

IN THE HIGH COURT OF THE FEDERAL
CAPITAL TERRITORY, ABUJA
HOLDEN AT ABUJA
ON WEDNESDAY 31ST DAY OF JULY, 2024
BEFORE HON. JUSTICE SYLVANUS CHINEDU ORIJI.

SUIT NO. FCT/HC/CV/3472/2024

MOTION NO. FCT/HC/M/11297/2024

BETWEEN:

HONOURABLE MINISTER OF THE
FEDERAL CAPITAL TERRITORY

CLAIMANT/
APPLICANT

AND

1. OMOYELE SOWORE
2. DAMILARE ADENOLA
(FOR TAKE IT BACK MOVEMENT)
3. ADAMA UKPABI
4. TOSIN HARSOGBA
(FOR ACTIVE CITIZENS GROUP)
5. PERSONS UNKNOWN
6. INSPECTOR GENERAL OF POLICE
7. COMMISSIONER OF POLICE, FCT
8. DIRECTOR GENERAL, DEPARTMENT OF
STATE SECURITY SERVICES
9. DIRECTOR GENERAL, NIGERIAN
SECURITY AND CIVIL DEFENCE CORPS
10. CHIEF OF ARMY STAFF
11. CHIEF OF AIR STAFF
12. CHIEF OF NAVAL STAFF



DEFENDANTS/
RESPONDENTS

ENROLMENT OF COURT ORDER

Upon reading the motion ex parte filed on 31/7/2024, the affidavit in support, and after hearing Dr. Ogwu J. Onoja, SAN with M. A. Ebute, SAN and George Ibrahim, Esq. for the Claimant/Applicant seeking the following prayers:

Order — #2000
Seal — #200
#2200
1 R/W — 12878242
Sub — 31/7/2024

1. **AN ORDER GRANTING LEAVE TO SERVE** the originating processes (**WRIT OF SUMMONS**) and any/all subsequent processes in this suit on the Defendants by substituted means to wit: **through Newspaper publications**.
2. **AN ORDER** deeming the said mode of service as good and proper service on the defendant.
3. **AN ORDER OF INTERIM INJUNCTION** restraining the 1st - 5th Defendants from gathering or parading themselves along any roadway, street, offices and or public premises/property within the Federal Capital Territory between 1st - 10th August, 2024 or any other day thereafter pending the hearing and determination of the Motion of Notice.
4. **AN ORDER OF INTERIM INJUNCTION** mandating or directing the 6th - 12th Defendants to restrain and or prevent the 1st - 5th Defendants from gathering or parading themselves along any roadway, offices or public premises/property within the Federal Capital Territory between 1st - 10th August, 2024 or any other date thereafter pending the hearing and determination of the Motion on Notice.
5. **ANY OTHER OR FURTHER ORDER(S)** as the Honourable Court may deem fit to make in the circumstances.

RULING

The first prayer seeks an order for substituted service of the originating processes and all subsequent processes in this suit on the defendants/respondents through Newspaper publications. The depositions in paragraphs 4, 5, 6, 7 and 8 of the affidavit support the grant of this prayer. It is granted.

In respect of prayers 3 and 4 on the motion paper, the Court is of the view that prayer 3 is akin to restraining the 1st-5th Defendants/ Respondents from embarking on protest. The Court recognizes the constitutional right of every citizen of Nigeria to embark on a peaceful protest. That right, in my view, cannot be violated by a restraining order of interim injunction as prayed.

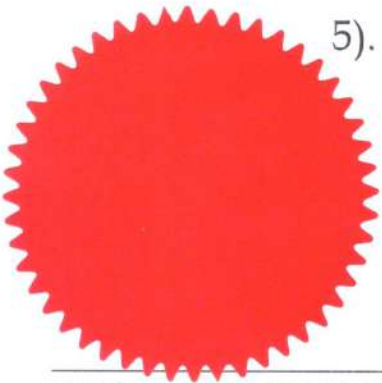
The point must however be made that in the exercise of the right to protest, every citizen has an obligation to ensure that properties of other citizens and of the government and other public facilities are not destroyed. In the affidavit in support of the motion, the claimant/applicant has stated facts to the effect that the proposed strike by the group called TAKE IT BACK MOVEMENT is likely to lead to destruction of public facilities and prevent movement of persons and vehicles, in addition to disturbance of public peace and order.

In the light of the above, the Court considers it appropriate and expedient to grant an order under the omnibus or general prayer to ensure that the rights of the protesters are guaranteed and that the protest does not negatively or adversely affect the rights of other citizens to move about and to ensure that properties and other public facilities are not destroyed.

The Court hereby makes the following orders: -

- 1). Leave is granted to the Claimant/Applicant to serve the originating processes (Writ of Summons) and all subsequent processes in this Suit on the Defendants/Respondents by substituted means to wit: through Newspaper publications and print media.
- 2). The 1st-5th Defendants/Respondents, while embarking on the planned protest from 1/8/2024 to 10/8/2024 in exercise of their constitutional rights are to use the Moshood Abiola Stadium in the Federal Capital Territory Abuja only and are restrained by an Order of Interim Injunction from gathering in any other place pending the hearing and determination of the Motion on Notice.

- 3). The 1st-5th Defendants/Respondents while embarking on the planned protest from 1/8/2024 to 10/8/2024 are restrained by an Order of Interim Injunction from preventing residents in the FCT, Abuja from exercising their constitutional right to freedom of movement and from destroying or vandalizing properties or public facilities pending the hearing and determination of the Motion on Notice.
- 4). The 6th-12th Defendants/Respondents are directed to give the 1st-5th Defendants/Respondents adequate protection within the Moshood Abiola Stadium Federal Capital Territory, Abuja throughout the period of the planned protest from 1/8/2024 to 10/8/2024 pending the hearing and determination of the Motion on Notice.
- 5). The Motion on Notice for order of interlocutory injunction with motion No. M/1129/2024 is fixed for hearing on 13/8/2024.



A handwritten signature in black ink, appearing to read 'S. C. Oriji', written over a horizontal line.

HON. JUSTICE S. C. ORIJ
(JUDGE, VACATION COURT 1)

GIVEN UNDER THE SEAL OF THE COURT AND HAND OF THE
PRESIDING JUDGE, THIS 31ST DAY OF JULY, 2024.

HIGH COURT OF JUSTICE F.C.T
ABUJA
REGISTRAR
SIGN _____
DATE _____
ANTHONY MADAKI
(PRIN. REGISTRAR)