN THE IJERO-EKITI JUDICIAL DIVISION**  
**HOLDEN AT IJERO-EKITI**

SUIT NO: HIJ/13/2023

**BETWEEN:**

1. **HRM OBA OLADIPUPO KOLADE**  
**The Olupoti of Ipoti-Ekiti**
2. **HIGH CHIEF OLUWOLE SUNDAY AKODU**  
**(Sajiyán of Ipoti-Ekiti)**
3. **HIGH CHIEF SUNDAY SAMUEL BABAJIDE**  
**(Ajana Owa of Ipoti-Ekiti)**  
*(For themselves and on behalf of the people, indigenes and residents of Ipoti-Ekiti town in Ekiti State)*

**CLAIMANTS/  
APPLICANTS**

**AND**

1. **THE GOVERNOR OF EKITI STATE**
2. **THE ATTORNEY-GENERAL OF EKITI STATE**
3. **OBA ADEKUNLE ADESESAN ADEPOJU**  
**The Obalaaye of Ejiyan-Ekiti**  
*(For Himself and on behalf of all those who claim Ejiyan-Ekiti as their town and residence)*
4. **OBA DAVID OLAWUMI OLOFINLADE**  
**The Oloja Owa of Owatedo-Ekiti**  
*(For Himself and on behalf of all those who claim Owatedo-Ekiti as their town and residence)*

**DEFENDANTS/  
RESPONDENTS**

HIGH COURT OF JUSTICE  
25 SEP 2023  
IJERO-EKITI, EKITI STATE.  
NIGERIA

*Case paid*

*Cap 60750004*

**MOTION ON NOTICE**  
**BROUGHT PURSUANT TO ORDER 38 RULE 2 & 4 OF THE HIGH COURT**  
**OF EKITI STATE (CIVIL PROCEDURE) RULES 2020 AND THE INHERENT**  
**POWER OF THIS HONOURABLE COURT**

**TAKE NOTICE** that the Honourable Court will be moved on ..... day of ..... 2023 at 9 O'clock in the forenoon or so soon thereafter as Counsel may be heard on behalf of the **CLAIMANTS/APPLICANTS** for the following orders:

- (i) An order of interlocutory injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and/or officers or agencies of the Ekiti State Government acting under the authority, directions, or control of the 1<sup>st</sup> Defendant from taking any step or proceeding with the planned delineation of

boundaries between Ipoti-Ekiti and any of the new towns known as Ejiyan-Ekiti and Owatedo-Ekiti pending the determination of this suit.


- (ii) An order of interlocutory injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and/or officers or agencies of the Ekiti State Government acting under the authority, directions or control of the 1<sup>st</sup> Defendant from giving possession or ceding control of any land, property or any institution in Ipoti-Ekiti to the 3<sup>rd</sup> and/or 4<sup>th</sup> Defendants or renaming **IPOTI HIGH SCHOOL** to **EJIYAN HIGH SCHOOL** pending the determination of this suit.
- (iii) An order of interlocutory injunction restraining the 3<sup>rd</sup> and 4<sup>th</sup> Defendants, their Chiefs, Servants, Agents or Privies from taking possession or control of any land, property or institution situated in any part of **IPOTI-EKITI** or which formed part of **IPOTI-EKITI** prior to the recognition of Ejiyan-Ekiti and Owatedo-Ekiti as autonomous communities or dealing with the land, property or institution in any manner whatsoever pending the determination of this suit.
- (iv) Such further order or other as this Honourable Court may deem fit to make in the circumstances.

**TAKE FURTHER NOTICE** that the grounds on which application is brought are as follows:

1. The Claimants have instituted an action in this Honourable Court whereby they claimed against the Defendants declaratory and injunctive reliefs in respect of the land, property and institutions situated and located at Ipoti-Ekiti.
2. The orders of interlocutory injunction are being sought for the preservation of the res and for all parties to maintain the status quo ante bellum until the substantive suit is determined by this Honourable Court.
3. It is essential that the orders of interlocutory injunction be made so that this Honourable Court will not be presented with a fait accompli by the time judgment is delivered in this suit.
4. The Claimants are ready and willing to give an undertaking as to damages if the orders of interlocutory injunction are granted by this Honourable Court.

DATED THIS.....<sup>25<sup>th</sup></sup>.....DAY OF.....<sup>SEPTEMBER</sup>.....2023



  
OLATUNDE ADEJUYIGBE, SAN  
OKECHUKWU TAGBOO DIKE  
RICHARD ABDULAH  
MOJISOLA OBANEWO  
FEMI FAMILUSI  
FELIX ADEWUMI  
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TOFUNMI AKINSELURE  
CLAIMANTS' COUNSEL  
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c/o **FEMI FAMILUSI & CO,**  
SUITE B11 & 12,  
OLUWAFEMIDELE SHOPPING COMPLEX,  
BESIDE OKE-ILA POLICE STATION,  
FEDERAL HOUSING ROAD,  
ADO-EKITI,  
EKITI STATE.

**FOR SERVICE ON:**

1. THE 1<sup>ST</sup> DEFENDANT,  
**GOVERNOR OF EKITI STATE,**  
GOVERNOR'S OFFICE,  
ADO-EKITI,  
EKITI STATE.
2. THE 2<sup>ND</sup> DEFENDANT,  
**ATTORNEY-GENERAL OF EKITI STATE,**  
MINISTRY OF JUSTICE,  
ADO-EKITI,  
EKITI STATE.

3. THE 3<sup>RD</sup> DEFENDANT  
c/o HIS COUNSEL  
**A.O. OKEYA ESQ.**  
A.O. OKEYA & ASSOCIATES  
ARENA PLAZA, OPP. SIMILOLUWA,  
UTH ROAD, ADO-EKITI.  
08032162742
  
4. THE 4<sup>TH</sup> DEFENDANT,  
**OBA DAVID OLAWUMI OLOFINLADE**  
THE PALACE OF OLOJA OWA,  
OWATEDO-EKITI,  
EKITI STATE.

**IN THE HIGH COURT OF EKITI STATE**  
**IN THE IJERO-EKITI JUDICIAL DIVISION**  
**HOLDEN AT IJERO-EKITI**

SUIT NO: HIJ/13/2023

**BETWEEN:**

1. **HRM OBA OLADIPUPO KOLADE**  
**The Olupoti of Ipoti-Ekiti**
2. **HIGH CHIEF OLUWOLE SUNDAY AKODU**  
**(Sajiyan of Ipoti-Ekiti)**
3. **HIGH CHIEF SUNDAY SAMUEL BABAJIDE**  
**(Ajana Owa of Ipoti-Ekiti)**  
*(For themselves and on behalf of the  
people, indigenes and residents of  
Ipoti-Ekiti town in Ekiti State)*

CLAIMANTS/  
APPLICANTS

**AND**

1. **THE GOVERNOR OF EKITI STATE**
2. **THE ATTORNEY-GENERAL OF EKITI STATE**
3. **OBA ADEKUNLE ADESESAN ADEPOJU**  
**The Obalaaye of Ejiyan-Ekiti**  
*(For Himself and on behalf of all those who claim  
Ejiyan-Ekiti as their town and residence)*
4. **OBA DAVID OLAWUMI OLOFINLADE**  
**The Oloja Owa of Owatedo-Ekiti**  
*(For Himself and on behalf of all those who claim  
Owatedo-Ekiti as their town and residence)*

DEFENDANTS/  
RESPONDENTS

**AFFIDAVIT IN SUPPORT**

I, **High Chief Oluwole Sunday Akodu**, Adult, Male, Nigerian, of **Akodi Sajiyan, Ipoti-Ekiti** do hereby make oaths and state as follows:

1. I am the Sajiyan of Ipoti Ekiti and the 2<sup>nd</sup> Claimant in this suit. The 1<sup>st</sup> and 3<sup>rd</sup> Claimants and I instituted this action for ourselves and on behalf of the people, indigenes and residents of Ipoti-Ekiti in Ekiti State.
2. I have the consent and authority of the 1<sup>st</sup> and 3<sup>rd</sup> Claimants to depose to this affidavit in support of the Claimants' application for orders of interlocutory injunction dated the **25<sup>th</sup> day of September 2023**.

3. The reliefs claimed against the Defendants vide our Writ of Summons and Statement of Claim dated the **18<sup>th</sup> day of August 2023** are as follows:

- (i) A declaration that in the absence of any legal instrument which specifies the location, extent and boundaries of Ejiyan-Ekiti and Owatedo-Ekiti towns respectively (out of Ipoti-Ekiti) with definitive certainty, the recognition of the two towns as autonomous communities by the Ekiti State Government is invalid, improper, an abstract and the same is null and void ab initio.
- (ii) A declaration that in the absence of any legal instrument which defines the precise location, extent and boundaries of Ejiyan-Ekiti and Owatedo-Ekiti, the 3<sup>rd</sup> and 4<sup>th</sup> Defendants have no right or authority to take possession or control of any school, land or properties which formed part of Ipoti-Ekiti prior to the time the Ekiti State Government granted autonomy to the faction of Ejiyan and Owa clans as Ejiyan Ekiti and Owatedo-Ekiti respectively.
- (iii) A declaration that the proposed delineation of boundaries between Ipoti-Ekiti and any of the abstractions known as Ejiyan-Ekiti and Owatedo-Ekiti and which was sanctioned by the 1<sup>st</sup> Defendant is improper, unwarranted, baseless and unjustifiable in that the Ejiyan-Ekiti and Owatedo-Ekiti have no land anywhere and shares no boundary with Ipoti-Ekiti.
- (iv) A declaration that the decision of the Ekiti State Government under the leadership of the 1<sup>st</sup> Defendant to commence the delineation of boundaries between Ipoti-Ekiti and Ejiyan-Ekiti and Owatedo-Ekiti after the wrongful and improper recognition of the two towns is wrongful, invalid, irrational and detrimental to the interest of the indigenes of Ipoti-Ekiti.
- (v) An order of perpetual injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants or any officer or agent of the Ekiti State Government from taking any action or step towards the delineation of boundaries between Ipoti-Ekiti and any of the abstractions accorded recognition as autonomous communities in the name of Ejiyan-Ekiti and Owatedo-Ekiti respectively.

- (vi) An order of perpetual injunction directing the 1<sup>st</sup> Defendant to dissolve forthwith any committee constituted to embark on the delineation of boundaries between Ipoti-Ekiti and any of the “**new-towns**” known as Ejiyan-Ekiti and Owatedo-Ekiti respectively.
  - (vii) A declaration that the 3<sup>rd</sup> Defendant’s request to the Ekiti State Government to rename Ipoti High School which is in the domain of the 1<sup>st</sup> Claimant to Ejiyan High School is unlawful, improper and unjustifiable.
  - (viii) An order of Perpetual Injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and officers of the Ekiti State Government and anyone acting on its behalf from renaming **IPOTI HIGH SCHOOL** to **EJIYAN HIGH SCHOOL** or ceding control of any land, property or public institution or agency which is located in Ipoti-Ekiti to the 3<sup>rd</sup> and 4<sup>th</sup> Defendants.
  - (ix) An order of Perpetual Injunction restraining the 3<sup>rd</sup> and 4<sup>th</sup> Defendants their chiefs, servants, agents or privies from claiming ownership or taking possession or control of any school, land or property located in any part of Ipoti-Ekiti or which formed part of Ipoti-Ekiti prior to the grant of autonomy to the faction of Ejiyan clan and the faction of Owa clan in the name of Ejiyan-Ekiti and Owatedo-Ekiti respectively.
4. The factual premise of our action as set out in the Statement of Claim is as follows:

- (i) **Ipoti-Ekiti** came into existence when **IPO/IDOFIN** and **OWA** hunters met at **IMUJA ODE** in the course of their hunting expeditions. The hunters agreed to invite their people to join them at the place where they had settled. Ejiyan later joined them at **IMUJA ODE** where **IPO/IDOFIN** and **OWA** had already settled.
- (ii) From the time **Ipoti-Ekiti** came into existence, the indigenes never maintained separate identity under any of the principal clans as they all in unison described themselves as indigenes of **Ipoti-Ekiti**.

- (iii) None of the three principal clans which coalesced into **Ipoti-Ekiti** occupied a separate and distinct location from the others. None of the three clans held title to any parcel of land in the town as the people lived together without demarcation of boundaries or identifiable territories.
- (iv) The whole of **Ipoti-Ekiti** constitute the domain of the 1<sup>st</sup> Claimant over which he exercised authority as the **Olupoti of Ipoti-Ekiti**.
- (v) The people of **Ipoti-Ekiti** comprising indigenes and residents have lived together peacefully for hundreds of years with their families and very many of them own their houses and carry on their businesses in the town with a sense of pride in one accord.
- (vi) Due to the incessant agitations for autonomy by certain communities in Ekiti State, the Ekiti State Government in **October 2009** set up an Advisory Panel to prescribe the guidelines to be followed in granting autonomy to requesting communities and for recognition of Head Chiefs to become Obas.
- (vii) The Eight-member Advisory Panel under the Chairmanship of **Justice D.A. Omotade (Rtd)** submitted its report in **March 2010** and stipulated the following criteria inter alia for granting autonomy to requesting communities and recognition of head chiefs to become Obas:
- (a) The applicant community should be a distinct, separate and determinable one.
  - (b) If the community is enclosed within the mother community that has a recognised Chief or Oba, the applicant community should be easily identifiable by the terms of its determinable territory or settlement.
  - (c) The applicant community may have or may not have its own land but must be permanently resident on one with clearly discernable boundaries.



- (d) The applicant settlement should have its traditional market(s), quarters/streets and identifiable traditional heads and hierarchy of chiefs.

A copy of the Report is attached as **EXHIBIT A**.

- (viii) A faction of the Ejiyan clan submitted a request to the Advisory Panel for recognition as an autonomous community to be known as Ejiyan-Ekiti with a recognized Oba with the title of Obalaaye of Ejiyan-Ekiti. I and a good number of those who belong to Ejiyan clan opposed the agitation for autonomy and are still part of Ipoti-Ekiti till date.
- (ix) The Report of the Advisory Panel on agitations by some communities for autonomy and recognition of their chieftaincy tools made in **March 2010** shows that the Advisory Panel inexplicably jettisoned the criteria stipulated for the grant of autonomy to requesting communities and made a recommendation to the Ekiti State Government for the recognition of a faction of Ejiyan clan as an autonomous community in the name of Ejiyan-Ekiti and Obalaaye of Ejiyan-Ekiti as its Oba.
- (x) The recommendation made by the Advisory Panel to the Ekiti State Government for the recognition of the faction of Ejiyan clan as an autonomous community was made in vacuo as there is no specific place with definite and ascertainable boundary which belongs to the faction of Ejiyan clan and deserved recognition as an autonomous community.
- (xi) The Ekiti State Government accepted the flawed recommendation of the Advisory Panel and acted on the same by its wrongful recognition of the faction of Ejiyan clan as an autonomous community in the name of Ejiyan-Ekiti. The State Government also recognized Obalaaye of Ejiyan-Ekiti under the Chiefs Law of Ekiti State.
- (xii) In **February 2019**, the Ekiti State Government set up a Commission of Inquiry for Chieftaincy Review under the Chairmanship of the **Hon. Justice J.B.K. Aladejana** to consider agitations for the review of the status of traditional

rulers, existing chieftaincy declarations and requests for autonomous status.

- (xiii) The faction of Owa clan made a request to the Commission of Inquiry for recognition as an autonomous community in the name of Owatedo-Ekiti and a recognized Chieftaincy as Oloja Owa of Owatedo-Ekiti.
- (xiv) The Commission of Inquiry made recommendation to the Ekiti State Government for recognition of the faction of Owa Clan as an autonomous community in the name of Owatedo-Ekiti with a recognized Chieftaincy to be known as Oloja Owa of Owatedo-Ekiti though the faction of the clan did not satisfy the criteria laid down in the guidelines for grant of autonomous status to communities published in the Report of the Advisory Panel.
- (xv) The Ekiti State Government published its White Paper on the Report of the Commission of Inquiry in **December 2019** and resolved that the faction of Owa clan in Ipoti-Ekiti and its traditional Head - Oloja Owa are recommended to be recognized as a town and an Oba respectively. A copy of the White Paper is attached as **EXHIBIT B**.
- (xvi) The recognition of the faction of Owa clan as an autonomous community known as Owatedo-Ekiti was made in vacuo as its location, extent and boundary is neither known nor ascertainable with definitive certainty.
- (xvii) When the Ekiti State Government realized its fatal blunder in granting autonomous status to Ejiyan-Ekiti and Owatedo-Ekiti without reference to any location with definite and ascertainable boundaries, it took a belated step to determine the boundaries of Ipoti-Ekiti and the **"two new towns"** in **November 2020** when a request was made to the Ijero Local Government Traditional Council to nominate three royal fathers who will serve on a committee on Boundary delineation between Ipoti-Ekiti, Ejiyan-Ekiti and Owatedo-Ekiti. The letter dated 2<sup>nd</sup> **November 2020** written by the Ijero Local Government Traditional Council to the Chairman, Ekiti State Bureau of Chieftaincy Affairs to the Chairman, invitation of the 1<sup>st</sup> Claimant to a meeting concerning

delineation of boundary between Ipoti, Owatedo and Ejiyan by the Ekiti State Boundary Commission vide its letter of **21<sup>st</sup> December, 2020**. Copies of the letters are attached as **EXHIBITS C & D** respectively.

- (xviii) The Ekiti State Government, in the bid to cede parts of Ipoti-Ekiti land to the **“new towns”** known as **Ejiyan-Ekiti** and **Owatedo-Ekiti** devised an unconscionable stratagem tagged **“delineation of boundaries between Ipoti-Ekiti, Ejiyan-Ekiti and Owatedo-Ekiti”** when it is certain that the two (2) **“new towns”** have no land anywhere hence the issue of delineation of boundaries between Ipoti-Ekiti and the **“new towns”** does not arise.
- (xix) The 1<sup>st</sup> Defendant has wrongly sanctioned the delineation of boundaries between Ipoti-Ekiti and the two (2) **“new towns”** with a view to transferring the land of **Ipoti-Ekiti** to **“Ejiyan-Ekiti”** and **“Owatedo-Ekiti”** as the **“new towns”** have no title, rights or interest in any land within **Ipoti-Ekiti**.
- (xx) The impending delineation of boundaries between **Ipoti-Ekiti** and the two (2) **“new towns”** is prejudicial and inimical to the rights and interest of the Claimants and indigenes of **Ipoti-Ekiti** as it is designed to excise a vast expanse of land which belongs to the indigenes of **Ipoti-Ekiti** and vest the same in the 3<sup>rd</sup> and 4<sup>th</sup> Defendants and indigenes of **Ejiyan-Ekiti** and **Owatedo-Ekiti**.
- (xxi) The 3<sup>rd</sup> and 4<sup>th</sup> Defendants whose towns are non-existent within Ipoti-Ekiti have been arrogating to themselves the powers to take control of properties and schools which fall within Ipoti-Ekiti in the domain of the 1<sup>st</sup> Claimant.
- (xxii) The wrongful acts and conduct of the 3<sup>rd</sup> and 4<sup>th</sup> Defendants in claiming ownership of properties which belong to the people of Ipoti-Ekiti constitute a major threat to the peace of Ipoti-Ekiti and the safety and security of its people who are in the domain of the 1<sup>st</sup> Claimant.
- (xxiii) The 3<sup>rd</sup> Defendant's Solicitors, **A.O. Okeya & Associates** vide a letter dated **12<sup>th</sup> April, 2023** to the 1<sup>st</sup> Defendant made a rather presumptuous request that Ipoti High School

which is within the domain of the 1<sup>st</sup> Claimant be renamed as Ejiyan High School. A copy of the letter is attached as **EXHIBIT E**.

(xxiv) The 3<sup>rd</sup> Defendant's Solicitors **Adeola Omotunde, SAN & Co** delivered letters to notable indigenes of Ipoti-Ekiti one of which is a letter dated **31<sup>st</sup> August 2022** written to **Mr. Joseph Arogundade** where he claimed ownership of their land for and on behalf of the 3<sup>rd</sup> Defendant. A copy of the letter is attached as **EXHIBIT F**.

(xxv) The land, properties and school which formed part of Ipoti-Ekiti prior to the grant of autonomy to Ejiyan-Ekiti and Owatedo-Ekiti are all still part of Ipoti-Ekiti hence neither the 3<sup>rd</sup> nor 4<sup>th</sup> Defendant has any legal right or authority over the land, properties and school in Ipoti-Ekiti.

5. I am aware that though all the Defendants have been served with the Writ of Summons and Statement of Claim in this suit, yet agencies of the Ekiti State Government under the control of the 1<sup>st</sup> Defendant particularly the Ekiti State Bureau of Chieftaincy Affairs and Ekiti State Boundary Commission who are acting in concert with the 3<sup>rd</sup> and 4<sup>th</sup> Defendants are taking steps towards the planned delineation of boundaries between Ipoti-Ekiti and the two new towns in a manner that will be prejudicial to the final determination of this suit by this Honourable Court.
6. I know that the said agencies of the Ekiti State Government are acting on the instructions of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and shall on completion of the planned delineation of boundaries between Ipoti-Ekiti and the two new towns give possession of parcels of land and properties situated at Ipoti-Ekiti to the two new towns and cede control of the land and properties in the domain of the 1<sup>st</sup> Claimant to the 3<sup>rd</sup> and 4<sup>th</sup> Defendants respectively before the final determination of this suit by this Honourable Court.
7. I know that the 3<sup>rd</sup> Defendant's request for the renaming of Ipoti high School to Ejiyan High School is being considered by the 1<sup>st</sup> Defendant and there is a high probability that the 1<sup>st</sup> Defendant will accede to the request before the final determination of this suit by this Honourable Court.

8. The 3<sup>rd</sup> and 4<sup>th</sup> Defendants together with those claiming to be indigenes of Ejiyan-Ekiti and Owatedo-Ekiti are laying claim to ownership of parcels of land situated at Ipoti-Ekiti and making intense moves to wrest control of the land from indigenes of Ipoti-Ekiti who are currently in possession of the same without waiting for the determination of this suit by this Honourable Court.
9. It is essential that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and agencies of the Ekiti State Government under the control of the 1<sup>st</sup> Defendant be restrained by this Honourable Court from proceeding with the planned delineation of boundaries between Ipoti-Ekiti and the new towns known as Ejiyan-Ekiti and Owatedo-Ekiti respectively or giving possession of any land which is situated at Ipoti-Ekiti to the 3<sup>rd</sup> or 4<sup>th</sup> Defendant or renaming Ipoti-High School or any institution situated at Ipoti-Ekiti to Ejiyan High School pending the determination of this suit otherwise the Claimants and indigenes of Ipoti-Ekiti shall be dispossessed of their land and many of them will be rendered homeless and be deprived of the land they use for their farming occupation.
10. I know that unless the 3<sup>rd</sup> and 4<sup>th</sup> Defendants are restrained by this Honourable Court they and indigenes of the new towns called Ejiyan-Ekiti and Owatedo-Ekiti shall wrest control of parcels of land situated at Ipoti-Ekiti from the Claimants and indigenes of Ipoti-Ekiti who are currently in possession of the land before the final determination of this suit.
11. The Claimants and indigenes of Ipoti-Ekiti will suffer damage which cannot be compensated in monetary terms if the Defendants succeed in taking possession of land situated at Ipoti-Ekiti as they will suffer deprivations, kinship identity and homelessness.
12. It is desirable that the parties to this suit maintain the existing state of affairs in respect of the land, properties and institutions situated at Ipoti-Ekiti until this suit is determined by this Honourable Court.
13. The Claimants are ready and willing to give an undertaking as to damages if the orders of injunction sought in their application are granted by this Honourable Court.

4. I depose to this Affidavit in good faith honestly believing its content to be true and correct and in accordance with the Oaths Law.

*[Signature]*  
.....  
**DEPONENT**

**SWORN TO AT THE  
HIGH COURT OF JUSTICE,  
IJERO-EKITI, EKITI STATE**

THIS.....*25th*.....DAY OF.....*Sept.*.....2023

**BEFORE ME**

*[Signature]*  
**COMMISSIONER FOR OATHS**

*Keag yard*  
**HIGH COURT OF JUSTICE**  
25 SEP 2023  
IJERO-EKITI, EKITI STATE.  
NIGERIA

*CP 00980004*

SECRET

THE REPORT

OF THE

ADVISORY PANEL ON AGITATIONS BY  
SOME COMMUNITIES FOR AUTONOMY  
AND RECOGNITION OF THEIR  
CHIEFTAINCY STOOLS

SET UP BY

EKITI STATE GOVERNMENT

VOLUME ONE

ADO-EKITI  
MARCH, 2010

*Kayode Ogunpe*  
DEPARTMENT OF CHIEFTAINCY AFFAIRS  
OFFICE OF THE  
ADO-EKITI  
*K.O.S.*

CERTIFIED TRUE COPY

## REPORT ON EJIYAN-IPOTI COMMUNITY

3.0 As usual, the Panel met the two communities separately and then together.

### 3.1.0 MEETING WITH IPOTI

The meeting with Ipoti people was held on Tuesday, 1st December, 2009 at the Conference Hall, Old Governor's Office, Ado-Ekili.

3.1.1 The representatives of Ipoti people was led by HRH, Oba Elijah Oladele Ayen, the Olupoti of Ipoti. Ipoti people who spoke through Prince Olu Olajuyigbe and their Legal Adviser, Barr. L.O. Ogundele, stated as follows: that;

- (i) the agitation by the Ejiyan people started in 1955 when the son of Obalaaye was elected as a Councillor to represent Ipoti constituency,
- (ii) the Sajiyan of Ejiyan was senior to Obalaaye as revealed in the 1936 intelligence report,
- (iii) the Obalaaye had gone to court to pursue his demand in the past and had lost in many fronts,
- (iv) Inoti is made up of three quarters; Owa, Idofin (now Ipoti) and Ejiyan while the Owa are the owners of the land,
- (v) only a section of Ejiyan, especially those who are loyal to Obalaaye, were the people clamouring for autonomy,
- (vi) the letter of 1st September, 1982 by the Ondo State Government was wrong and misleading as the report of the fact-finding committee into the chieftaincy claim between the Obalaaye and the Sajiyan did not say the Obalaaye was a crowned Oba - see Annexure 1,
- (vii) the Senior Divisional Adviser, Ekili Division had set aside the report based on the fact that the Investigating committee acted outside its power - see Annexure 11.

*Kayode Ogundipe*  
DIRECTOR  
DEPARTMENT OF CHIEFTAINCY AFFAIRS  
OFFICE OF THE

CERTIFIED TRUE



3.9.0 RECOMMENDATIONS

On the basis of our findings and the need to uphold the justice of the case, it is recommended as follows:

- (i) that Government should recognize Ejlyan as an autonomous community
- (ii) that Government should grant recognition to the Obalaaye of Ejlyan as an OI
- (iii) that the provisions of Part I of the Chiefs Edict 1984 (as amended) be made applicable to the Obalaaye of Ejlyan Chieftaincy
- (iv) that both Ejlyan and Ipoti people should be advised to ensure that there is peace in their communities.

*Kayode Oyundipe*  
DEPARTMENT OF  
OFFICE OF  
SIGN: *KSO* 17/05/2023

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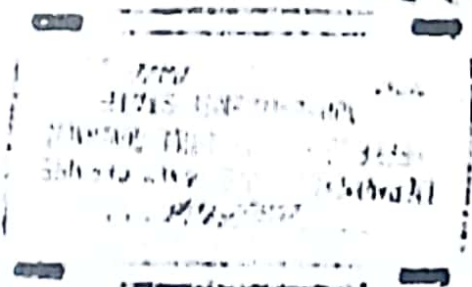
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GOVERNMENT  
OF  
EKITI STATE, NIGERIA

WHITE PAPER

ON THE  
REPORT OF THE HON. JUSTICE J.B.K.  
ALADEJANA CHIEFTAINCY REVIEW  
COMMISSION, 2019

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*Adegoye A.V.*  
DIRECTOR OF LEGAL SERVICES  
OFFICE OF THE ATTORNEY GENERAL  
AND SOLICITOR GENERAL  
EKITI STATE  
*[Signature]* 21/12/2019

DECEMBER, 2019

## CHAPTER 7

### RECOMMENDATIONS ON REQUESTS OF COMMUNITIES FOR AUTONOMY

#### Terms of Reference for Autonomy:

- To look into autonomy/recognition of Communities;
- To look into issues relating to the status of Obas and Chiefs; their paraphernalia of office and order of precedence

#### GENERAL OBSERVATIONS

1. Contrary to the believe and understanding of some communities and/or Traditional Rulers, it should be noted that granting autonomy to deserving communities is not based on the popularity of individual but on some hard facts on the historical origin and the possession of Royal Blood among other.
2. The Commission equally considered the following in recommending the deserving communities for the granting of autonomies and Recognition of their Head Chief as Obas thus: Historical Background, land ownership, Clear boundary, Antiquities/Paraphernalia's of office, Social amenities i.e. Market, Schools, Hospital, Palace, Chiefs etc

<p>27.</p> <p>Granting autonomy to Odooye Community under the name Odooye Ekiti and recognition of Olodooye Odooye Chieffaincy as an Oba.</p>	<p>Odooye Community, Ijero Ekiti</p>	<p>on pages 352-465 of Annexure 2, Volume 4 to this report and the report is on pages 472-492 of the Verbatim Report i.e. Annexure 5, Volume 2. <b>RECOMMENDATIONS</b> The application lacks merit.</p> <p><b>EVIDENCE BEFORE THE COMMISSION</b> This application together with its annexures is contained on pages 466-566 of Annexure 2, Volume 4 to this report and the report is on pages 156-160 and 286-314 of the Verbatim Report i.e. Annexure 5, Volume 2 and <b>RECOMMENDATIONS</b> The application lacks merit.</p>
<p>28.</p> <p>Memorandum on the recognition and grading of Oloja Owa Chieffaincy stool and granting autonomy to Owatedo Community</p>	<p>Owatedo Community, Ipoti Ekiti</p>	<p><b>EVIDENCE BEFORE THE COMMISSION</b> This application together with its annexures is contained on pages 567-1052 of Annexure 2, Volume 4 to this report and the report is on pages 161-178 and 314-335 of the Verbatim Report i.e. Annexure 5, Volume 2. <b>RECOMMENDATIONS</b> The application is meritorious. The Owatedo Community in Ipoti Ekiti has what it takes to be recognized as an autonomous town and its Traditional Head as Oba. The Owatedo Community in Ipoti Ekiti and its Traditional Head - Oloja Owa are recommended to be recognized as a town and an Oba respectively.</p>

2025

THE SECRETARY OF THE HOUSE OF REPRESENTATIVES, OYO STATE

**Government View:**

**Government accepts this recommendation**

4. The Commission should:
- (a.) advise the Governor on any matter relating to customary law or cultural affairs, intercommunal relations and efficiency matters.
  - (b) advise the Governor on the following:
    - (i) The maintenance of public order within the State, and
    - (ii) Such other matters as the Governor may direct

**Government View:**

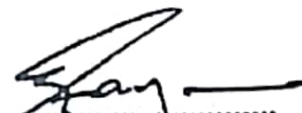
**Government accepts the recommendation**

5. that the existing law establishing the Customary Court of Appeal should be implemented.

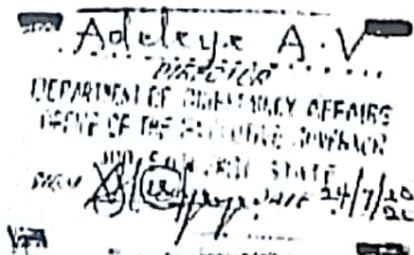
**Government View:**

Government notes the recommendation but observes that establishment of the Customary Court of Appeal is not just a creation of law, the concurrence of the National Judicial Council is required.

Approved by Ekiti State Executive Council on the 19<sup>th</sup> day of December, 2019.

  
Dr. John Kayode FAYEMI  
Governor of Ekiti State, Nigeria

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Adeleye A.V.  
DEPARTMENT OF CUSTOMARY AFFAIRS  
OFFICE OF THE GOVERNOR  
EKITI STATE  
24/12/2019

REPORT OF THE HON. JUSTICE J.B.K. ALADEJANA CHIEFTAINCY  
REVIEW COMMISSION

SIGNATURE PAGE

- i) Hon. Justice J.B.K. Aladejana - Chairman *B.K. Aladejana*
- ii) Professor Ishola Olomola - Member *Ishola Olomola*
- iii) Professor Umuale Ajayi - Member *Umuale Ajayi*
- iv) Mr. Ayoola Owolabi - Member *Ayoola Owolabi*
- v) Barrister Busuyi Ayorinde - Member *Busuyi Ayorinde*
- vi) Barrister Alaba Adeyemi - Legal Adviser *Alaba Adeyemi*
- vii) Mr. Remi Obaparusi - Secretary *Remi Obaparusi*

*Adedun A.V.*  
*21/7/2022*  
CERTIFIED  
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**BUREAU OF CHIEFTAINCY AFFAIRS**  
Old Governor's Office, Oke-Baroko, Ado-Ekiti, Ekiti State, Nigeria  
Tel: +234 906 297 0444 Email: bca@ekitistate.gov.ng

21<sup>st</sup> November, 2020

CD/JER/13/31/210

✓ The Chairman,  
Ijero Local Government Traditional Council,  
Ijero-Ekiti.

**NOMINATION OF THREE ROYAL FATHERS TO SERVE AS MEMBERS OF  
THE COMMITTEE ON THE BOUNDARY DELINEATION BETWEEN IPOTI-  
EKITI, EJIYAN EKITI AND OWATEDO-EKITI**

The State Government in recent times received petitions from Owatedo Ekiti and Ejiyan-Ekiti on alleged installation of minor Chiefs by HRM, Oba Oladipupo James Kolade, the Olupoti of Ipoti -Ekiti in their respective communities.


2. His Excellency, the Deputy Governor met with the two monarchs and one of the Ejiyan Community leaders in his office in a bid to resolve the matter and thereafter approved the constitution of a Committee to determine the boundaries of the three communities so as to prevent undue interference and preserve the sovereignty of each of the autonomous communities.

3. The composition of the Committee is as follows:

- i. State Surveyor General - Chairman
- ii. One Grade A Ijero LG Royal Father - Member
- iii. One Grade B Ijero LG Royal Father - Member
- iv. One Grade C Ijero LG Royal Father - Member
- v. Representative of Bureau of Chieftaincy Affairs - Member
- vi. Representative of Ekiti State Boundary Commission - Member

4. Consequent upon the above, I am directed to request Ijero Local Government Traditional Council to nominate the three Royal Fathers to serve as members of the Committee.

4. Thank your Royal Majesty

  
J. A. Afolabi

For: Permanent Secretary



**EKITI STATE BOUNDARY COMMISSION**

OFFICE OF THE DEPUTY GOVERNOR  
G.R.A., ADO-EKITI, EKITI STATE OF NIGERIA.  
Email: [esbc@ekitistate.gov.ng](mailto:esbc@ekitistate.gov.ng)

21<sup>st</sup> Dec., 2020  
Date:.....

communication should be addressed to:  
Executive Secretary, Boundary Commission quoting:

Our Ref: EBC/167/04<sup>A</sup>

His Royal Majesty  
Oba Kolade James Oladipo  
The Olupoti of Ipoti Ekiti

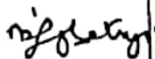
**INVITATION**

I am directed to invite you to a meeting concerning the delineation of boundary between Ipoti, Owatedo and Ejyan.

2. The meeting is scheduled to take place on Wednesday 23<sup>rd</sup> December, 2020 at the Office of the Surveyor General behind House of Assembly, Phase V, Secretariat Ado Ekiti, by 10:00 am.

3. You are to please come with only FOUR (4) representatives from your community.

4. Thank you.

  
Surv. N.S. Agbetuyi  
Secretary



# A. O. OKEYA & ASSOCIATES

Barristers, Solicitors, Legal and Property Consultants

CHAMBERS: Arena Plaza, Opp. Similoluwa,  
UTH Road, Ado-Ekiti, Ekiti State.  
Suite 5, 2nd floor, Mallam Shehu Plaza,  
Obafemi Awolowo Way, Jabi, Abuja.

E-mail: unity chambers@rocketmail.com,  
ademolaokeya@yahoo.com

Tel:- 08032162742.



Our Ref: A.O./12/2023/06 Your Ref:.....

Date: 1<sup>st</sup> April 2023

His Excellency  
Mr. Biodun Oyebanji  
The Executive Governor of Ekiti State,  
Governor's office,  
Ado Ekiti  
Ekiti State.

Your Excellency,

**RE: IPOTI HIGH SCHOOL ON EJIYAN LAND; CALL FOR ITS RENAME TO EJIYIN HIGH SCHOOL, EJIYAN EKITI.**

We are Counsel to His Royal Highness, Oba Adekunle Adesesan Adepoju, the Obalaaye of Ejiyan - Ekiti, Ekiti State (hereinafter referred to as our client) and on whose behalf and instruction we write to Your Excellency in respect of the above captioned subject matter in the following manner:

Your Excellency, it is no longer news that Ejiyan - Ekiti was recognized by the Ekiti State Government as an autonomous community on the 14<sup>th</sup> day of January, 2013 wherein Instrument of Office was given the then Obalaaye of Ejiyan Ekiti, Oba Nathaniel Olukayode Kupolokun on the 7<sup>th</sup> day of September, 2013. The sensitivity of the responsibilities of the government to avoid any future rancor between the Ipoti Ekiti and the newly recognized town (Ejiyan) led to the State Basic Education Board's approval for opening of a new public primary school in Ejiyan - Ekiti for the 2013/2014 academic session to mark the autonomous status of Ejiyan Ekiti and to delineate and carved out the Ejiyan's boundaries.

Your Excellency, from time immemorial, our client's community had no boundary with Ipoti - Ekiti, thus our client was disturbed and embarrassed by the frequent hostilities from the current Olupoti of Ipoti - Ekiti for no just reason. For the record sir, Ekiti State Government set up a panel on agitations by some communities for autonomy and recognition of their chieftaincy stools which panel submitted report dated March, 2010. A cursory look at the said report also revealed that our client had no boundary with Ipoti - Ekiti rather with Owa Ekiti.

It is based on the above that our client is calling on the State Government for the RE-NAMING of Ipoti High School which is located on the sovereign land of Ejiyan Ekiti to EJIYAN HIGH SCHOOL, history has it that our client's great grandfather gave the land to Seventh Days Adventist for their modern School in 1959 which was later converted to Ipoti High School in 1972.

We urge His Excellency to consider our client's plight, for it will be unjust and inequitable for another town (Ipoti Ekiti) to have a secondary school named after their town in another sovereign's land (Ejiyan Ekiti).

We await a favourable response from Your Excellency in this regards.

Yours Faithfully,

  
A. O. Okeya, Esq

Cc.

The above is for your information and necessary action please.

1. The Deputy Governor  
Deputy Governor's Office,  
Ado Ekiti.
2. The Hon. Attorney General  
Ekiti State Ministry of Justice  
Ado Ekiti.
3. The Permanent Secretary  
Ministry of Education,  
Ado Ekiti.
4. Ekiti State Boundary Adjustment Commission  
Ekiti State.
- ✓ 5. The Chairman,  
Ijero Local Government Council,  
Ijero Ekiti, Ekiti State.
6. HRM. Oba Joseph Adebayo Adewole JP.  
The Owa Ajero of Ijero Kingdom,  
Ijero Ekiti.

Yours Faithfully,

  
A. O. Okeya, Esq.



# Adeola Omotunde & Co.

Legal Practitioners, Notaries Public And Consultants  
**GREAT CHAMBERS**

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Wuse, Abuja  
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31<sup>st</sup> August, 2022

Mr Joseph Arogundade.  
Along Iloro-Ipoti Road.  
Ipoti Ekiti.  
Ijero Local Government.  
Ekiti State.

Dear Sir,

**REPURCHASE OF LAND AT AWODO FARMSTEAD BORDERED BY IROKIN  
STREAM, ALONG ODO-OWA ROAD, EJIYAN-EKITI, IJERO LOCAL  
GOVERNMENT, EKITI STATE.**

We act as Solicitors to His Royal Highness Oba Adekunle Adepoju, the Obalaye of Ejiyan, Traditional Chiefs and indigenes of Ejiyan-Ekiti, who are hereinafter referred to as "our Clients" and on whose behalf and instruction, we write to you as follows:

1. The attention of our clients has been drawn to a parcel of land sold to you by Mr. Oyekunle Awe and Mr. Ayodele Awe who claimed to be the head and secretary of Oyekunle Awe Family located at Awodo Farmstead bordered by Irokin Stream along Odo-Owa Road, Ejiyan-Ekiti, Ijero Local Government.
2. The sellers are members of Sajiyan Family in Ejiyan Town who claimed to have inherited the land from their unnamed forefathers since time immemorial.
3. May we humbly inform you that the land you purportedly purchased from Mr. Oyekunle Awe and Mr. Ayodele Awe and or other members of the Sajiyan Family belongs to Omo-Olu Obalaye Family Aworo Akorin Family and Ajana Family of Ejiyan-Ekiti respectively and same is not for sale.
4. The Family of Sajiyan migrated from Ora Igbomina as a visitor of Obalufon Erusokojeje, the Obalaye of Owa Ijumu. Upon their arrival at Ejiyan-Ekiti, Obalaye Family, Aworo Akorin Family and Ajana Family at the instance of the reigning Obalaye, gave the parcel of land to Ate of Sajiyan family members for

farming purposes only, for the sustenance of the Sajiyan Chieftaincy and the family members.

5. The Sajiyan family members including the vendors herein do not have any right whatsoever to sell any part of the land granted to their family for farming purposes only to you or to any other person, as the radical title in the land resides in our clients.
6. You are advised to immediately vacate the land and take back the money you paid to the vendors as consideration for the purchase of the land as our clients will vehemently resist your usage and occupation of the land in question.
7. Our clients who are the authentic owners including Obalaye who possesses radical title over same are not willing or interested to sell or dispose the land. You cannot put something on nothing.
8. Our clients have decided to adopt this peaceful approach because of their opinion to amicably resolve this issue.
9. Take notice however, that should you fail, refuse or ignore to comply with the humble demands of our clients, our clients will not hesitate to take appropriate actions including initiating legal proceedings against you and the vendors, that is; Mr. Oyekunle Awe and Mr. Ayodele Awe and other members of Sajiyan family.
10. It is more insulting to our clients that the vendors are describing our clients' lands as part of Ipoti-Ekiti despite their awareness that our clients' Ejiyan Community had been granted autonomy since 2013 by the Ekiti State Government.
11. Finally, you are advised in your own interest to take appropriate steps to redress the complaints of our clients, so as not to strain the cordial relationship existing between our clients and your honourable self.

Thanks.

Yours faithfully,



J.A. Omotunde Esq.,

Pp: Adeola Omotunde SAN & Co.

**IN THE HIGH COURT OF EKITI STATE**  
**IN THE IJERO-EKITI JUDICIAL DIVISION**  
**HOLDEN AT IJERO-EKITI**

**SUIT NO: HIJ/13/2023**

**BETWEEN:**

1. **HRM OBA OLADIPUPO KOLADE**  
**The Olupoti of Ipoti-Ekiti**
2. **HIGH CHIEF OLUWOLE SUNDAY AKODU**  
**(Sajiyan of Ipoti-Ekiti)**
3. **HIGH CHIEF SUNDAY SAMUEL BABAJIDE**  
**(Ajana Owa of Ipoti-Ekiti)**  
*(For themselves and on behalf of the  
people, indigenes and residents of  
Ipoti-Ekiti town in Ekiti State)*

**CLAIMANTS/  
APPLICANTS**

**AND**

1. **THE GOVERNOR OF EKITI STATE**
2. **THE ATTORNEY-GENERAL OF EKITI STATE**
3. **OBA ADEKUNLE ADESESAN ADEPOJU**  
**The Obalaaye of Ejiyan-Ekiti**  
*(For Himself and on behalf of all those who claim  
Ejiyan-Ekiti as their town and residence)*
4. **OBA DAVID OLAWUMI OLOFINLADE**  
**The Oloja Owa of Owatedo-Ekiti**  
*(For Himself and on behalf of all those who claim  
Owatedo-Ekiti as their town and residence)*

**DEFENDANTS/  
RESPONDENTS**

**CLAIMANTS' ADDRESS ON THEIR APPLICATION DATED THE 25<sup>TH</sup> DAY  
OF SEPTEMBER 2023**

**1.0 INTRODUCTION**

The Claimants' application dated the **25<sup>th</sup> day of September 2023** is praying this Honourable Court for the following orders:

- (i) An order of interlocutory injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and/or officers or agencies of the Ekiti State Government acting under the authority, directions, or control of the 1<sup>st</sup> Defendant from taking any step or proceeding with the planned delineation of boundaries between Ipoti-Ekiti and any of the new towns known as Ejiyan-Ekiti and Owatedo-Ekiti pending the determination of this suit.

- (ii) An order of interlocutory injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and/or officers or agencies of the Ekiti State Government acting under the authority, directions or control of the 1<sup>st</sup> Defendant from giving possession or ceding control of any land, property or any institution in Ipoti-Ekiti to the 3<sup>rd</sup> and/or 4<sup>th</sup> Defendants or renaming **IPOTI HIGH SCHOOL** to **EJIYAN HIGH SCHOOL** pending the determination of this suit.
- (iii) An order of interlocutory injunction restraining the 3<sup>rd</sup> and 4<sup>th</sup> Defendants, their Chiefs, Servants, Agents or Privies from taking possession or control of any land, property or institution located in any part of **IPOTI-EKITI** or which formed part of **IPOTI-EKITI** prior to the recognition of Ejiyan-Ekiti and Owatedo-Ekiti as autonomous communities or dealing with the land, property or institution in any manner whatsoever pending the determination of this suit.
- (iv) Such further order or other as this Honourable Court may deem fit to make in the circumstances.

**1.01** The application is supported by an Affidavit deposed to by High Chief Oluwole Sunday Akodu, the 2<sup>nd</sup> Claimant. The Claimants shall rely on the Affidavit in support and documents attached thereto as **EXHIBITS A to F**

## **2.0 STATEMENT OF RELEVANT FACTS**

**2.01** This suit was instituted by the Claimants on the **21<sup>st</sup> day of August 2023** vide a Writ of Summons and Statement of Claim dated the **18<sup>th</sup> day of August 2023** whereby the Claimants claim the following reliefs inter alia:

- (i) A declaration that the proposed delineation of boundaries between Ipoti-Ekiti and any of the abstractions known as Ejiyan-Ekiti and Owatedo-Ekiti and which was sanctioned by the 1<sup>st</sup> Defendant is improper, unwarranted, baseless and unjustifiable in that the Ejiyan-Ekiti and Owatedo-Ekiti have no land anywhere and shares no boundary with Ipoti-Ekiti.
- (ii) An order of perpetual injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants or any officer or agent of the Ekiti State Government from taking any action or step towards the delineation of boundaries between Ipoti-Ekiti and any of the abstractions

accorded recognition as autonomous communities in the name of Ejiyan-Ekiti and Owatedo-Ekiti respectively.

- (iii) An order of Perpetual Injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and officers of the Ekiti State Government and anyone acting on its behalf from renaming **IPOTI HIGH SCHOOL** to **EJIYAN HIGH SCHOOL** or ceding control of any land, property or public institution or agency which is located in Ipoti-Ekiti to the 3<sup>rd</sup> and 4<sup>th</sup> Defendants.
- (iv) An order of Perpetual Injunction restraining the 3<sup>rd</sup> and 4<sup>th</sup> Defendants their chiefs, servants, agents or privies from claiming ownership or taking possession or control of any school, land or property located in any part of Ipoti-Ekiti or which formed part of Ipoti-Ekiti prior to the grant of autonomy to the faction of Ejiyan clan and the faction of Owa clan in the name of Ejiyan-Ekiti and Owatedo-Ekiti respectively.

**2.02** All the Defendants have been served with the Writ of Summons and Statement of Claim in this suit. The 3<sup>rd</sup> Defendant has entered appearance to this suit vide a Memorandum of Appearance dated the **25<sup>th</sup> day of August, 2023**.

**2.03** The Claimants as well as the indigenes and residents of Ipoti-Ekiti are in possession of all the parcels of land and properties in Ipoti-Ekiti which serve as their homes and are also used for their farming occupation and other vocations.

**2.04** In **March 2010**, a faction of Ejiyan Clan in Ipoti-Ekiti was recognised by the 1<sup>st</sup> Defendant as an autonomous community to be known as Ejiyan-Ekiti with a recognised Oba with the title of Obalaaye of Ejiyan-Ekiti. The recognition accorded to the faction of Ejiyan Clan as an autonomous community was not tied to any specific place with definite and ascertainable boundary.

**2.05** In **December 2019**, a faction of Owa Clan in Ipoti-Ekiti was also accorded recognition as an autonomous community in the name of Owatedo-Ekiti with a recognised traditional Ruler to be known as Oloja Owa. The recognition of this autonomous community was made in vacuo as location extent and boundaries of Owatedo-Ekiti is neither known nor ascertainable with definitive certainty.

In the bid to correct its blunders in its recognition of Ejiyan-Ekiti and Owatedo-Ekiti, the Ekiti State Government initiated moves sometime in **November 2020** to commence the delineation of boundaries between Ipoti-Ekiti and the two new towns i.e. Ejiyan-Ekiti and Owatedo-Ekiti. **EXHIBITS C & D** lend credence to this assertion.

- 2.07** In the meantime, the 3<sup>rd</sup> Defendant has been claiming ownership of different parcels of land which are situated at Ipoti-Ekiti and of which the indigenes and residents of Ipoti-Ekiti are in possession. **EXHIBIT F** is a letter written by the 3<sup>rd</sup> Defendant's Solicitors to **Mr. Joseph Arogundade** is a renown indigene of Ipoti-Ekiti.
- 2.08** The 3<sup>rd</sup> Defendant has also made representations to the 1<sup>st</sup> Defendant to rename Ipoti High School which has been in the existence in Ipoti-Ekiti for over **50 years** to Ejiyan High School as shown in **EXHIBIT E**, a letter written by his Solicitors to the 1<sup>st</sup> Defendant.
- 2.09** Although, the Defendants have been served with the Writ of Summons and Statement of Claim in this sit, yet steps are being taken by the agencies of the Ekiti State Government towards the planned delineation of boundaries between Ipoti-Ekiti and the two new towns with the objective of ceding ownership and control of the land and properties situated at Ipoti-Ekiti to the 3<sup>rd</sup> and 4<sup>th</sup> Defendants before the final determination of this suit by this Honourable Court.
- 2.10** The 1<sup>st</sup> Defendant is also considering the 3<sup>rd</sup> Defendant's request for the renaming of Ipoti High School to Ejiyan High School and there is a high probability that the request will be granted during the pendency of this suit.
- 2.11** The Claimants have filed the instant application for orders of interlocutory injunction against the Defendants for the preservation of the res and in order that the parties may maintain the status quo ante bellum pending the determination of this suit.

### **3.0 ISSUE FOR DETERMINATION**

The Claimants submit that the sole issue for determination is:

***Whether this Honourable Court ought to grant the Claimants' application for orders of interlocutory injunction.***



## ARGUMENT

1.01 By their application dated the **25<sup>th</sup> day of September 2023** the Claimants have prayed this Honourable Court to orders of interlocutory injunction pending the determination of this suit restraining:

- (i) The 1<sup>st</sup> and 2<sup>nd</sup> Defendants and agencies of the Ekiti State Government under the control and directions of the 1<sup>st</sup> Defendant from taking steps or proceeding with the planned delineation of boundaries between Ipoti-Ekiti and the two new towns known as Ejiyan-Ekiti and Owatedo-Ekiti or ceding ownership or control of land and properties situated in Ipoti-Ekiti to the 3<sup>rd</sup> and 4<sup>th</sup> Defendants.
- (ii) The 1<sup>st</sup> and 2<sup>nd</sup> Defendants from renaming Ipoti High School or any other institution located in Ipoti-Ekiti to Ejiyan High School.
- (iii) The 3<sup>rd</sup> and 4<sup>th</sup> Defendants from taking possession of Claimants' parcel of land and properties which are situated in Ipoti-Ekiti or dealing with the same in any manner whatsoever.

1.02 The essence of an order of interlocutory injunction was well stated by **IGUH J.S.C** in **FALOMO .V. BANIGBE (1998) 7 NWLR (PT. 559) 679** at 694:

*“In the first place, an interlocutory injunction is granted before the trial of an action and its primary object is to keep matters in status quo ante bellum until the question at issue between the parties can finally determined by the court, thus facilitating the administration of justice at the trial.”*

The Claimants' objective in seeking orders of interlocutory injunction against the Defendants is to ensure that parties on both sides keep matters in status quo ante bellum until the dispute between them is determined by this Honourable Court.

1.03 **AKAPO .V. HAKEEM-HABEEB (1992) 6 NWLR (PT. 247) 266** at **263** **NNAEMEKA - AGU J.S.C** puts the “status quo ante bellum” in proper perspectives:

*“To begin with, the literal meaning of status quo ante bellum is the state of affairs before the*

*beginning of hostilities. So, the status quo that ought to be maintained in this case is the state of affairs that existed before the defendants' forcible take over of the management and control of the family properties which constitutes the wrongful act complained of in the application."*

1.05 For the purpose of the instant application the "status quo ante bellum" to be maintained by parties to this suit is the existing state of affairs prior to the **21<sup>st</sup> day of August 2023** when this suit was instituted by the Claimants. Prior to the commencement of this suit:

- (i) The Claimants and indigenes of Ipoti-Ekiti have been in possession of all lands and properties situated at Ipoti-Ekiti.
- (ii) Ipoti High School has not been renamed.
- (iii) The delineation of boundaries between Ipoti-Ekiti and the two new towns – Ejiyan Ekiti and Owatedo-Ekiti has not been carried out by agencies of the Ekiti State Government.

06 The principles for the grant of an application for orders of interlocutory injunction were laid down by the apex court in **KOTOYE .V. C.B.N (1989) 1 NWLR (PT. 98) 419** as follows:

- "(a) The applicant must show that there is a serious question to be tried i.e. that the applicant has a real possibility, not a probability of success at the trial.*
- (b) The applicant must show that the balance of convenience is on his side, that is, that more justice will result in granting the application than in refusing it.*
- (c) The applicant must show that damages cannot be an adequate compensation for his damage or injury, if he succeeds at the end of the day.*
- (d) The applicant must show that his conduct is not reprehensible. For example that he is not guilty of any delay.*

(e) **The applicant must give a satisfactory undertaking as to damages.**"

.07 The Claimants shall demonstrate anon that they have satisfied the requirements for the grant of orders of interlocutory injunction sought in their application. We consider it pertinent to state that the depositions in the Affidavit in support clearly reveal the legal rights of the Claimants to the land and properties situated at Ipoti-Ekiti. We refer this Honourable Court to paragraphs 4(iv), (v), (xx) and (xxv) of the Affidavit in support and submit that the Claimants have legal rights in the lands and properties situated at Ipoti-Ekiti which are worthy of protection by the orders of interlocutory injunction sought by them. In **GLOBE FISHING IND. LTD, V. COKER (1990) 7 NWLR (PT. 162) 265** at **287 KARIBI - WHYTE J.S.C** said:

**"...the law is settled that in determining applications for interim or interlocutory injunctions pending the determination of the substantive action, the Judge is not concerned with the establishment of the violation of the rights in dispute. The consideration of the court at this stage is for a determination whether on the facts the applicant has disclosed any rights in respect of the subject matter of the substantive action, and that the evidence disclosed was sufficient to keep the parties in the position in which they were before the violation of the rights complained of."**

.08 It is our humble submission that on the strength of the depositions in the Affidavit in support of the Claimants have disclosed their rights in respect of lands and properties situated at Ipoti-Ekiti and the evidence disclosed is sufficient to keep parties in the position they were before the violation of the rights complained of.

.09 **Is there a serious issue to be tried?** The Claimants submit that the serious issues or questions to be tried in this suit include the following:

- (i) Whether the factions of Ejiyan and Owa Clans which were accorded recognition as autonomous communities in the name of Ejiyan-Ekiti and Owatedo-Ekiti have any specific land with ascertainable boundaries at Ipoti-Ekiti.
- (ii) Whether there is any lawful basis for the planned delineation of boundaries between Ipoti-Ekiti and the two new towns.

- (iii) Whether the 3<sup>rd</sup> and 4<sup>th</sup> Defendants can claim ownership of lands and properties situated at Ipoti-Ekiti over which indigenes of Ipoti-Ekiti are exercising proprietary and possessory rights.

#### **4.10 Balance of Convenience**

The depositions in paragraphs 9 and 10 of the Affidavit in support disclosed that if the orders of interlocutory injunction are not granted the Claimants and indigenes of Ipoti-Ekiti shall be dispossessed of their land and many of them will be rendered homeless and deprived of the land they use for their farming occupation.

It is apparent from the affidavit in support that the balance of convenience is on the side of the Claimants as they will suffer severe hardship if their application is refused.

#### **4.11 Conduct of the Applicants**

The Claimants are not guilty of any delay in bringing this application before this Honourable Court.

#### **4.12 Irreparable Damage**

In paragraph 11 of the Affidavit in support it was stated that:

***“The Claimants and indigenes of Ipoti-Ekiti will suffer damage which cannot be compensated in monetary terms if the Defendants succeed in taking possession of land situated at Ipoti-Ekiti as they will suffer deprivations, kinship identity and homelessness.”***

It is our humble submission that the Claimants will suffer irreparable injury if the Defendants succeed in dispossessing them of their land and properties.

#### **4.13 Undertaking to Pay Damages**

The Claimants have by paragraph 13 of the Affidavit in support expressed their willingness to give an undertaking as to damages if the orders sought are granted by this Honourable Court.

- 4.14** The Claimants have undoubtedly satisfied all the requirements for the grant of the injunctive orders sought in their application. In **AKINPELU**



**.V. ADEGBORE (2008) 10 NWLR (PT. 1096) 531 at 557 TOBI J.S.C.**  
said:

***“One factor for granting interlocutory injunction is the preservation of the res. It is the province of the law that the res should not be destroyed or annihilated before the judgment of the court.”***

**4.15** This is a classic case in which this Honourable Court ought to grant the orders of interlocutory injunction sought by the Claimants in order to preserve the res during the pendency of this suit.


**4.16** The Claimants respectfully urge your Lordship to answer the issue for determination in the affirmative and grant the instant application.

### **5.0 CONCLUSION**

The Claimants have made out a case to warrant the grant the orders of interlocutory injunction sought in their application dated the **25<sup>th</sup> day of September 2023**. We most humbly urge your Lordship to grant the application.

**DATED THIS.....25<sup>th</sup>.....DAY OF.....SEPTEMBER.....2023**



  
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**FOR SERVICE ON:**

5. THE 1<sup>ST</sup> DEFENDANT,  
**GOVERNOR OF EKITI STATE,**  
GOVERNOR'S OFFICE,  
ADO-EKITI,  
EKITI STATE.
6. THE 2<sup>ND</sup> DEFENDANT,  
**ATTORNEY-GENERAL OF EKITI STATE,**  
MINISTRY OF JUSTICE,  
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