

**SUPREME COURT OF CAMEROON**

**ADMINISTRATIVE BENCH**

**Division for Land Tenure Litigation**

File No: 174/P/RG/2018  
Of 06<sup>th</sup> September 2018  
Appeal No: 003/2018/AC/BDA  
Of 22<sup>nd</sup> August 2018

JUDGMENT N° 085/P/FD/2023  
Of 10<sup>th</sup> May 2023

**BETWEEN :**

1. AKUMA NCHU Ivo
2. NJIABI Mercy NCHU
3. IDAM Zipporah GASHU
4. BIH Trinity
5. SUI GASHU Magellan
6. GASHU Stanly FRU
7. NJI Emmanuel GASHU

AND

1. The State of Cameroon (MINDCAF)
2. ANYE George GASHU

**PANEL**

Mers:  
Paul BONNY, Judge at the Administrative Bench.....PRESIDENT;  
NGOUANA, Judge at the Administrative Bench;  
Mme Vera NGWENYI NKWATE spouse NGASSA, Judge at the Administrative Bench;  
.....MEMBERS;  
Mme Marie EBELLA spouse NOAH.....ADVOCATE GENERAL;  
Mme Janet DINDZE .....REGISTRAR;

**REPUBLIC OF CAMEROON**  
**Peace - Work - Fatherland**

**IN THE NAME OF THE PEOPLE OF CAMEROON**

In the year two thousand and twenty three and on the 10<sup>th</sup> day of May;

-----The Supreme Court, the Administrative Bench, the Division for Land Tenure Litigation. In its usual Court Session delivered the judgment which reads as follows;

In the matter;

**BETWEEN:**

-----Misters AKUMA NCHU Ivo, NJIABI Mercy NCHU, IDAM Zipporah GASHU, BIH Trinity, SUI GASHU Magellan, GASHU Stanly FRU and NJI Emmanuel GASHU appellants represented by Barrister MULUH Johnson TENENG, Advocate P O Box 224 Tel: 233 36 34 24/677 65 83 78, BAMENDA;

**ON THE ONE HAND:**

-----The State of Cameroon, Ministry of State property, Surveys and Land Tenure, (MINDCAF), Respondent;

**AND:**

-----Mister ANYE George GASHU represented by Barrister ALAMBI Gabriel, Advocate Tel: 674 17 59 25, BAMENDA intervener;

**ON THE OTHER HAND**

-----In the presence of EBELLA Marie spouse NOAH, ADVOCATE GENERAL, at the Supreme Court;

## **THE ADMINISTRATIVE BENCH**

-----Mindful of the Constitution

-----Mindful of Law N° 2006/016 of 29 December 2006 to lay down the organisation and functioning of the Supreme Court amended and completed by Law N° 2017/014 of 12 July 2017;

-----Mindful of Law N° 2006/022 of 29 December 2006 to lay down the organisation and functioning of the Administrative Courts;

-----Mindful of Decrees nos 2006/465 of 20 December 2006, 2010/218 of 08 July 2010, 2012/193 of 18 April 2012, 2014/574 of 18 December 2014, 2017/277 of 07 June 2017 and 2020/434 of 10 August 2020 of the President of the Republic appointing Judges of the Supreme Court;

-----Mindful of Decisions N° 527 of 09 August 2017 and N° 454 of 06 October 2020 by the Chief Justice of the Supreme Court, appointing the Presidents of Divisions of the Supreme Court;

-----Mindful of Decisions N° 528 of 09 August 2017 and N° 438 of 23 September 2020 by the Chief Justice of the Supreme Court, appointing Judges of the Judicial, Administrative and Audit Benches of the Supreme Court;

-----Mindful of Decision N° 0433 of 15 October 2020, by the President of the Administrative Bench of the Supreme Court, appointing Judges to the Divisions of the Administrative Bench of the Supreme Court;

-----Considering that no further submissions were made on behalf of Misters AKUMA NCHU Ivo, NJIABI Mercy NCHU, IDAM Zipporah GASHU, BIH Trinity, SUI GASHU Magellan, GASHU Stanly FRU and NJI Emmanuel GASHU not present and represented at the hearing by Barrister MULUH Johnson TENENG;

-----None from The State of Cameroon (MINDCAF) not represented at the hearing;

-----Considering that no further submissions were made on behalf of ANYE George GASHU, not present and represented at the hearing by Barrister ALAMBI Gabriel;

-----Having deliberated on the matter in accordance to the law;

-----Justice Madame NGASSA deputizing for Justice WANKI Richard read out the Rapporteur's report;

-----The Advocate General adopted his filed submissions;

-----Considering that by a notice of appeal filed on the 23<sup>rd</sup> August 2018 at the Registry of the Administrative Court of North West Region, Barrister MULUH Johnson Teneng an Advocate in Bamenda, acting on behalf of AKUMA NCHU Ivo, NJIABI Mercy NCHU, IDAM Zipporah GASHU, BIH Trinity, SU GASHU Magellan, GASHU Stanly FRU and NJI Emmanuel GASHU, appealed to the Administrative Bench of the Supreme Court against Judgment N° 021/2018, delivered on the 5<sup>th</sup> July 2018 by the said Administrative Court adjudicating on a land tenure matter between his

clients and the State of Cameroon (MINDCAF) and ANYE George GASHU

-----That the verdict of Judgment N° 021/2018 delivered on the 5<sup>th</sup> July 2018 is articulated as follows:

“Delivering judgment in open court, after a full hearing in an administrative matter, having deliberated in accordance with the law, unanimously and as a court of first and last resort:

### **DECIDES**

Article 1: The petition of the petitioners is inadmissible;

Article 2: On the merits, the said petition is unjustified;

Article 3: The Ministerial letter N° 00371/Y.7/MINDCAF/SG/D6/S200/MJA of 17<sup>th</sup> April 2015 withdrawing letter N° 00544/Y.6/MINDCAF/SG/D2/110 dated 11<sup>th</sup> August 2017 relating to the issuance of Land Certificate N° 12529 is hereby maintained;

Article 4: The order for cancellation of land certificate N° 12529, Vol 62, folio 60 o the 27<sup>th</sup> October 2014 of Mezam, in the names of Mr. AKUMA NCHU Ivo, NJIABI Mercy NCHU, IDAM Zipporah GASHU, BIH Trinity, SU GASHU Magellan, GASHU Stanly FRU and NJI Emmanuel GASHU is hereby maintained;

Article5: The land certificate N° 14846 Vol 73 folio 218 dated 06<sup>th</sup> February 2017 in the names of

ANYE George Gashu, Ndeh Napoleon Gashu, Sunday Peter Gashu, Gashu Manka épouse Obadozie Angelina, Gashu Evaristus Nche and Akuma Ivo is hereby maintained;

Article 6: The cost of these proceedings is assessed and fixed at 90.500FCFA and shall be borne by the petitioners herein jointly and severally;

Article 7: This judgment shall be served on the parties respectively by the Registrar-in-Chief of this Court.”

### **FACTS AND PROCEDURE**

-----Considering that on the 23<sup>rd</sup> November 2018 Akuma Nchu Ivo and 6 others filed a petition at the registry of the Administrative Court of the North West Region after the Minister of State Property, Surveys and Land Tenure failed to reply to their complaint received on the 17<sup>th</sup> of July 2017 at the Ministry of State Property, Surveys and Land Tenure. Aggrieved by the Judgment of the said Administrative Court, Barrister MULUH Johnson TENENG of counsel for the petitioners appealed to the Administrative Bench of the Supreme Court on the 23<sup>rd</sup> August 2018.

----- Considering that on the 6<sup>th</sup> September 2018 Barrister MULUH Johnson TENENG filed the requisite memorandum of submissions in support of the appeal of his clients which flows thus:

*“I the undersigned , Barrister Mulu Johnson Teneng of Loyalty Law Firm P.O. Box 224 Bamenda*

*is counsel for ail the appellants who have consulted and authorised me to write these submissions on their behalf.*

*“The appellants: Akuma Nchu Ivo is a businessman doing business between Cameroon and Japan domicile in Bamenda.*

*-Njiabi Mercy Nchu farmer by occupation*

*-Idam Zipporah Gashu farmer by occupation*

*-Bih Trinit y farmer by occupation*

*-Su Magellan, sports instructor by occupation*

*-Gashu Stanly Fru trader by occupation*

*- Emmanuel Gashu trader by occupation*

*“And all of them domiciled in Bamenda were all petitioners at the Lower Court. The judgment of the lower Court is attached to these submissions as Annex C-C30. The appellant’s memorandum is based on the following grounds of appeal.*

***GROUND 1::***

*“That the North West Administrative Court erred in law by upholding the ministerial decision in letter No 000371/Y.7/MINDCAF/SG/D6/S200/ MJA of 17<sup>th</sup> April 2015 relating to the issuance of land certificate No. 14846 Vol. 73 Folio 218 withdrawing Land Certificate No. 12529 Vol. 62 Folio 60of Mezam dated 27/10/2014 when the said decision was taken in violation of articles 9 and 2(5) of decree No. 76-165 of 27 April 1976 to establish conditions for obtaining land certificates.*

*(a) May it please Your Lordships the appellants herein seized the North West Administrative Court with a petition praying the court to reinstate their land certificate No. 12529 Vol. 62 Folio 60 of Mezam dated 27/10/2014 cancelled by the Minister of State Property, Surveys and Land Tenure and to withdraw land certificate No. 14846 Vol. 73 Folio 128 which the said minister ordered that it should be issued in the name of the 2<sup>nd</sup> Respondent and 5 others including the name of the 1<sup>st</sup> appellant herein. The appellants in whose names the said land certificate No. 12529 was issued are respectively wives and children of late Mansfield Gashu Nchu thus the beneficiaries of his estate has been in occupation, use and possession of the landed property before 1960. The said Mansfield Gashu Nchu was on the land in issue before the demise of his father, Nche Kusah Gashu whose children and wives are claiming ownership of the property in issue. The said late Mansfield Gashu Nchu built the first house on the land in 1973 and later built another house in 1979 via approved building plans from the Bamenda council. We refer Your Lordships to the said approved building plans attached to the petition at the lower Court as Annex B-B3. To go by the approved building plans, the said Mansfield Gashu Nchu whose children and wives*

*applied for the cancelled land certificate No. 12529 were on the land before 5<sup>th</sup> August 1974 the date of the publication of ordinance No. 74-1 of 6 July 1974 to establish rules governing land Tenure.*

*“When Akuma Nchu Ivo, the administrator of the estate of Mansfield Gashu Nchu via letters of administration N<sup>o</sup> HCB/PD/LA 6872 attached to their petition at the Lower Court as Annex E together with his siblings and mothers judiciously, legitimately and legally applied and obtained their land certificate No. 12529 Vol. 62 Folio 60 of Mezam dated 27/10/2014 over the property in question occupied by their family before the 5<sup>th</sup> of August 1974, the 2<sup>nd</sup> Respondent herein, Anye George Gashu applied for its cancellation which the Minister of State Property Surveys and land Tenure did cancel. The appellants herein, seized the lower Court based on articles 9 and 2(5) of decree No. 76-165 of 27 April 1976 to establish conditions for obtaining a land certificate. Article 9 of Decree No. 79-165 of 27 April 1976 states 'The following persons are eligible to apply for a land certificate for National Lands which they occupy or developed:*

*(b) Customary communities, members thereof or any other person of Cameroonian Nationality on conditions that the occupancy or the exploitation predates 5th August 1974, the*



*date of publication of ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure*

*“The father and husband of the appellant herein had passed the test set by the above cited article 9 of Decree No. 76-165 of 27 April 1976 and he or his heir is the only rightful person to obtain a land certificate over the land in issue.*

*“The Minister before cancelling the said land certificate had already given instructions to the land registrar for Mezam to issue a land certificate in the joint names of Respondent, Anye George Gashu, the 1<sup>st</sup> Appellant herein Akuma Nchu Ivo and others and the Lower Court maintained this decision when there was nothing to show that the said Anye George Gashu or the father, Nche Kusah Gashu or any of the parties whose names appeared in the Land Certificate No. 14846 Vol. 73 Folio 128 had had anything to do with the land in issue.*

*“We submit with due respect, my, Lords that the Lower Court by maintaining the cancellation of land certificate No. 12529 Vol 62 Folio 60 of Mezam dated 27/10/2014 was in violation of the above cited Article 9(a) of Decree No. 79-165 of 27 April 1976 because it is in record that Nche Kusah Gashu died in 1961 that is before the coming into force of Ordinance No. 74-1 of 1<sup>st</sup> July 1974. The said late Nche Kusah Gashu could not be said to have occupied the land in issue when*

*he was not still alive at the time and there was nothing to show that he ever occupied the land during his life time let alone developing it. The appellants are all beneficiaries of the estate of Mansfield Gashu Nchu. The approved building plans show that the deceased Mansfield Gashu Nchu was in occupation and exploitation of the land in issue before the coming into force of ordinance No. 74-1 of 6 July 1974 to establish rules governing Land Tenure and had continued to be in occupation, possession and use of the said land peacefully until when their land certificate was unjustly cancelled. We refer Your Lordships to Annex D to the petition by which the appellants shared the collection of rents in the various rooms in the houses and same was signed by the parties and indorsed by the fon of Manken Fon Angwafo III SAN the lineage head.*

*“Following the approved building plans attached to the petition at the Lower Court as Annex 8-83 it is very clear that the late Mansfield Gashu Nchu was on the land in issue before 5<sup>th</sup> August 1974. The decision took by the Lower Court upholding the minister's decision without taking cognisance of the approved building plans and the above cited law was in violation of the above cited article 9(a) of Decree Ne. 79-165 of 27 April 1976. We urge Your Lordships to reverse the decision of the North West Administrative Court and hold that the*

*appellants are the rightful persons to step into the shoe of their father and thus reinstate the said cancelled land certificate No. 12529 Vol. 62 Falio 60 of Mezam dated 27/10/2014 in the names of all the appellants since the family was in occupation prior to 5<sup>th</sup> August 1974.*

*“The respondents at the Lower Court did not attach any document linking them to the property in question. The only document which the respondent relied upon was an interlocutory ruling of the Mezam High Court in suit N<sup>o</sup> HCB/PD/LA.36M/2008 in which the court ordered the 2<sup>nd</sup> Respondent Anye George Gashu to get letters of administration for his father's estate. The said judgment is attached to the respondent's submissions at the Lower Court. The said ruling as already submitted was an interlocutory ruling pending ruling in suit No. HCB/PD/LA.67M/2008 which was finally delivered and the parties were referred to the competent Land Consultative Board as far as ownership of the property in question is concerned.*

*“Your Lordships, we submit further that the judgment of the Lower Court equally violated article 2(5) of decree No. 76-165.of 27 April 1976 which states "withdrawal of land certificates shall entail the transfer without charge of this certificate to the initial owner if the property was registered. The property shall revert to its exact condition prior to the issue of*

*the certificate if the property was not registered". The Lower Court by maintaining the cancellation of land certificate No. 12529 of Mezam in the names of the appellants herein and thereby maintaining land certificate No. 14846 Vol. 73 Folio 218 dated 06/02/2017 in the names of Anye George Gashu and 6 others over the same land violated the above cited article 2(5) of Decree No. 76-165 of 27<sup>th</sup> April 1976 because the minister had given instructions that Anye George Gashu should be included in the application of the appellants herein for a land certificate and shortly later the same minister issued another letter instructing that the 1<sup>st</sup> Appellant, Akuma Nchu Ivo be included in an application made by Anye George Gashu over the same land. If the minister thought the land certificate N<sup>o</sup> 12529 of Mezam should be cancelled, she ought to do so simpliciter. Giving instructions that Anye George Gashu should be included in the application of land certificate of Akuma Nchu Ivo and turning around and giving instructions that Akuma Nchu Ivo should be included in Anye George Gashu's application is in violation of article 2(5) of Decree No. 76-165 of 2<sup>nd</sup> April 1976 which requires that the land should regain its original status given that there was no land certificate over the land before the one that was cancelled. The minister cancelled land certificate No. 12529 of Mezam and did not allow the land to regain its*

*position as National Land.*

*“We submit with due respect my Lords that to go by the provisions of article 2(5) of Decree No. 76-165 of 2<sup>th</sup> April 1976, the Lower court ought to have cancelled Land Certificate No. 14846 of Mezam in the names of the 2<sup>nd</sup> Respondent and 6 others and maintained land certificate No. 12529 of Mezam in the names of the appellants since the minister kept on giving instructions on what should be done concerning owners of the land certificate. For the Lower Court to have maintained land certificate No. 14846 Vol. 73 Folio 218 when the minister violated the provisions of article 2(5) cited supra was to say the least miscarriage of justice. See the minister’s letters attached herein as Annex A-A1.*

*“My Lords, we submit with due respect that there is no iota of evidence to show that the late Nche Kesuh Gashu whose estate is being managed by Anye George Gashu ever had anything to do with the estate covered by the cancelled land certificate No. 12529. The only documents that the respondents relied on to claim a right over the property in issue is letters of Administration obtained in 2011 over the estate of Nche Kusah Gashu who died in 1961 that is 60 years after the man died. The panel of judges in their judgment at page 27 said "considering from the totality of the evidence before this court, there is no iota of doubt that the land belongs to late Nche*

*Kusah Gashu". The question which we beg Your Lordships to answer is what was the evidence before the Lower Court that made them to think and hold that the property in issue in issue belonged to the late Nche Kusah Gashu when the only evidence that was before the court to show exploitation and development of the land were the approved building plans made in the names of Mansfield Gashu Nchu? The said Mansfield Gashu Nchu applied for the approved building plans in his names and nobody has ever challenged the said approved building plans even till date and therefore the land could not be said to the estate of late Nche Kusah Gashu.*

*"From the aforesaid, we urge Your Lordships to find favour with this ground of appeal and cancel land certificate No. 14846 Vol. 73 Folio 218 dated 06/02/2017 in the names of Anye George Gashu and 6 others and reinstate land certificate No. 12529 Vol. 62 Folio 60 dated 27/10/2014 in the names of the appellants herein.*

*GROUND II: The panel of Judges of the North West Administrative Court erred in law when they upheld ministerial letter No 000371/Y.7/MINDCAF/SG/D6 /S200/MJA of 17<sup>th</sup> April 2015 relating to the issuance of land certificate No. 14846 Vol. 73 Folio 218 withdrawing ministerial letter No 005444/6/ MINDCAF/SG/D2/140 dated 1<sup>th</sup> August 2014 relating*

*to the issuance of Land Certificate No 12529 when the said order was in violation of Articles 11 (1) and 12 of decree No 76-165 of 27<sup>th</sup> April 1976 as read with section 14 of decree No 76-166 of 27<sup>th</sup> April 1976 to establish the terms and conditions of management of National land together with section 21 of the Non contentious probate rules cap 211 of 1954.*

*“May it please Your Lordships, the appellants herein who are all beneficiaries of the estate of Mansfield Gashu Nchu applied for a land certificate over their late father's and husband's estate situate at Atuazire Mankon known today as Hospital Roundabout. Following Ministerial letter No 005444/y.6/MINDCAF/SGfD2/110 dated 1<sup>st</sup> August 2014, the Divisional land Registrar for Mezam issued land certificate No. 12529 Vol. 62 Folio 60 dated 2<sup>th</sup> October 2014. On the 20<sup>th</sup> day of June 2017, the appellants herein received a correspondence from the Divisional Land Registrar for Mezam notifying them with ministerial letter N<sup>o</sup> 00371/Y.7/MINDCAF/SG/D6/S200/MJA of 17/04/2015 withdrawing ministerial letter No 005444/Y.6/MINCAF/SG/ D2/110 of 11/08/2014 and land certificate No 12529 of Mezam. The said ministerial letter withdrawing land certificate No. 12629 Vol. 62 Folio of 27/10/2014 is hereto attached as Annex B. Because of Annexes A and B attached herein above the 2<sup>nd</sup> Respondents got their land certificate without following the procedure as laid down in*

*sections 11(1) and 12 of Decree No. 76.,165 of 27<sup>th</sup> April 1976 to establish the conditions for obtaining land certificates. While the said land certificate No, 12629 of Mezam was still subsisting the minister already issued Annex A above directing that Akuma Nchu Ivo who is co-owner of land certificate No. 12629 be included in the application for a land certificate of Anye George Gashu over the same land covered by the said land certificate No. 12629 of Mezam. The file of Anye George Gashu did not go to the Land Consultative Board of Bamenda II which had the competence to adjudicate on the said application. It was simply based on the Ministerial order that the Land Registrar for Mezam issued a land certificate to Anye George Gashu including the namé of Akuma Nchu Ivo without his consent. The said Akuma Nchu Ivo has never jointly applied for a land certificate with the 2<sup>nd</sup> Respondent and others. He discovered his names and the names of other persons in land certificate No. 14846 Vol. 73 Folio 218 of 17/02/2017 when the matter was before the North West Administrative Court. Akuma Nchu Ivo is a co-owner of the cancelled land certificate No. 12529 of Mezam and is amongst the appellants herein who applied for the cancellation of land certificate No. 14846 Vol. 73 Folio 218 of 17/02/2017. The Lower Court ought to have cancelled the said letter No 000371/Y.7/MINDCAF/SG /D6/S200/MJA of 17<sup>th</sup> April 2015 since there was no*



*proof before the court that the procedure as stated in articles 11 (1) and 12 of Decree No. 76-165 of 2<sup>th</sup> April 1976 was ever respected.*

*“The judgment of the Lower Court upholding the minister's decision in Ministerial Letter No. 000371/Y.7/MINCAF/SG/D6/S200/MJA of 17/04/2015 withdrawing ministerial letter No 005444/Y.6/MINDCAF /SG/D2/110 of 11/08/2014 and land certificate No 12529 of Mezam was equally in violation of section 14 of decree No. 76-166 of 27 April 1976 to establish the terms and conditions of management of National Lands which states amongst other things that the Consultative Board shall;*

*“Examine and if necessary settle disputes submitted to it under the procedure for allocation of land certificates on occupied or exploited National Lands.*

*“Examine and, if necessary settle all landed property disputes referred to it by the courts pursuant to Article 5 of ordinance 1574 of 6 July 1974.*

*“Assess the development of lands for the issue of Land Certificates.*

*“My Lords, we submit with due respect that the cancelled land certificate No. 12629 of Mezam in the names of the appellants was issued after due procedure was followed. When the appellants herein applied for a land certificate the 2<sup>nd</sup> respondent*

*herein, Anye George Gashu opposed and the Chairman of the Board issued an Administrative injunction over the land in issue which the petitioners attached at the Lower Court as Annex "S" and thereafter the Board propped into the matter and resolved it in favour of Akuma Nchu Ivo and the other appellants herein. The said Anye George Gashu petitioned the decision of the Bamenda II Land Consultative Board to the Governor of North West Region who after studying the matter decided in favour of the appellants herein. The minister created an ad hoc committee to look into the matter of the land concerning the appellants and the respondent and the committee propped into the matter and decided in favour of the appellants herein. We refer your Lordships to Annexes "T, W and X" attached to the petition at the Lower Court.*

*"If the Appellants went through successfully before the legally instituted institutions as portrayed by the decisions in Annexes T, W and X attached at the lower court can it be said that the 2<sup>nd</sup> respondent went through the same board that already adjudicated over the same land between the same parties? We urge Your Lordships to answer this question in negative and hold that Anye George Gashu did not follow the procedures for an application for a land certificate after land certificate No 12629 was cancelled? We urge Your Lordships to*

*hold that the Lower Court violated the above cited sections 14 of Decree No. 76-166 of 27th April 1976 by maintaining ministerial letter N° 000371/Y.7/MINDCAF/SG/D6/S200/MJA of 17/04/2015 withdrawal ministerial letter No 005444/Y.6/MINDCAF/SG/D2/110 of 11/08/2014 and land certificate No 12529 of Mezam which was legally obtained. In the ministerial decision which is cited at page 29, at the third paragraph of the judgment of the Lower Court, article 2 states "that the said land title is withdrawn pursuant to article 2(3) of the just cited law and it reverts to National Land". The said article 2(3) is in Decree No. 76-165 of 27<sup>th</sup> April 1976 to establish the terms and conditions for obtaining land certificates already cited above. The said article 2(3) states "provided that, in the event of an error in Government services in particular an irregularity in the course of the procedure for obtaining a land certificate the minister in charge of lands may, on inspection of authenticated deeds submitted, direct that the irregularly issued land certificate be withdrawn". Your Lordships the question which begs for an answer is what was the irregularity that the Government service made and which is that government service? Secondly my Lords what were the authenticated deeds that were submitted? The appellants and the 2<sup>nd</sup> Respondent appeared before the Bamenda II Land Consultative Board, they both*

*appeared before the adhoc Committee and both of them made submissions to the Governor. None of them ever queried the work of the surveyor. So which is the Government Service that irregularly did work concerning the said cancelled land certificate No. 12629 of Mezam? The only document which the respondent relied upon was the letters of administration N<sup>o</sup> HCB/PD/LA7087 issued to Anye George Gashu on the 29/12/2011 that is 60 years after the demise of Nche Kusah Gashu and a letter from the fon of Mankon titled Disputed Family Estate of Late Nche Gashu dated 30<sup>th</sup> May 2011. Both documents are attached to the submission of the respondents at the Lower Court. The said fon of Mankon by law is a member of the Bamenda II Sub Divisional Land Consultative Board and he signed the minutes of the Land Consultative Board granting the application of the land certificate of the appellants herein and was equally a member of the adhoc committee created by the minister which resolved the issue of the ownership of the land in favour of the appellants. The said Fon of Mankon equally signed exhibit D attached to the petition sharing the collection of rents of the various rooms in the houses on the land in issue to the children of Mansfield Gashu Nchu. Can documents emanating from this kind of person be termed authenticated deeds? We urge Your Lordships to answer this question in the negative*

*because the said Fon of Mankon has exhibited a lot of bad faith in the matter of the land of Mansfield Gashu Nchu.*

*“We submit further with due respect that if the late Nche Kusah Gashu had an estate to be managed, it could not be Anye George Gashu to manage the estate given that the said Nche Kusah Gashu died intestate and had no blood relationship with the said Anye George Gashu. The provisions of section 21 of the Non Contentious Probate rules cap 211 of 1954 only provides for relations in the following order; the spouses, children and parents of the deceased. What is embarrassing is that Anye George Gashu who is the principal party in this matter was born on the 8<sup>th</sup> of November 1969 when late Nche Kusah Gashu died in 1961 that is some eight years before Anye George Gashu was born. Is Anye George Gashu saying that Nche Kusah Gashu left the grave eight years after he was buried to come and give birth to him? The answer to this question in law is surely in the negative. Anye Gecrqe Gashu was not legitimated as per the provisions of section 41 of law No 2011/011 of 05<sup>th</sup> May 2011 to amend and complete certain provisions of ordinance No. 81/02 of 29 June 1981 on the organisation of civil statue registration and various provisions relating to the status of physical persons. From the aforesaid, it is undisputable that the said Anye George Gashu is a complete stranger to the*

*estate of Nche Kusah Gashu, talk less of using the name of Nche Kusah Gashu to enter upon land of Mansfield Gashu Nehu.*

*“So if by any stretch of imagination your lordships were to hold that the family of Nche Kusah Gashu were to establish any land certificate over any estate of their late father, the application for such registration should not come from Anye George Gashu who was born 8 years after Nche Kusah Gashu died. The North West Administrative Court violated the provisions of section 21 of the Non Contentious Probate Rules Cap 211 of 1954 cited above by maintaining the decision of the minister of State Property Surveys and Land Tenure when the said letter was carrying the names of Anye George Gashu who is a complete stranger to the family of late Nche Kusah Gashu talk less of getting into the property of the family of Mansfield. We refer your Lordships to the National Identity Card of the said Anye George Gashu attached to the petition at the Lower Court as Annex "M" and Annex "N" which is an affidavit wherein the 2<sup>nd</sup> Respondent and others herein deposed as to the death of Nche Kusah Gashu at paragraph 4.*

*“From the aforesaid, we urge your lordships to find favour with this ground of appeal and thus uphold our submissions.*

**GROUND III:**

*“That the panel of judges of the North West*

*Administrative Court violated sections 20, 21 and 22 of law No. 2006/022 of 29/12/2006 to lay down the organisation and functioning of Administrative Court and article 9(a) of Decree No. 76-165 of 27<sup>th</sup> April 1976 to establish conditions to obtain land certificate when they held that the petition was inadmissible and unjustified on the merit.*

*“May it please Your Lordships section 20 of law No. 2006/022 of 29<sup>th</sup> December 2006 to lay down the organisation and functioning of the Administrative Courts on representation states, parties not appearing in person before an Administrative Court may be represented by an attorney or an advocate.*

*“Section 21 provides the attorney must justify his appearance by producing a valid power of attorney.*

*“The provisions of the above cited section 20 are clear as to the fact that a party before the Administrative Court if not appearing in person can be represented by an attorney OR Advocate. Section 21 goes further to state that the attorney must justify his appearance with a power of attorney. This condition provided by section 21 does not apply when the party is represented by an advocate. The conjunction or is to the effect that it is either one of the other that is either by an attorney or an advocate. It goes further to state that the attorney will justify his appearance with a power of attorney.*

*For the Lower Court to hold that the petition is inadmissible because the petitioners were represented by an advocate without a power of attorney tantamount to miscarriage of justice;*

*“In the judgment of the Lower Court at page 26, the judges had this to say "considering that the petition before this court was signed by Barrister Mulu Teneng, the petitioners' lawyer and without any power of attorney from the said petitioners herein as ordained in the afore cited provisions of law No. 2006/022 (supra)", is to say the least a miscarriage of justice since the provisions of section 20 carries the conjunction OR not AND. May it please Your Lordships the provisions of the above cited section 21 makes it very clear that the power of attorney is required from a representative who is not an advocate. The panel of judges of the North West Administrative Court violated sections 20 and 21 of the above cited law by holding that the petition before them was inadmissible because an, advocate signed without a power of attorney when the same judges acknowledged in the first line of this citation that the petition was signed by Barrister Mulu Teneng, the petitioners' lawyer. As already submitted section 21 the law cited supra states in black and white that the power of attorney is required for an attorney that is a person representing another when he or she is not an*



*advocate. For judges to expect a power of attorney from an advocate representing the petitioners is a misconception of the law. At the end of the petition, the signatory signed as "counsel for petitioners". The signature was not signed just as an advocate but as a counsel for the petitioners and does not require a power of attorney. If truly the petition was inadmissible it will mean that there was nothing before the judges to adjudicate on. They ought not to go further to examine the petition on the merits. As the court went ahead to examine the petition on the merits it means that even if there was a situation of inadmissibility it was waived and having waived it the court is not allowed to come back to it as it tantamount to approbating and reprobating at the same time.*

*"On the second part of this ground of appeal which touches on the fact that the petition was unjustified, we submit that the Lower Court violated the provisions of article 9(a) of Decree No. 76-165 of 27<sup>th</sup> April 1976 cited supra. The father of the petitioners Mansfield Nchu Gashu was on this land in the sixties and in 1973 the said Mansfield Gashu Nchu had an approved building plan and built a house on the land. The said building plan was attached to the petition at the lower court as annex 8-83. Article 9(a) of Decree No. 76-165 of 27<sup>th</sup> April 1976 cited supra gives power only to those who had been in*

*occupation and exploitation of the land in issue to apply for a land certificate. Annexes 8-83 which are approved building plans of Mansfield Gashu Nchu are eloquent proof that the Mansfield's were on the land and this fact has never been challenged till date.*

*“The children of late Mansfield Gashu Nchu were the ones receiving rents from the houses on the land until when they sold the compound. See Annex D to the petition signed alongside by Fon Angwafo III SAN the fon of Mankon and the lineage head of Gashu's family.*

*“When appellants sold the land there realized that the sale offended article 8(2) of ordinance No. 74-1 of July 1974 to establish rules governing land Tenure and applied for land certificate No. 12629 in their names in order to cure the defect that clouded the sale. It was so embarrassing that the lower court gave a blessing to an illegality by concluding that the petitioners (Appellants) could not have sold land and applied for a land certificate over the same land when the purported buyer did not complain. There is nothing attached to the Respondents submission to show that the purported buyer felt cheated and complained anywhere. The said sale in the eye of the law is null and void and the court of law ought not to rely on it even the minister in charge of lands.*

*“The Respondents relied on a document from the*

*Fon of Mankon Fon Angwafo III SAN which was attached to 2<sup>nd</sup> Respondents submissions titled "disputed family estate of late Nche Gashu and attached as Annex A. To show that the said Fon Angwafo III SAN is not a person to rely on, he equally signed Annexes O-01 and Annexes X-X3 attached to the petition. He is not a credible authority and we urge Your Lordships not to rely on any document written by him as far as the land of Mansfield Gashu Nchu is concerned.*

*"From the totality of the aforesaid, we urge your Lordships to find favour with our submissions and reversed the decisions of the North West Administrative Court by cancelling land certificate No. 14846 Vol. 73 Folio 218 dated 06/02/2017 and letter No. 000371/Y.7/MINDCAF/SG/D6/S 200/MJA of 17<sup>th</sup> April 2015 and reinstate Land Certificate No. 12529 Vol.62 Folio 60 of 27/10/2014 and letter No 005444/Y.6/MINDCAF/SG/02/110 dated 1<sup>st</sup> August 2017 pursuant to article 2(5) of decree No. 76-165 of April 1976 cited supra.*

-----That the submissions of the 1<sup>st</sup> Respondent (MINDCAF) in reply to the memorandum of submissions of the Appellant filed on the 07<sup>th</sup> November 2018 are articulated thus:

*"Mindful of an appeal filed by Mr AKUMA NCHU Ivo against judgment no 021/2018/BDA delivered on the 5th of July 2018 by the North West*

*Administrative Court rejecting the claims of the appellant herein on grounds that they were unfounded.*

*“Mindful of the fact that the appellants filed a petition at the Administrative Court supra requesting for the cancellation of land certificate no 14846/Mezam and to reinstate land certificate no 12529/Mezam withdrawn by the Honourable Minister of State Property, Surveys and Land Tenure.*

### ***PLEA TO YOUR LORDSHIPS***

*“Considering that the appellants say the land in question at hospital round-about in Bamenda is the sole property of late Mansfield GASHU NCHE who is their legitimate father, Your Lordships, it is abundantly clear that the disputed property is that of late NCHE KUSAH GASHU; father to the 2<sup>nd</sup> respondent reasons why the other family names are mentioned therein in land certificate no 14846/Mezam;*

*“It is important to draw the family tree of late NCHE KUSAH GASHU for your Lordships to understand the whole situation. Late NCHE KUSAH GASHU; owner of the disputed property is both father to the respondent; ANYE George GASHU and Mansfield GASHU NCHU, father to the appellant. The two are half brothers with the others included in land certificate no 14846/Mezam. The respondents are the children of Mansfield GASHU NCHU who is not*

*owner of the land. It should be noted that Mr. ANYE George GASHU the respondent herein has been issued Letters of Administration infra to administer the said estate to the benefit of all the other family members which were challenged in court but dismissed as seen below*

*“Your Lordships, to say that Mansfield GASHU NCHU has been on the land prior to the 5<sup>th</sup> of August 1974 is wrong because all the children of late NCHE KUSAH GA and were born in this land with the various developments some which are above 60 years and the respondent have presented a building permit which is not as old as the house therein.*

*“Considering that the Minister of lands in withdrawing land certificate no 12529/Mezam relied on the Mezam High Court judgment in suit no HCM/PD/LA.36m/08 delivered by his Lordship Justice TAMINANG A. J on the 9<sup>th</sup> day of March 2009. Wherein he ruled that the estate of late pa NCHE KUSAH GASHU still exists. The Administrative Court for the North West equally followed same in coming out with the above judgment. Given the circumstances, if the said estate of NCHE KUSAH GASHU still exists as per the ruling, it follows that those who have been in occupation of the property before the 5<sup>th</sup> of August 1974 are the beneficiaries of NCHE KUSAH GASHU and not the appellants who are grand-children.*

*“Your Lordships, article 8 (2) of Ordinance no 74/1 of 6 July 1974 to lay down rules governing Land Tenure clearly debars any person from selling unregistered land. The appellants here jointly sold the unregistered property to Mitanyen Cooperative Credit Union and after some months still went and applied for a land certificate in their name which was issued erroneously. The Minister of lands after serious investigation of the Deed of Sale later withdrew the title and in a different correspondence decided that the application was wrongly oriented and that as Mr. ANYE George GASHU had earlier applied for a title on the same land on behalf of all the family members, a new title could be issued to them with the appellant inclusive (land certificate no 14486/Mezam).*

*“The important issue raised by the appellant is the non respect of article 2(5) of Decree no 76/165 of 27 April 1976 to lay down the terms and conditions for obtaining land certificates and its subsequent modifications which the appellant believe the Honourable Minister of Land Tenure never respected. My Lords, the appellants applied for a title while the respondents had equally applied for a title on their late father s estate (late NCHE KUSAH GASHU) as beneficiaries. The Land Consultative Board examined the matter which tantamounted to the petition of the 2<sup>nd</sup> respondents to the Minister of*

*State Property, Surveys and Land Tenure. The Minister ruled that the names of the respondent should be included in the title of the appellant which was not done but instead issued title no 12529/Mezam excluding the names of the 2<sup>nd</sup> respondents with their brothers reasons why the said title was withdrawn and the above title was later issued to the respondents including the name of AKUMA CNHU Ivo. It follows that the said article was fully respected.*

*“Considering that Mr. AKUMA Ivo NCHU has Letters of Administration to administer the property of his father late Mansfield GASHU NCHU and not the property of NCHE KUSAH GASHU situated at hospital rounds-about, the appellant tries to mislead the intelligence of this honourable court as if it was the same property.*

*“Considering that the appellants are trying to mislead this Honourable Court by stating that the property of NCHE KUSAH GASHU has been shared and the one at hospital round-about belongs solely to them given that the respondent has disposed of their property, my Lords the rationale here is that if the said property was not that of late NCHE KUSAH GASHU, the appellant should have then applied for the revocation of the Letters of Administration issued to the respondent. A fortiori, the onus therefore lies on the appellants to prove that the*

*estate of NCHE KUSAH GASHU has been shared to buttress that the names of the children of NCHE KUSAH GASHU ought not to have been included in the title.*

*“It is abundantly clear that the main issue raised by the appellant is that the property is that of their late father; Mansfield GASHU NCHU and not that of NCHE KUSAH GASHU who is the father of the 2<sup>nd</sup> respondent. It would therefore be unreasonable to give a judgment in favour of the appellant while the respondent has Letters of Administration on behalf of the whole family.*

*“From the above it is evident that the appellants do not have any good case thus their appeal should be rejected.*

### ***RELIEF SOUGHT***

*“I urge your Lordships, on the strength of the above grounds and for such, further grounds that this Honourable Court may deem fit and proper to make in the circumstance;*

*“Admit the State of Cameroon (MINDCAF) in her written submission in response and declare it justified;*

*“Maintain the above judgment from the Administrative Court for the North West;*

*“Reject the appeal of AKUMA NCHU Ivo and others as baseless and short of ail legal arguments.*

*“Condemn the appellant to bear the cost of*



*the proceedings in keeping with section 55 (1) of law no 2006/022 of 29<sup>th</sup> December 2006 to lay down the organisation and functioning of Administrative courts.*

***“AND THIS SHALL BE JUSTICE”***

----- That the submissions of the 2<sup>nd</sup> Respondent Anye George Gashu in reply to the submissions of the appellant filed on the 12 November 2018 are as follows:

***“MAY IT PLEASE YOUR LORDSHIPS***

*“The 2<sup>nd</sup> Respondent herein is the administrator of the estate of Nche Kusah Gashu situate at Atuazire (Hospital Round About) Mankon in Bamenda II Sub Division of Mezam Division North West Region, having as counsel Barrister Alambi Gabriel Ngang, an adult Cameroonian Legal Practitioner of Fokum-Alambi & Associates Bamenda presently residing in Nitop 5 Mankon Bamenda. Who has elected my law office situate at Commercial Avenue 1<sup>st</sup> Floor Tatsa's building adjacent New Life Super Market for the purpose of correspondences in respect of this matter, do hereby authorized me to reply to the submissions of the appellants on his behalf as his counsel. With leave of your Lordship; before proceeding to reply to the arguments advanced by the appellants in their brief of argument. I will start by presenting the Brief facts of the matter that is pending before your Lordships.*

## BRIEF FACTS

*“My Lords,*

*“The 1<sup>st</sup> Appellant Akuma Nchu Ivo is the Grandson of Nchu Kusah Gashu(deceased) and the administrator of the estate of his late father Gashu Nchu Mansfield. Who is a brother to the 2<sup>nd</sup> respondent Anye George Gashu. The 2<sup>nd</sup> to the 7<sup>th</sup> Appellants are the beneficiaries of the estate of Gashu Nchu Mansfield administered by Akuma Nchu Ivo via letters of administration herein attached and marked as Exh A.*

*“The 2<sup>nd</sup> Respondent Anye George Gashu herein is the Uncle to the 1<sup>st</sup> Appellants and the administrator of his own late father's estate Nche Kusah Gashu situated at Atuazire (Hospital Round About) Mankon via letters of administration herein attached and marked Exh B. That there are other 15 (fifteen) Beneficiaries to the said estate of Nche Kusah Gashu as stated on the 2<sup>nd</sup> Respondent' s letters of administration who are uncles and aunts to the Appellants herein , in this appeal before Your Lordships of the administrative Bench of the Supreme Court.*

*“That after the death of Nche Kusah Gashu, the Appellant's father Gashu Nchu Mansfield who is a brother to the 2<sup>nd</sup> Respondent was made the successor of Nche Kusah Gashu, who continued to manage the said estate situate at Hospital Round*

*About Mankon on behalf of himself and the other 16 (sixteen) Beneficiaries made up of 11(eleven) wives and 25(twenty five) children. He continued running the said estate as his personal property without obtaining letters of administration and rendering accounts of his management of the said estates to the other beneficiaries.*

*“That when Gashu Nchu Mansfield died in 1987, his son the 1<sup>st</sup> Appellant was crowned his successor and he later on applied for letters of administration to administer his late father's estate situate at Atuazire Mankon(Metta-Quarters) which exclusively belongs to Gashu Nchu Mansfield. See Exh A above.*

*“While the 2<sup>nd</sup> Respondent as per the Ruling in suit No HCBIPDILA.36<sup>M</sup>/08 of Mezam High Court applied for letters of administration to administer the estate of his late Nche Kusah Gashu on behalf of all the other 15 Beneficiaries. A copy of the Mezam High Court Ruling in herein attached and marked Exh C*

*“That the 1<sup>st</sup> Appellant herein, Akuma Nchu Ivo armed with the letters of administration over his own late father's estate instead conspired with the 3<sup>rd</sup> and 4<sup>th</sup> Appellants herein and fraudulently sold the late Nche Kusah Gashu's estate at Hospital Round About Mankon to Mitanyen Cooperative Credit Union Ltd without the knowledge and consent of the 2<sup>nd</sup>*

*Respondent herein who is the administrator of the estate of Nche Kusah Gashu and the other 15 beneficiaries.*

*“This fraudulent acts of the 1st, 3<sup>rd</sup> and 4<sup>th</sup> Appellants and his closed family members led to series of litigations in the courts and before the Hon. Minister of State Property, Survey and Land Tenure which finally ended up with the cancellation of Land Certificate No 12529 of Mezam dated 27<sup>th</sup> October 2014 erroneously issued to the 1st Appellant Akuma Nchu Ivo and 6 others.*

*“Appellants being dissatisfied with the Hon Minister' s order of withdrawal and cancellation of land certificate N<sup>o</sup> 12529 of Mezam issued to the appellants filed a Pre-litigation Complaint against the Hon Minister's decision and prayed the Hon. Minister to re-instate the cancelled Ministerial Decisions and the cancelled Land Certificate N<sup>o</sup> 12529 Vol. 62 Folio 60 erroneously issued to the 1<sup>st</sup> Appellant and 7 others.*

*“That Appellants after three months of non reply to their pre-litigation complaint by the Hon. Minister of state property, surveys and land tenure seized the administrative Court of the North West Region who entertained their petition, rejected same and maintained the decision of the Hon. Minister of State Property, survey and land tenure maintaining*

*the land certificate 14846 Vol .73 Folio 281 of Mezam issued to the 2<sup>nd</sup> Respondents and others.*

*“Dissatisfied with the judgment of the administrative Court of North West Region. The Appellant proceeded with their appeal before your Lordships of the administrative Bench of the Supreme Court on Three Grounds of Appeal for determination.*

*These are the brief facts of this Appeal. I will then proceed to answer the issues raised in Appellants brief of argument seriatim.*

**GROUND 1:**

**THIS GROUND OF THE APPEAL READS THUS:**

*“That the North West Administrative Court erred in law by upholding the ministerial decision in letter N<sup>o</sup> 000371/y.7/MINDCAF/SGID6/S.200/ MJA of 17<sup>th</sup> April 2016 relating to the issuance of land Certificate No 14846 Vol. 73 Folio 218 withdrawing Land Certificate No 12529 Vol. 62 Folio 60 of Mezam dated 27/10/2014 when the said decision was taken in violation of Articles 9 and 2(5) of decree No 76- 165 of 27<sup>th</sup> April 1976 to establish conditions for obtaining Land Certificates”.*

*“My Lords, The Appellants Through their Counsel thus submitted lengthily on Ground 1 that the Trial Court by not Cancelling the Land certificate No 14846 Vol 73 Folio 281 of Mezam dated 06/02/2017 when the said decision to issue the afore cited land*

*certificate was taken in gross violation of Article 9 and (2) (5) of decree No 76-165 of 27th April 1976 to establish conditions for obtaining land certificate.*

*“We submit that, the said Gashu Nchu Mansfield had never occupied, developed or have possession of the property at Hospital Round About as alleged by the Appellants. The two building on the said land which form part of the estate of late Nche Kusah Gashu now administered by Anye George Gashu were constructed as far back as 1960s by Nche Kusah Gashu and not by Gashu Nchu Mansfield the successor. Appellants are relying on an approved building plan from the Council as proof of ownership. The said building plans are not the building plans of the old buildings built by 2<sup>nd</sup> Respondent late father Nche Kusah Gashu . Appellants intentionally wants to mislead your Lordships by relying on building plans which were never executed as proof of developments erected on the land by their late father Gashu Nchu Mansfield.*

*“My lords, it is common knowledge and practice that people draw building plans and the projects not executed. Does it mean because you are in possession of building plans that makes you the owner of existing developments when the project had never been realized? The answer is in the negative. The only proof of ownership rights as ordained by SI(1) of decree N<sup>o</sup> 76-165 of 27<sup>th</sup> April 1976 to establish the conditions*

*for obtaining land certificate as amended and supplemented by decree no 2005/481 of 16th December 2005 is a land certificate and nothing more. Base on the above stated facts,( the developments, the two old building) on the land which were built by late Nche Kusah Gashu is proof of occupation and possession prior to the coming into force of 1974 ordinance on land tenure hence Article 9 of decree No 76-165 of 27 April 1976 to establish conditions for obtaining land certificate was never violated by the lower court as appellants want your Lordships to belief.*

*“Apart from building plans exhibited by Appellants to buttress their fake occupations and possession. There is nothing else they have exhibited to substantial the fact that they were on the land before 1973 as alleged and that the said property is not and do es not form part of the estate of Nche Kusah Gashu. They have not shown any pictures of the building which reflects the building plans they are brandishing to ascertain the fact that the buildings on the land is a replica of the building plan attached to their submissions.*

*“The Appellants have submitted that the 1 st Appellant Akuma Nchu Ivo is the administrator of the estate of Gashu Nchu Mansfield, more particularly the estate at Atuazire Hospital Round About which they are struggling to mislead your Lordships, as they did*

*same to the Hon Minister of State Property, Surveys and land tenure to belief that the property at Hospital round about is that of Gashu Nchu Mansfield and erroneously issued land certificate No 12529 of Mezam dated 27<sup>th</sup> October 2014. The Hon. Minister later on discovered that the said land certificate was issued in error to the Appellants and ordered for its cancellation and withdrawal.*

*“The Appellants have been struggling to mislead your Lordships that the said property at Hospital Round About belongs to the late father of Akuma Nchu Ivo as his own portion of the sharing of Nche Kusah Gashu's estate. They have attached building plans as exhibit of occupation, developments and proof of possession to buttress their points.*

*“My Lords, we submit further that this baseless line of arguments had long been taken care of by the Mezam High Court in Suit No HCB/PDILA.36<sup>m</sup>/08 between Akuma Nchu Ivo vs Anye George Gashu in its reasoned Ruling delivered by his Lordship Justice Taminang A.I wherein He ruled that the estate of Nche Kusah Gashu has not been shared” as alleged by Appellants represented by Akuma Nchu Ivo and proceeded to order that the 2<sup>od</sup> respondent Anye George Gashu should apply for letters of administration to administer the said estate where the Hon. Minister of State Property, Survey and land tenure rightly ordered that land certificate No 14846*



*Vol 73 Folio 218 of Mezam dated 06/03/2017 sought to be withdrawn be issued to the 2<sup>nd</sup> Respondent Anye George Gashu and six others including the names of the 1st Appellant representing the interest of his late father Gashu Nchu Mansfield who is the brother to the 2<sup>nd</sup> Respondent. That actually the Divisional land Registrar for Mezam acting on the instructions of the Hon. Minister included the names of 1 st Appellant as one of the co-owner of land certificate No 14846 Vol. 73. Folio. 218. Copy of the land certificate No 14846 with the inclusion of the name of Akuma Nchu Ivo is herein attached as Exh D.*

*“We refer Your Lordships to the last paragraph of the said Mezam High Court Ruling herein cited as Exh C supra. The said Ruling till date is valid and still subsisting as there is no appeal for close to 10 Years today. My lords litigations must come to an end.*

*“We further submit my Lords, to buttress our arguments that the said Gashu Nchu Mansfield was only a Successor of Nche Kusah Gashu to take care of the estate on behalf of all the beneficiaries and not to manage the estate as his personal property to draw building plans thereto, which he is portraying today as proof of occupation and possession; As per the Ruling of the High Court of Mezam Exhibit C above the estate of Nchu Kusah Gashu has not been shared. It still exist so the building plans drawn by Gashu Nchu Mansfield in his personal name without including the names of*

*the other beneficiaries were over which estate?*

*“He was running and managing that estate of Nchu Kusah Gashu for his personal and selfish interest without obtaining letter of administration to legalize his fraudulent acts and intention. Consequently any act carried out by him on that estate without the approval and consent of the other beneficiaries is Null and Void in the eyes of the law. By so doing he was an intermeddler and “executor de son Tort” and your Lordships will not cover your Legal eyes and give your blessings to such fraudulent acts and intentions of Appellant's late father in order to grab family estate as his personal property.*

*“My lords, in their brief of argument Appellants Find quarrel with the reasoning of the Learned Justices of the trial court as to which evidence they relied on to think that the property in issue belongs to the late Nche Kusah Gashu, when the evidence before the court showed exploitation and. developments on the land with approved building Plans in the name of Gashu Nchu Mansfield.*

*“We submit that, the 2<sup>nd</sup> Respondent provided erroneous evidence to proof that the estate of Nche Kusah Gashu was intact and has never been shared as alleged by the appellants. We refer your Lordships to the Mezam High court ruling last paragraph of Exhibit C on our reply submissions at the trial court.*

*“Secondly, Fon Angwafor III's letter who is the*

*lineage head of the Gashu's family attested to the fact that the estate of Nche Kusah Gashu at Hospital Round About has not been shared, see Exh D of our reply submissions at the Trial Court. These authorities are living witnesses and not photocopied pieces of papers as building plans which project was never realized. The building plans ended in the drawers of appellant's late father's table. What evidence is needed again more than these valid Court Ruling and Lineage Head (Fon Angwafor III's) Letter to the Hon. Minister of state property, surveys and land tenure.*

*“My Lords, Appellants have alleged that the trial court in maintaining the Hon. Minister's decision and maintaining Land certificate No 14846 Vol. 73 Folio 218 of Mezam dated 27/10/2014 equally violated article 2 (5) of decree No 76-165 of 27 April 1976 to establish the conditions for obtaining land certificates as amended and supplemented by decree No 2005/481 of 16 December 2006.*

*“We submit that, the legal procedure laid down by the afore cited at article of the decree was strictly respected by the Hon. Minister and the trial court. That said the Hon. Minister had earlier instructed that the name of the 2<sup>nd</sup> respondent Anye George Gashu be added to the application for land certificate applied by Akuma Ivo Nchu which was never done. The said land certificate issued to Appellants excluding the name of the 2<sup>nd</sup> respondent was cancelled and withdrawn by*

*the Hon. Minister on grounds that it was issued in error. Consequently, it follows that the application for land certificate of Akuma Nchu Ivo was equally cancelled including the whole application file for land certificate of Akuma Nchu Ivo as you can't put something on nothing and expect it to stand. Anye George Gashu who is the 2<sup>nd</sup> respondent had followed the due process and procedure to obtain land certificate No 14846 Vol. 73 Folio 218 of Mezam. 2<sup>nd</sup> respondent applied for land certificate, the Bamenda II land consultative Board carried out the assessment, pillars planted and numbered and the procedure was followed right to the end with Anye George Gashu (2<sup>nd</sup> respondent herein appeared in the Regional Bulletin of state property and land notices. A copy of the bulletin is herein attached as EXH E. This is the reason why the Hon. Minister after cancelling Akuma Nchu Ivo's land certificate instructed the divisional and registrar for Mezam to include the names of Akuma Nchu Ivo in the land certificate of Anye George Gashu in order to protect his late father ( Gashu Nchu Mansfield) interest as a co-owner who is a beneficiary to the said estate of Nche Kusah Gashu.*

*“My lords, how then is the aforesaid article 2(5) of the said decree violated when the due procedure was duly followed by the 2<sup>nd</sup> respondent. Appellant's argument is not only lame, flimsy but meant to mislead your lordships as if there was no valid application for*

*land certificate filed by the 2<sup>nd</sup> respondent See EXH E. afore cited.*

*“On that score, we therefore urge your lordships to dismiss this ground of appeal for being not only idle, flimsy, baseless but lack of merits.*

### **REPLY TO GROUND II**

*“In answer to Ground II of appellant's submission we submit that the following sections cited by the appellant's counsel were never violated by the trial court. They have relied on cited S.II (1) and 12 of decree No 76-165 of 27<sup>th</sup> April 1976 as read with S. 14 of the Non contentious probate rules cap 211 of 1954 as not being respected by the trial court.*

*“Section 11(1) and 12 of decree No 76-165 of 27<sup>th</sup> April 1976 were totally followed by the 2<sup>nd</sup> respondent when he and others applied for land certificate No-14846. A file for application for land certificate was duly composed in quadruplicate, and deposited at the District of the sub divisional office of Bamenda II where the property is found. That is the more reason why 2<sup>nd</sup> respondent names and other 5 beneficiaries appeared on the Regional Bulletin of state properties and land notices for North West attached above as EXH E.*

*“Appellants my Lords failed to carry out their assignment properly. It is on that reasoning that the Trial Court upheld the Hon. Minister's decision by maintaining land certificate No 14846 issued in the names of the 2<sup>nd</sup> respondent and others.*

*Appellants have equally raised the issue of violation of article 14 of afore cited law.*

*“We submit that the long and repeated narrations of Counsel representing the appellants is just a repetition of facts and various decisions that have been overruled by the higher government institution vested with appellate jurisdiction so far as land matters are concerned.*

*“My lords, a respondent being dissatisfied with the recommendation of the Bamenda II land consultative Board and that of the Governor of North West Region, filed a petition to the Hon. Minister for redress. Stating all the reasons for his petition. The Hon. Minister after due investigations and examination of 2<sup>nd</sup> respondent's petition found favour with 2<sup>nd</sup> respondent's petition for the reasons advanced.*

*“My Lords, Appellants have wasted all their time narrating the decisions of the Land Consultative Board that have long been overruled by the appellate authorities and the trial courts. Appellants have raised the issue of violation of S.21 of the Non contention probate rules. We submit, that the afore cited section is irrelevant to the facts to be determined by your Lordships. Whether 2<sup>nd</sup> respondent is the child of Nche Kusah Gashu or not is of no moment here. The Mezam High Court Ruling in exhibit Chas taking care of appellants worries. The long narrations and history presented by appellants had long been taken care of*

*by the Mezam High Court in Suit No Hem/PD/LA 36m/08 between Akuma Nchu Ivo verse Anye George Gashu wherein his Lordship Justice Taminang A. ruled that the estate of Nche Kusah Gashu has not been shared as alleged by the same appellants and others and proceeded to order that the 2<sup>nd</sup> respondent (Anye George Gashu) should apply for letters of administration to administer the said estate of Nche Kusah Gashu. Wherein the Hon. Minister rightly ordered that land certificate No 14846 vol. 73. Folio 218 dated 06/03/2017 be issued to Anye George Gashu and six others including the names of 1<sup>st</sup> Appellant representing the interest of his late father Gashu Nchu Mansfield. Who is brother to 2<sup>nd</sup> respondent.*

*“My lords, that ruling of the Mezam High court till date has never been appealed against. Appellants keep on going back to issues which have long been given a decent burial by the courts. That ruling till date is still valid and subsisting.*

*“Further my Lords, 1<sup>st</sup> 3<sup>d</sup> and 4<sup>th</sup> appellants who are Akuma Nchu Ivo, Idam Zepporah Gashu and Bih Trinity conspired, ganged up and jointly disposed of the said estate of Nche Kusah Gashu to MITANYEN Cooperative Credit Union ltd on the 2<sup>nd</sup> day of January 2008 without the knowledge and consent of the rightful beneficiaries and the 2<sup>nd</sup> respondent as the administrator, as exhibited by the letters of administration exhibit B supra.*

*“The deed of conveyance evidencing the sale over this unregistered land of (Nche Kusah Gashu's estate at Hospital Round About Mankon) by the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Appellants was drawn up and executed by the parties on the 2<sup>nd</sup> day of January 2008 A copy of the said deed of conveyance dated 2/01/2008 is herein attached and marked Exhibit F.*

*“My lords, after the disposal of the said unregistered property of Nchu Kusah Gashu to a 3<sup>rd</sup> party (Mitanyen Cooperative Credit Union) by the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> appellants. The same 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> appellants to wit: Akuma Nchu Ivo, Idam zepporah and Bih Trinity turned round again and applied for land certificate over the same estate they have sold on the 20<sup>th</sup> day of January 2008 i.e 18(eighteen days after the sale. They jointly sold this property on the 2/01/2008 and thereafter applied for a land certificate on the 20/01/2008.*

*“My Lord, the one million Dollar question which begs for your answer is Can 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Appellants disposed of unregistered property to a 3<sup>rd</sup> party and after 18 days of the sale, the same 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> appellants (sellers) turn round and apply for a land certificate over the same property they have disposed of eighteen (18) days ago in their names? The answer my lord is in the negative.*

*“We refer your lordships to the bordereau Analytique (abstract of the Certificate of the cancelled*



*land certificate No 12529 erroneously issued to the appellants. Laying particularly emphasis on the date the application for land certificate was filed by the appellants. A copy of the said bordereau Analytique. Of the cancelled land certificate No 12529 is herein attached and marked EXH G*

*“My lords, these were the rationale the Hon. Minister of state property, surveys and land tenure took into consideration to withdraw and cancel ministerial letter No 005444/1.6/MINDCAF/SG/D2/100 of 11/04/2014 which gave birth to the cancelled land certificate No 12529 erroneously issued to Akuma Nchu Ivo and the 3<sup>d</sup> and 4<sup>th</sup> Appellant and others . The rationale of the Hon. Minister was grounded for a simple reason that one cannot sell unregistered property to a 3<sup>d</sup> party and turn round again and apply for land certificate over the same property now in the hands of the 3<sup>d</sup> party.*

*“This is fraud of the first order which needs to be punished and Appellants prosecuted in the competent court of law.*

*“My lords, this enormous fraud masterminded by the appellants on Nche Kusah Gashu's estate made the Honourable Minister to caneel and withdraw the said land certificate No 12529 erroneously issued to the Appellants and ordered that land certificate No 14846 be issued to Anye G The North West*

*Administrative court equally upheld this decision of the Hon. Minister of state property, survey and land tenure.*

*“We therefore urge your Lordships to follow same and frown bitterly against such enormous fraud perpetrated on the estate of 2<sup>nd</sup> respondent father's estate ( Nche Kusah Gashu) by appellants and dismiss this frivolous ground of appeal.*

### **REPLY TO GROUND III**

*“Appellants have stated in their ground III that; “the panel of judges of the North West administrative Court violated S. 20, 21 and 22 of law No 2006/0022 of 29/12/2006 to lay down the organization and functioning of administrative court and article 9 (a) of Decree No 76-165 of 27<sup>th</sup> April 1976 to establish the conditions for obtaining land certificates when they held that the petition was inadmissible and unjustified on the merit.*

*“We submit strongly and powerfully My Lords, that the interpretation and reasoning of the Trial Court as to sections, 20, 21 and 22 of the above section was proper as canvassed by the 2<sup>nd</sup> respondent in his reply submissions at the trial court.*

*“At the trial court, 2<sup>nd</sup> respondent raised and argued that the appellants petition was signed by counsel without any expressed and valid Power of Attorney duly executed by the Appellants in gross violation of S. 20, 21 and 22 of law No 2006/022 of 09*

*December 2006 to lay down the organization and functioning of the administrative court on representation.*

*“My lords, in filing the said petition at the lower court counsel did not state his position, whether he is representing the petitioners as their attorney to enable him sign the said petition or as counsel to conduct the case on behalf of the petitioners (appellants herein). This is so because the 1st appellant herein for more than 5years is living and resident abroad in Japan and has since never return to Cameroon to brief counsel to act on his behalf.*

*“My lords, going by the heading of the petition of the Appellants at the trial court it is captioned "A petition by Akuma Nchu Ivo, Njiabi Mercy Nchu, Idam Zepporah Gashu, Bih Trinity, Su Gashu Magellan, Gashu Stanley Fru and Nji Emmanuel Gashu.*

*“The operative word "PETITION BY" implies it is Akuma Nchu Ivo and others who have filed the said petition but surprisingly it is signed by Anye George Gashu and others' Counsel instead of the said Akuma Ivo Nchu and 7 others without a valid Power of Attorney given by Akuma Nchu Ivo and 7 others.*

*“The word "by" implies it is Akuma Nchu Ivo who has petitioned and not counsel, so counsel cannot append his signature, office seal and name stamp on a petition filed by Akuma Nchu Ivo.*

*"We further submit that if counsel was representing Akuma Nchu Ivo as an advocate, the petition would have been titled "Petition On Behalf of Akuma Nchu Ivo" and not "Petition By"*

*"My lords, it is for this reason that the trial court held that the petition was inadmissible but in order to render Justice in the said matter proceeded to go into the merits of the case which again the learned justices found that the Petition of Appellant was unjustified.*

*"We submit that proceedings before a law court are governed by the rules of court and its inherent powers. There is no section in the law organizing the functioning of the administrative court which says if the petition is inadmissible the Judge should not proceed to look into the matter on the merits. That is a discretion reserve for the courts which must be exercised judiciously. This discretion was actually exercised judiciously by the Justices of the Trial Court. The submissions of learned counsel for the Appellants on ground III are not only empty, baseless but lack merits to ground this ground of appeal.*

*"From the above stated arguments of the 2<sup>nd</sup> respondent in reply to all the issues raised in Appellants' ground of appeal we urge your lordships to disregard the lame submissions, dismiss same and maintain the Hon. Minister decision to uphold and maintain the decision of the lower trial court (North West Administrative court) and award substantial*

*cost of 50.000.000frs against the appellants in favour of the 2<sup>nd</sup> respondent. That will be Justice*

-----That the reply of 2<sup>nd</sup> Respondent (Anye George Gashu) to the submissions of the 1<sup>st</sup> Respondents filed on the 10<sup>th</sup> January 2019 is as follows:

*“May it please Your Lordships,*

*“On the 28<sup>th</sup> day of December 2018, 1 Barrister Alambi Gabriel acting on the firm instructions of Anye George Gashu 2<sup>nd</sup> Respondent herein was served with a copy of the filed submissions of the 1st Respondent, and a copy of the Registrar-in-Chief's correspondence dated 19<sup>th</sup> November 2018 where in we were given 15 days time limit to file our statement in response to the submission of the 1st Respondent if any. It is as a result of the said 1st Respondent's written submissions that we deem it necessary to react to same.*

*“My Lords;*

*“The submissions of the 1st Respondent corroborates the statement in defense of the 2<sup>nd</sup> Respondent in all material facts as to the lame legal issues and arguments presented by the Appellants herein, who are not the immediate beneficiaries to the estate of Nche Kusah Gashu.*

*“Appellants before the North West Administrative Court commenced their action solely against the 2<sup>nd</sup> Respondent for the cancellation and withdrawal of land certificate No*

*14846 vol 73 Folio 281 of Mezam dated 06/02/2017 which Land certificate bears the names of 7 (seven) beneficiaries of the estate of N he Kusah Gashu to wit: Anye George Gashu, Nde Napoleon Gashu, Sunday Peter Gashu, Gashu Manka espouse Obadozie Angelina, Gashu Evaristus Nche, and Akuma Nche Ivo (the 1st Appellant) herein in this appeal before Your Lordships.*

*“My Lords, these are all the beneficiaries of the said estate and Appellants elects to bring their action just against Anye George Gashu who is one of the co-owners of the said landed property situate at Atuzire Hospital Round About Mankon. If your Lordships were to make any orders pursuant to this Appeal, will such orders affect the other co-owners who were not made parties to this action before the Hon. Minister of state property, surveys and land tenure, the trial court, and before the administrative bench of the Supreme Court, and whose names are included in the land certificate No 14846 sought to be cancelled. The answer is in the negative.*

*“That is the more reason why Your Lordships should declare the appeal defective in form and inadmissible for non-joinder of parties which is so fundamental and touches on the subject matter of this appeal (land certificate No 14846.)*

*“Secondly Your Lordships, on the said Land certificate No 14846 vol 73 Folio 281, the name of the 1st Appellant is included as co-owner of the said Land certificate since he is the administrator of the estate of his own father (Mansfield Gashu Nchu) who is brother to the 2<sup>nd</sup> Respondent and a beneficiary of the said estate Nche Kusah Gashu administered by the 2<sup>nd</sup> Respondent herein.*

*“My Lords, the inclusion of the name of the 1st Appellant in the said land certificate as ordered by the 1st Respondent herein alongside the other beneficiaries is a clear proof that the estate of Nche Kusah Gashu long existed before 5<sup>th</sup> August 1974 as provided by section 9(a) decree No 76- 165 of 27<sup>th</sup> April 1976 to establish the conditions for obtaining land certificates amended and supplemented by decree No 2005/481 of 16<sup>th</sup> December 2005 and has never been shared as alleged by the Appellants. All the old structures on the land pre-date 1974 and belonged to Nche Kusah Gashu and not the father of the Appellants (Gashu Mansfield Nchu). These structures are clear proofs of occupation and developments carried out by the Nche Kusah Gashu grand-father to appellants.*

*“My Lords, the one million dollar Question which begs for an answer from your lordships is; if the said estate of Nche Kusah Gashu has been shared as alleged by Appellants, why is it that the names of*

*the other children and beneficiaries of the said estate of Nche Kusah Gashu are still included in the land certificate No 14846 as co-owners without any objection from Appellants? Why have appellants decided to attack only the 2<sup>nd</sup> Respondent and avoided the other co-owners/beneficiaries whose names are included in land certificate No 14846? This goes to buttress the fact that the estate of Nche Kusah Gashu still exist and is administered by the 2<sup>nd</sup> Respondent for the benefit and interest of the other co-owners/beneficiaries who have not been made parties in their petition to the Hon, Minister, The North west Administrative Court and before your Lordships of the administrative bench of the Supreme Court.*

*“Further my Lords, 1st Appellant has Letters of administration to administered the estate of his late father Gashu Nche Mansfield and 2<sup>nd</sup> Respondent equally have letter of administration to administer the estate of Nche Kusah Gashu (Grand-father to 1st Appellant and who is the rightful owner in possession of the landed property at Atuzaire Hospital Roundabout Mankon covered by land certificate No 14846 of Mezam.*

*“We submit that item No 2 on the inventory of the 2<sup>nd</sup> Respondent's letters of administration is the property covered by land certificate No 14846 of*



*Mezam which Appellants are laying claims that it's their father's sole property as a result of sharing.*

*"My Lords, the said item No 2 on the inventory of the 2<sup>nd</sup> Respondent's letters of administration has never been challenged by the appellants for erroneously including same in the inventory of 2<sup>nd</sup> Respondent's letters of administration till date.*

*"How can they now turn around to say it's their father's own share of the estate of Nche Kusah Gashu when the High Court of Mezam held differently in suit No HCMB/PD/DLA/36m/08 that the estate of Nche Kusah Gashu still exist and has never been shared and ordered the 2<sup>nd</sup> Respondent one of the surviving sons of the deceased to administer the estate.*

*"The ruling of the Mezam High Court has never been appealed against, and 2<sup>nd</sup> Respondent's letters of administration have equally not been challenged by the Appellants to ground their petition.*

*"We therefore urge your Lordships to uphold and maintain the judgment of the lower court and the submissions of the 1st Respondent and dismiss the entire appeal of the Appellants for being frivolous, baseless in form and content.*

*"We further urge you to invoke the provisions of section 55(1) of law No 2006/022 of 29<sup>th</sup> December 2006 to lay down the organization and functioning of the administrative courts and award cost of*

*50.000.000frs against the Appellants jointly in favour of the 2<sup>nd</sup> Respondent for the inconveniences caused all this while and that will be justice seen to be done.*

----- That the rejoinder of the Appellant in reply to the submissions of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents filed on the 14<sup>th</sup> January 2018 is articulated thus:

*“May it please Your Lordships, we received the written and filed submissions of both respondents on the 03/10/2019 and after perusing, we found it necessary to debunk the submissions with the following arguments. With Your Lordships permission we shall jointly reply to the both submissions but to start with that of the 2<sup>nd</sup> Respondent.*

*“Before delving into the reply proper, we submit with due respect that at the level of the North West Administrative Court, the Appellants petition was served on the Respondents and when the Respondents replied, the court denied serving the Appellants with the reply of the Respondents, This explains why Your Lordships will not find any submission in the file of the Lower Court in reply to the Respondents' submissions because they were not given the opportunity to do so. This is against public policy and the law and it worked a lot of hardship and injustice against the Appellants herein. Even on the day of hearing, Counsel of the Appellants brought to the notice of the judges that the*

*Appellants have not been served with the submissions of the Respondents but the court ignored and insisted to go on with the matter and the matter was heard. That said Your Lordships we submit in reply to Respondents as follows;*

*“The 2<sup>nd</sup> Respondent opened his submission with what he titled "Brief facts" wherein he has made a lengthy narration of facts not couched under a ground of appeal as required by the law. We urge Your Lordship not to attach any weight to this part of the submission.*

*“Concerning the submissions of the 2<sup>nd</sup> Respondent, Anye George Gashu, we submit with due respect that he who alleges must prove. On the land in issue are two buildings and the 2<sup>nd</sup> Respondent has acknowledged this fact in his submissions. The father of the appellant applied and obtained two building plans approving the construction of the two buildings. Up till date the two old structures on the land are what appellants' father put up. My Lords it is disturbing and a comic relief that a legal mind will submit that approved building plans were not executed when the two buildings are standing on the land. Without showing what links the family of Nche Kusah Gashu to the property, the learned gentleman opined that the approved building plans remained in the drawer of the appellants' father without any proof. At least the*

*approved building plans obtained in 1973 and 1979 are documents linking the appellants who are children and wives of the late Mansfield Gashu Nchu to the property in question. The 2<sup>nd</sup> Respondent through the length and breadth 'of his submissions has failed to debunk the fact that the judgment of the trial court offended Articles 9 of' decree No. 76-165 of 27th April 1976 to establish conditions for obtaining land certificates;*

*“The fact that the Hon. Minister cancelled a land certificate and went ahead to give instructions on what should be done rather than leaving it in its original position which was ought to be that of national land violated the law and punishment for such violation is to withdraw the land certificate issue of the minister’s instruction in the name of the 2<sup>nd</sup> Respondent and 6 others including even the 1<sup>st</sup> Appellant whose consent was never sought to be made part of the Land Certificate.*

*“The only document which the 2<sup>nd</sup> Respondent relies on is letters of Administration obtained in 2011 to manage the estate of Nchu Kusah Gashu who died in 1960. The said letters attached to 2<sup>nd</sup> Respondent's submissions as exhibit "B" has as inventory a compound at Atuazire Mankon Bamenda amongst others but has not specify that the compound at Atuazire is located at the Hospital Round About because the said exhibit "B" has*

*nothing to do with the property at Hospital Round About. The 2<sup>nd</sup> Respondent knew at the time of sealing the letters that the disputed land is at Hospital Round About but did not so indicate because 2<sup>nd</sup> Respondent's letters had nothing to do with the estate at hospital Round About. My Lords the questions we are begging this court to answer is whether a father can die in 1960 having a developed land in the center of the town as Bamenda and the children will wait for a court instruction to establish letters of administration to manage the estate in 2011? We urge Your Lordships to answer this question in the negative. Annex "L" attached to the appellants' submissions shows the true picture of what is left of Nche Kusah Gashu's estate and has no link with appellants' estate at Hospital Round About. The said Annex "L" was never challenged at the Trial Court. Annex "D" attached to appellants submission at the trial court is a document on the sharing and collection of rents in the compound at the hospital Round About by the appellants. The said document was endorsed by the Fon of Mankon Fon Angwafor III SAN dated 15<sup>th</sup> April 2007 as lineage head of the Gashu's family. The said Annex "D" has equally not been challenged. It is terrible that the said Fon Angwafor wrote again to the Hon. Minister describing the said property as disputed property of the Gashu when he indorsed the*

*collection of rents by the children of Mansfield Gashu Nchu, Appellants' herein.*

*“Concerning the reply to ground II my Lords we submit with due respect that sections 11(1) and 12 of decree No. 76-165 of 27<sup>th</sup> April 1976 were violated. Brandishing a copy of the Regional bulletin is not enough proof that the procedure of obtaining a land certificate was followed. The 2<sup>nd</sup> Respondent’s name and others were fitted at the level of the Region, otherwise the 2<sup>nd</sup> Respondent should show proof that he was at the land consultative board and other competent services in charge of the processing of a land certificate, Having the name of the 2<sup>nd</sup> Respondent on the Regional bulletin on the Minister's Instruction is a violation of the law. The procedure for a land certificate does not start with the Regional bulletin. Rather the Regional bulletin is the end of the process for the certificate to be written.*

*“The minister could not have ordered for the cancellation of Appellants' land certificate in favour of a land certificate for the 2<sup>nd</sup> Respondent and others when there was no proof that the 2<sup>nd</sup> Respondent or the father Nche Kusah Gashu ever occupied or exploited or developed the land in question. Making such an order in favour of the 2<sup>nd</sup> Respondent was a blatant violation of section 14 of*

*decree No. 76-166 of 27 April 1976 cited in appellants' memorandum of appeal.*

*“My Lords, counsel for 2<sup>nd</sup> Respondent has submitted lengthily that 1<sup>st</sup> 3<sup>d</sup> and 4<sup>th</sup> appellants sold the land in question to Mitanyen Co-operative Credit Union Ltd and turned around and applied for a land certificate over the same land. The 2<sup>nd</sup> Respondent has termed this act as fraudulent and gives as a reason why the Hon. Minister cancelled the, Appellants' land certificate. We submit with due respect my Lords, that if the appellants sold land that they had been in occupation and in exploitation and want to authentic the act by registering the land, how is that fraudulent? Secondly my Lords, the purported buyer has not complained to any authority that she has been defrauded. How did the Minister went shopping for facts before holding that the act was fraudulent. Equity will not suffer a wrong without a remedy. If the minister established that Mitanyen Co-operative Credit Union Ltd bought the land in issue and the appellant turned around and applied for the land certificate, will the remedy to cure such a wrong be to issue a land certificate to people who are total strangers to the land? We urge your Lordships to answer this question in the negative and thus hold that the minister acted in violation of the law. With the present position of the minister up held by the trial court what will*

*become of the position of Mitanyen Co-operative Credit Union Ltd who is said to have bought the property? We urge Your Lordships to hold that Equity cannot suffer a wrong without a remedy and thus withdraw the land certificate in the names of 2<sup>nd</sup> Respondent and others.*

*“May it please Your Lordships, to debunk the submissions of the Respondents in their reply to our ground III, we submit with emphasis that a' power of attorney is not needed when the petition is signed by a counsel or lawyer. In the said petition at the' level of signature it was written "counsel for petitioners". In this circumstance a power, of attorney was not necessary as the phrase counsel for petitioners" speaks for itself. To say that counsel needed a power of attorney was to say the least a miscarriage of justice.*

*“My Lords concerning the submission of the 1<sup>st</sup> Respondent, it is embarrassing that the state of Cameroon knows some families until can draw family trees for them. The state of Cameroon has instead of showing how their decision that is under Attack in this appeal is in conformity with the law has rather spent time giving the history of the family of Nche Kusah Gashu. The question we ask here is how familiar is the state of Cameroon with the family of Nche Kusah Gashu? The submissions of 1<sup>st</sup> Respondent have not shaken the legal issues and*



*facts in support thereof raised in our memorandum of appeal dated 3<sup>rd</sup> day of September 2018. We therefore urge Your Lordships to hold that the various provisions cited in our memorandum of appeal were violated by the 1<sup>st</sup>, Respondent and thus find favour with our appeal.*

*“From the totality of the afore said and taking into consideration our memorandum of appeal and submissions, we urge Your Lordships to find favour with this appeal and reverse the decision if the Minister of state property surveys and land tenure and the judgment of the North West Administrative Court which is the subject of this appeal by cancelling Ministerial Decision in letter No. 000371/Y.7/MINDCAF/SGID6/S200/MJA of 17<sup>th</sup> April 2015 and Land Certificate No. 14846 Vol. 73 Folio 218 and reinstate Land Certificate No. 12529 Vol. 62 Folio 60 of Mezam dated 17/10/2014. That shall be the justice of the case.*

----- That the 2<sup>nd</sup> Respondent’s rejoinder in reply to the rejoinder of the Appellant filed on the 14<sup>th</sup> March 2019 flows thus:

*“May it please your Lordships;*

*“The further submissions of the Appellants were served on the 2<sup>nd</sup> Respondent’s counsel on the 1<sup>st</sup> day of March 2019 by a Bamenda based Sheriff-Bailiff before the North West Court of Appeal, in the name of Joseph F. Njoya Esq. Upon reception and perusing*

*through the further submissions filed by the Appellants we deem it necessary to react to same, on some issues raised by Appellants in their further submissions seriatim*

*“With leave of your Lordships, we are strongly submitting that, the reply to the submissions of the 1st Respondent by Appellants now is out of the stipulated time period provided by the law No 2006/016 of 29<sup>th</sup> December 2006 to lay down the organization and functioning of the Supreme Court. The Registrar-in-chief of the Supreme Court's forwarding letter to the parties issued on the 19/11/2018 that the said correspondents and submissions of the 1st Respondents were notified on the Appellants on or before the 28/12/2018. Wherein, the Appellants were given 15 days as from the day following the date of service of this letter to file their submissions in reply if any.*

*“Appellants failed to file their further submissions in reaction to the submissions of the 1st Respondent within the stipulated 15 days as directed by the Registrar-in- chief of the Supreme Court Correspondence which was served on them in December 2018. Appellants had enough time up to the 10/1/19 to file their submissions in reply to submissions of the 1st Respondent which they never did.*

*“We further submit that the 2<sup>nd</sup> Respondent within the time limit as instructed by the Registrar-in-chief of the Supreme Court reacted to the submissions of the 1st Respondent which submissions were filed in the registry of the Administrative Bench of the Supreme Court on the 10/1/2019. That when Appellants were served with the 2<sup>nd</sup> Respondent's further written statement of defense in reply to the submissions of the 1st Respondent served on them since December 2018 and equally the further submissions of the 2<sup>nd</sup> Respondents which were filed on the 10/1/2019 within the time limit as provided by the Registrar-in-chief's correspondence dated 19/11/18 and notified on parties on the 28/12/2018.*

*“Appellants slept on their rights to reply to the 1st Respondent's submissions so they could not be heard at this time to react to the said submissions or make any further arguments.*

*“Their bands are dirty so they could not seek equity at this time. Further your Lordships, equity aids the vigilant and not the indolent*

*“From the above submissions we urge your Lordships to declare the Appellant's submissions to the reply to the submissions of the 1st Respondent inadmissible as it was filed out of the stipulated time provided by the law.*

*“We further urge your Lordships to hold that the rules applicable before the Supreme Court are of strict*

*application and any violation of same should not be tolerated or any legal blessings accorded to same.*

*“That said, your Lordships, we shall proceed to canvass the extraneous facts and issues raised by Appellants in their further submissions in reply to the statement of defense of both Respondents.*

*“We submit that, Counsel has deliberately intended to mislead this honourable panelist of the Administrative Bench of the Supreme Court to gain unnecessary sympathy when he alleged that the Trial Court denied serving Appellants with the reply submissions of the Respondents. Appellants were duly served as the usual practice of the Court demands. Appellants were served with the submissions of both Respondents at the trial Court and they elected not to reply or to react to the issues raised in both Respondent’s submissions. Do Appellants at this stage want your Lordships to believe that your learned brothers of the trial court refused to serve both Respondents’ submissions on Appellants? What interest did your learned brothers have in the file? These are questions which beg for an answer from your Lordships.*

*“My Lords, these are extraneous and baseless facts grossly manifested by counsel to gain sympathy. The law and procedure is no respectan of procedural errors that comes from counsel.*

*“Further my Lords, oral evidence cannot supersede or over right documentary evidence which is the records of proceedings which accompanies everything filed, argued and most important is what transpired at the level of the trial court. The records of preceding my Lords, is the bible of everything said and done in court. Counsel for Appellants at this stage of further submissions cannot be raising this baseless argument that the trial court deliberately refused to serve Appellants with the submission of the Respondent. Counsel has not provided any proof what so ever to counter that Appellants were never served with the submissions of both Respondents.*

*“It is Trite law that he who alleges must proof. The burden is on Appellants to proof that they were never served with the submissions of the Respondents. This, he has not done. Appellants are therefore at this stage estopped from raising this issue of refusal to serve them in his further submissions when it was never raised as a ground of appeal.*

*“My Lords, If Appellants allegations were founded as to the deliberate refusal of the Trial Court to serve them with the reply submissions of both Respondents, it would have been a ground of appeal in their notice and grounds of appeal to portray the bias attitude of the Trial court.*

*“Counsel never raised this issue as a ground of appeal so his further submissions in reply to the further submissions of the 2<sup>nd</sup> Respondent to raise extraneous facts which are not found in their grounds of appeal. Counsel's arguments are intended to mislead your Lordships in order to tilt the wheel of justice in their favour*

*“My Lords, counsel for Appellants has urged your Lordships to attach little or no weight, to the "brief facts" as presented by the 2<sup>nd</sup> Respondents counsel. We submit that; why are Appellants afraid of the "brief History" which is meant to guide your Lordships in understanding the whole dispute between Appellants and Respondents so as to enable your Lordships render Justice into this protracted dispute.*

*“My Lords, the 2<sup>nd</sup> Respondent is not comfortable with the procedure adopted by the Appellant's counsel in replying to issues raised. Counsel picks issues from the submissions of the 2<sup>nd</sup> Respondent filed since November 2018 and served on Appellants on the 28/12/2018 to react to same within 15 days if there is any reaction*

*“Counsel failed to react to same, when he is served with the further written statement of defense of the 2<sup>nd</sup> Respondents filed on the 10/01/20 19 instead of reacting to the content and arguments in the further statement of defense of the 2<sup>nd</sup> Respondents he focuses his arguments but on the*

*statements of defense filed since November 2018. This procedure and line of argument adopted by Appellants counsel is not only strange but an abuse and non respect of time limits as provided by the law and contrary to the Registrar-in-chief of the Supreme Court instructions borne on the forwarding letters.*

*“The issue of "brief facts" was raised in the statement of defense of the 2<sup>nd</sup> Respondents and not in the further statement of defense to enable counsel reply to same at this time. He waived his rights, so he cannot be reacting to issues that were raised in the statement of defense filed in November 2018 at this stage. He is estopped from doing so now.*

*“We therefore urge your Lordships to disregard these further submissions of the Appellant as it embodies but their reply to issue raised in the statement of defense filed since November 2018 which till date is out of time.*

*“Appellants counsel has equally submitted on building plans as proof of two structures on the land constructed by the Appellant's father. We submit strongly, that counsel has missed the point to construct building plans which does not reflect the existing structures on the land as proof of developments. Counsel has equally opined that he who alleges must proof what proof does he needs. This issue of proof raised by counsel for the*

*Appellants has been properly taken care of by the Mezam high Court judgment in suit No HCB/PD/LA36M/08 between Akuma Nchu Ivo Vs Gashu Anye George delivered on the 9th day of March 2009 by his Lordship Justice TAMINANG which is Exhibit C on the 2<sup>nd</sup> Respondents statement of defense which in its last paragraph stated thus: IT FOLLOWS THAT AT LAW THE ESTATE OF NCHE KUSAH GASHU STILL EXIST. I FIND THAT THE RESPONDENT ANYE GEORGE GASHU AS ONE OF THE SURVIVING SONS OF THE DECEASED SHALL ADMINISTER THE ESTATE.*

*“My Lords, this judgment till date has never been appealed. It’s still valid and subsisting for close to 10 years. What type of proof does the Appellants need to see. That the said estate at Hospital roundabout Atua-azire as of then which belongs to Nche Kusah Gashu still exist and has never been shared amongst the beneficiaries. This line of argument is not only lame but baseless. We urge your lordship not to found favour with such frivolous arguments The two structures on the land as per that judgment of the Mezam high court were owned by 2<sup>nd</sup> Respondent deceased father Nche Kusah Gashu before his death. Where 2<sup>nd</sup> Respondent and the father of the Appellants where delivered and lived there including Fon Angwafor III of Mankon who is the lineage head of the family. Giving reasons why the Honourable*



*Minister relied on Fon Angwafor III's letter confirming that the buildings were the sole property of Nche Kusah Gashu and not that of the Appellant's father who held them in trust on behalf of all the beneficiaries after the death of Nche Kusah Gashu*

*"We further submit, that article 9 of degree No76-165 of 27<sup>th</sup> April 1976 to establish conditions for obtaining land certificates was duly followed and respected by the Honourable Minister of State Property, Surveys and Land Tenure. The said developments on the land pre date 5/8/1974 and belong to the 2<sup>nd</sup> Respondent's father (Nche Kusah Gashu) which estate is being administered now by the 2<sup>nd</sup> Respondents ( Anye George Gashu) on behalf of all the beneficiaries to the said estate .*

*"My Lords, counsel has equally opined that the Hon. Minister after cancellation of the said land certificate went ahead to give instructions on what should be done rather than leaving it in its original position.*

*"We submit that counsel has not cited any provisions of the law which says all cancelled land certificates must be returned to its original position. There is no section of the law to that effect. It's the discretion of the Hon. Minister, which discretion must be exercised judiciously which is just what the minister did.*

*“The Hon. Minister’s decision must not be unique in all circumstances. Each case has its peculiar facts and need a peculiar decision like the instance case.*

*“Appellants counsel has equally questioned whether a father can die in 1960 having a developed land in the center of the town as Bamenda and the children wait for a court instruction to establish letters of administration to manage the estate?*

*“We submit applications for letters of administration by a party to manage the estate of the deceased is discretionary. A family can still manage the estate without Appellants counsel has openly admitted that Appellants sold the land to a 3<sup>rd</sup> party Mitanyen cooperative credit union. Appellants have equally admitted that after the sale, they later again applied for a land certificate over the same property they have sold. Counsel opined that the act of applying for land certificate after the illegal sale was to authenticate the illegal act of sale of unregistered land.*

*“My Lord, it is an aberration for a legal mind to say that after selling the property Appellants applied for land certificate to authenticate the act of selling.*

*“It’s so embarrassing for a legal mind to opined that one can sell unregistered property to a 3<sup>rd</sup> party, a Deed of Conveyance executed between the parties drawn by a Notary Public in violation of article 8 (2) (3) of Ord N<sup>o</sup> 74-Of 6 July 1974 to establish rules*

*governing land tenure. This is fraud of the highest degree. It is for this reason that after the Honourable Minister carried out verification of the files and discovered the said deeds of Conveyance executed between the parties and thereafter for a period of 19 days. The same Appellants applied for a land certificate over the same land they have sold one month ago. This led to the cancelation of the fraudulent acquired land certificate issued in error to the Appellants.*

*“Further my Lords, we are submitting that Appellants never briefed counsel to act on their behalf. Counsel is using Appellants as a shield to protect the illegal purchase of the said unregistered estate property from the Appellants by the 3<sup>rd</sup> party Mitanyen cooperative credit Union.*

*“This explains the reason why counsel filed this action at the level of the trial court without any expressed Power of Attorney from the Appellants.*

*“That said my Lords, our statement of defense and further statement of defense and further further statement of defense in reply to the submissions and the further submissions of the Appellants have been so exhaustive and have properly taken care of all the issues raised by Appellants.*

*“We therefore urge your Lordships to uphold and maintain the judgment of the lower court, the submissions of the 1<sup>st</sup> Respondents and that of the 2<sup>nd</sup>*

*Respondents and dismiss the said appeal for being idle, baseless and frivolous in form and in content. We further urge you to invoke the provisions of section 55(1) of law 2006/022 of 29/12/2006 to lay down the organization and functioning of the administrative court and award cost of 50.000.000frs against Appellants jointly in favour of the 2<sup>nd</sup> Respondents.*

*“Humbly submitted”.*

-----Considering that the rejoinder of the Appellant in reply to the rejoinder of the 2<sup>nd</sup> Respondents was filed on the 14<sup>th</sup> March 2019 that is out of time as their Counsel was served on the 27<sup>th</sup> February 2019 to do so.

-----Considering that the submissions of the 2<sup>nd</sup> Respondent in defence were served on the 1<sup>st</sup> Respondent (MINDCAF) on the 19<sup>th</sup> November 2019 and there has been no reaction.

### **ON THE ADMISSIBILITY OF THE APPEAL**

----- Considering that the appeal of AKUMA NCHU Ivo, NJIABI Mercy NCHU, IDAM Zipporah GASHU, BIH Trinity, SU GASHU Magellan, GASHU Stanly FRU and NJI Emmanuel GASHU is admissible as it was properly filed in conformity with sections 89 and 90 of Law N° 2006/016 of 29<sup>th</sup> December 2006 to lay down the organization and functioning of the Supreme Court.

### **ON THE MERITS OF THE APPEAL**

----- Considering that three grounds of appeal were raised by Barrister MULUH Johnson TENENG in the memorandum of written submissions in support of the appeal. The said grounds are as follows:

**GROUND 1: Violation of articles 9 and 2(5) of Decree N° 76/165 of 27<sup>th</sup> April 1976 to establish conditions for obtaining land certificates.**

**GROUND 2: Violation of Articles 11 and 12 of Decree N° 76/165 of 27<sup>th</sup> April 1976 to establish conditions for obtaining land certificates, Section 14 of Decree N° 76/166 of 27<sup>th</sup> April 1976 to establish the terms and conditions of management of national lands and Section 21 of the Non Contentious Probate rules cap 211 of 1954.**

**GROUND 3: Violation of Sections 20 and 21 of Law N° 2006/022 of 29 December 2006 to lay down the organisation and functioning of Administrative COURTS AND VIOLATION OF Section 9 (a) of Decree N° 76/165 of 27 April 1976 to establish conditions for obtaining Land Certificates**

----- Considering that we will substitute the above grounds with a ground of appeal raised suo moto pursuant to Section 35 (2) of Law N° 2006/016 of 29 December 2006 to lay down the organisation and functioning of the Supreme Court which provides as follows:

“The Supreme Court may raise, on its own motion, the grounds specified under Section 35(1) above.

-----Ground of appeal raised suo moto

*“Contradiction or insufficient grounds”*

----- Considering that the above ground of appeal is raised in conformity with Section 35 (1) (C) of the aforementioned law.

----- Considering that in its judgment dated 23 November 2017, the lower Administrative Court held in one breath that “the petition of the petitioner is inadmissible” and yet the same Court in the same judgment also held that “On the merit the said petition is unjustified”.

----- Considering that the Administrative Court of the North West set out the reasons for holding that the petition of AKUMA NCHU Ivo and 6Others is inadmissible as follows:

*“Considering that the petition before this Court was signed by Barrister MULUH TENING, the petitioner’s Lawyer, without power of attorney from the said petitioners herein as ordained by the afore cited provision of Section 20, 21 and 22 of Law N° 2006/022 (Supra)”.*

*“Considering that having flouted the said provision in relation to the form of the petition renders same inadmissible”.*

----- Considering that in the instant case the lower Administrative Court examined the merits of the case after holding that the said case was inadmissible. In doing so, the said Court advanced the following untenable reason;

*“Considering however that the above notwithstanding, these panel of Judges deemed it necessary to examine the merit of the matter given the complexity of the matter”.*

----- Considering that when a Court hold that a suit before it is inadmissible, it is making a pronouncement that the said suit is not proper before it and consequently it is not fit or regular for the Court to go into the merits of the case for any of the following reasons:

*\*that certain formalities prescribed by the law as pre-requisites for instituting the suit were not complied with;*

*\*that the suit was not instituted in conformity with the form laid down by the law for instituting such actions.*

*\*that the suit was not instituted within the time limits prescribed by the law*

-----Considering that in the instant case the lower Administrative Court held that the petition before it was bad in form. It was thus a contradiction in terms to hold that a suit is bad in form only to turn around

hear and determine the matter on the merits for the strange and unacceptable reason of its complexity;

-----Considering that it is also a contradiction in terms to hold that the suit is inadmissible because it was not properly instituted and consequently it would be an exercise in futility to proceed to examine the merits of the case only to do the contrary by examining the merits of the case and delivering a Judgment on the merits;

-----Considering that besides, we also consider it pertinent to make it abundantly clear that the reason propelled by the lower Administrative Court for declaring the petition of AKUMA NCHU Ivo inadmissible is insufficient;

-----Considering that the decision of the said Court to the effect that Barrister MULUH TENING had no power of attorney authorizing him to sign the petition before the Court was a palpably wrong interpretation of Sections 21 and 22 of Law N° 2006/022 of 29 December 2006 (Supra). The reason for declaring the said petition inadmissible is thus insufficient as an Advocate who represents a party in any proceeding before a Court is the de jure attorney of the said party and is not required to produce a valid power of attorney before appearing for his client or signing documents on behalf of the said client. An Attorney is a person empowered by a valid power of attorney to



act on behalf of another whereas an Advocate is empowered by the law to act on behalf of his client;

-----Considering that in the same vein, it is an insufficient reason for the panel of Judges of the lower Administrative Court to arrogate to themselves the unfortunate duty of violating the principle of law that once a suit is declared to be inadmissible, the Court cannot proceed to hear and determine the said suit on the merits. The untenable reason for doing so namely that the matter is complex is most unfortunate. It is only after examining the substance of a case that an opinion can be formed whether the case is simple or complex. By breaching the above legal principle and proceeding to examine the merits of the case, the lower Administrative Court opened its doors to the possibility of delivering a Judgment on the merits which will be diametrically contrary to part of its verdict that the petition before the Court is inadmissible. This certainly renders the judgment of the Court ridiculous to the point of unrealistic absurdity;

-----Considering that contradictory grounds (reasons) or insufficient grounds (reasons) upon which a judgment is based are equivalent or tantamount to no grounds and constitute a violation of Section 7 of Law N° 2006/015 of 29 December 2006 on Judicial Organisation which provides:

*“All judgments shall set out the reasons upon which they are based in fact and in law. Any breach of this provision shall render the judgment null and void”.*

----- Considering that in the light of the above, it cannot be gainsaid that contradictory and insufficient reasons upon which the judgment of the lower Administrative Court was based constitutes a violation of Section 7 of the aforementioned law. The judgment of the lower Administrative Court is thus a nullity;

----- Considering that the ground of appeal raised *suo moto* succeeds;

----- Considering that the judgment of the lower Administrative Court must be quashed;

----- Considering that by virtue of Section 67(2) of Law N° 2006/016 of 29 December 2006 (*supra*) where the Administrative Bench quashes judgments of the lower Court appealed against, it shall hear and determine the matter on the merits. We are of the considered opinion that after quashing the judgment which is subject matter of the instant appeal, the matter is fit for hearing on the merits;

-----Considering that upon examining and determining the petition that was filed at the Administrative Court of the North West, we hold that the said petition is admissible as an Advocate who represents a party in any proceeding before a Court is the *de jure* attorney of the said party and is not

required to produce a valid power of attorney before appearing for his client or signing documents on behalf of the said client;

-----Considering that the petition before the lower Administrative Court is thus adjudged admissible;

----- Considering that the case and the parties shall be remitted to the Administrative Court of the North West for the matter to be heard on the merits by a differently constituted panel;

-----Considering that the costs of these proceedings shall be defrayed by the Public Treasury.

**- UPON THESE GROUNDS -**

----Delivering the instant judgment in open Court, after full hearing, of a land tenure matter and having deliberated in accordance with the law, unanimously, and as a court of last resort;

**- D E C I D E S -**

Article 1: The appeal is admissible in form;

Article 2: On the merits; the appeal succeeds and consequently judgment No 021/2018 delivered on the 05 July 2018 is quashed;

**UPON RE-EXAMINING THE PETITION BEFORE THE LOWER ADMINISTRATIVE COURT FURTHER DECIDES:**

Article 3: The petition is admissible;

Article 4: The matter is remitted to the lower Administrative Court for the petition to be heard on the merits by a differently constituted panel;

Article 5: The costs of these proceedings shall be defrayed by the Public Treasury.

----Thus the instant judgment is delivered in open court by the Administrative Bench of the Supreme Court sitting in its ordinary session this 10<sup>th</sup> day of May in the year 2023, in the usual court hall of the Administrative Bench and composed as follows:

----Mers.

----Paul BONNY, Judge at the Administrative Bench.....President;

----NGOUANA, Judge at the Administrative Bench;

----Mme Vera NGWENYI NKWATE spouse NGASSA, Judge at the Administrative Bench;

-----MEMBERS;

----Mme Marie EBELLA spouse NOAH .....Advocate General;

----Mme Janet DINDZE.....Registrar;

----In the presence of Mme Marie EBELLA spouse NOAH, Advocate General at the Supreme Court, representing the Legal Department;

----And with the assistance of Mme Janet DINDZE, Registrar;

----In witness whereof this judgment has been signed by the President, the Judges and the Registrar;

THE PRESIDENT

THE JUDGES

THE REGISTRAR

Paul BONNY

NGOUANA

Janet DINDZE

Vera NGWENYI NKWATE spouse NGASSA