

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT

SUIT NO. FHC/PH/CS/36/2025

BETWEEN

THE REGISTERED TRUSTEES OF ASSOCIATION OF LEGISLATIVE DRAFTING AND
ADVOCACY PRACTITIONERS ---- APPLICANT

AND

1. THE RT. HON. MARTIN CHIKE AMAEWHULE

(Speaker, Rivers State House of Assembly, sued for himself and

other members of the Rivers State House of Assembly)

-- RESPONDENTS

2. RIVERS STATE HOUSE OF ASSEMBLY

MOTION EX PARTE

BROUGHT PURSUANT TO SECTIONS 6(6) 90, 120, 121, 122 OF THE CONSTITUTION
OF THE FEDERAL REPUBLIC OF NIGERIA AND ORDER 34 OF THE FEDERAL HIGH
COURT (CIVIL PROCEDURE) RULES 2019 AND UNDER THE INHERENT JURISDICTION
OF THIS HONOURABLE COURT.

Ex Parte this Honorable Court will be moved on the day of,
2025 at the hour of 9'0 clock in the forenoon or so soon thereafter as Counsel
may be heard on behalf of the Applicant, praying this Honorable Court for the
following order(s):

1. AN ORDER of this Honourable Court granting the Applicant leave to apply for Order of Mandamus directing and compelling the Respondents to fix a reasonable time and date (A reasonable a time and date, being such time and date before salaries and allowances of all persons under the employment and service of the Rivers State Government is due from the date of this application); and to provide such reasonable avenue and courtesy to the Governor of Rivers State, in a manner devoid of rancour and intimidation for the presentation of the appropriation bill and finance bill for the year 2025 and/or any such bill necessary for the due administration, receipt and expenditure of funds/money due or standing to the credit of the Government of Rivers State.

2. AND for such further or other orders as this Honourable Court may deem fit to make in the circumstance.

GROUNDS FOR THE APPLICATION

A. Subject to the judgment of the Supreme Court of Nigeria, the Central Bank of Nigeria and the Accountant General of the Federation will not release to the Government of Rivers State statutory federal allocations due and standing to the credit of Rivers State to the Government of Rivers State except an appropriation law is duly presented by the Governor of Rivers State and passed by the Rivers State House of Assembly.

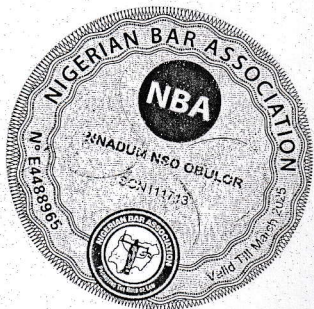
B. The Governor in compliance with the judgement of the Supreme Court mandating it to present the said appropriation bill before the Respondents for passage into law, has communicated his readiness to do so to the Respondents, but the Respondents have refused to create the necessary avenue and courtesy for the Governor to perform such duty.

C. The Governor has once again communicate the Respondents his readiness to present the appropriation bill to the Respondents on March 19, 2025. The Respondent may rebuff him if they are not compelled to accept him and receive the presentation of the Appropriation Bill.

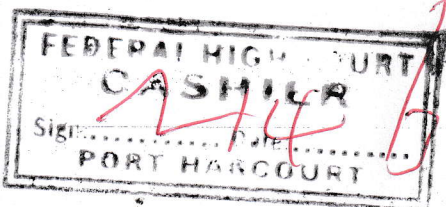
D. Our members are persons who may be directly affected and will suffer untold hardship and irreparable damage should the federal allocation due Rivers State be withheld.

E. Therefore, it has become imperative that this honourable grant us leave to seek order(s) of this court mandating the Respondents to provide the necessary avenue and courtesy required for the presentation of the appropriation bill for 2025 by the Governor, and order mandating the Respondent to pass the bill into law within a reasonable time.

Dated This 14th Day of March, 2025.



.....
Nnadum Nso Obulor, Esq. (Signed)
Prince Benson Ubi Esq.
Applicant's Counsel
Tent & Towers Barristers and Solicitors)
11, Trans-Woji, Elelenwo Road,
Port Harcourt, Rivers State
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2. RIVERS STATE HOUSE OF ASSEMBLY

AFFIDAVIT IN SUPPORT OF MOTION EX PARTE

I, Jaja Tonye Clinton, Christian, Male, Adult, Student, Nigerian Citizen of Port Harcourt, Rivers State, do hereby make oath and state as follows, THAT:

1. I am the Secretary of the Board of Trustees of the Applicant by virtue of which I am conversant with the facts of this case.
2. On February 28, 2025, the Supreme Court of Nigeria among other things restrained the Central Bank of Nigeria (CBN) and the Accountant-General of the Federation (AGF) from further releasing statutory financial allocations to Rivers State until a valid Appropriation law is passed by a lawfully constituted House of Assembly, led by the 2nd Respondent.
3. I am aware that it is the responsibility of the Governor of Rivers State, Sir, Siminalayi Fubara to present an appropriation bill before the House of Assembly, for consideration and passage into law by the Rivers State House of Assembly.

4. I am also aware that by virtue of the said judgement of the Supreme Court of Nigeria, the Central Bank of Nigeria and the Accountant General of the Federation will not release any federal allocation due or standing to the credit of Rivers State to the Rivers State Government unless an appropriation law is duly passed by the Rivers State House of Assembly.
5. I am aware that it is from the said federal allocation that the Rivers State Government is able to pay salaries of employees and contractors who are carrying out essential works in Rivers State, and further provide for security of lives and properties for residents of Rivers State.
6. Apart from the fact that the entire state will be affected adversely if the federal allocation due Rivers State is withheld, members of our *association who are natives, residents of Rivers State*, and under the employment and service of Rivers State would be adversely affected, as the Rivers State Government may not be able to pay their salaries, benefits and entitlements.
7. The names of some of our members who are in the service of Rivers State Government are:
 - A. Data Briggs
 - B. Charity Lelesi Biagbor
8. I know that the decision to halt the federal allocation of Rivers State is already hurting Rivers State. The actual withholding of same will hurt the state in a dramatic and drastic manner.
9. The actual withholding of the allocation will affect the flow of expenditure in Rivers State as government expenditure will shrink. I know that increase in government expenditure increases economic activities and decrease in government expenditure decreases economic activities. It is a simple fact of economic knowledge that government spending is an exogenous force that affects aggregate output.
10. It is in light of the facts stated above that we are making this application that this Honourable court grants us leave to bring an application to compel and direct the State House Of Assembly to provide necessary facility and courtesy to the Governor for the presentation of the appropriation bill for Rivers State for the year 2025 and any other relevant bill for the benefit of our members and generality of Rivers State.
11. We are aware that the Governor of Rivers State had written the Respondents demanding for avenue to present the said appropriation bill to the Respondents on March 12, 2025, consequent on which he made

himself available at the House of Assmby Quarters where the 1st Respondent and others currently conduct the business of and exercise the powers of the 2nd Respondent but he was refused entrance into the premises. The Governor's letter to the Respondent dated March 11, 2025 is here attached and Marked Exhibit A.

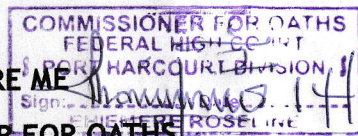
12. Consequent on the foregoing, we have taken the liberty of serving on the Respondents a Pre-action/demand notice demanding it to carry out its constitutional duty of constituting itself properly to enable the Governor perform his constitutional duties of presenting the appropriation law before the 2nd Respondent. The said preaction notice/demand notice dated March 12, 2025 is here attached and marked Exhibit B.
13. The Governor has once again communicate the Respondents his readiness to present the appropriation bill to the Respondents on March 19, 2025. The Respondent may rebuff him if they are not compelled to accept him and receive the presentation of the Appropriation Bill. The governor's letter dated March 13, 2025 is here attached and marked Exhibit C.
14. The grant of this application will meet the economic justice of our members and the entire residents of Rivers State. There is no other remedy that can effectively resolve this situation other than an order of mandamus compelling the Respondent to perform there public duty.
15. That I depose to this affidavit in good faith believing the contents to be true and correct in accordance with Oath Act 2004.


DEPONENT

SWORN TO at the Federal High Court Registry,

Port Harcourt, Rivers State.

This 14th day of March 2025

BEFORE ME
COMMISSIONER FOR OATHS




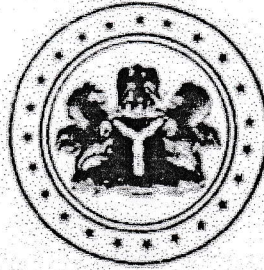


EXHIBIT A

OFFICE OF THE GOVERNOR

GOVERNMENT HOUSE, P.M.B 5050, PORT HARCOURT, RIVERS STATE, NIGERIA.

RVSG/RVHA/Vol.1./00140

11th March 2025

Rt. Hon. Martin Chike Amaewhule, DSSRS
Speaker, Rivers State House of Assembly
Rivers State House of Assembly Complex
Moscow Road
Port Harcourt

PRESENTATION OF RIVERS STATE 2025 BUDGET TO THE RIVERS STATE HOUSE OF ASSEMBLY

Please recall my statewide broadcast of 2nd March 2025, in which I expressed our unreserved commitment to implementing the recent Supreme Court judgement on the political disputes in Rivers State as soon as the enrolled judgment orders were served on us.

2. It was in furtherance of this commitment that we initiated the consultative meeting with the Rivers State House of Assembly for the 10th of March 2025 to consider all the issues raised by the judgment and agree on the way forward in the best interest of our dear State.

3. However, this crucial meeting was never held, which was unfortunate. Nevertheless, we have decided to move on to swiftly implement the terms of the judgment as promised having now been served with the certified true copy.

4. Consequently, we wish to notify Mr Speaker of our desire and intention to present the 2025 Rivers State Appropriation Bill to the Rivers State House of Assembly on Wednesday 12th March 2025 by 10.00 a.m.

5. Thank you for the kind consideration of my request by the House, and please accept, Mr. Speaker, the assurance of my highest regards.


Sir Siminalayi Fubara GSSRS
Governor, Rivers State

Suite F13,
Sabondale Shopping Complex,
Jabi, Abuja

+234 806 776 7291

kamadi67@yahoo.com



Ibuchim Chambers

Barristers & Solicitors / Real Estate Consultant

12th March 2025.

Rt. Hon. Speaker,
Rivers State House of Assembly,
Port Harcourt,
Rivers State.

EXHIBIT B

Dear Rt. Hon. Speaker, Sir,

PRE-ACTION NOTICE RESPECTING AN ORDER OF MANDAMUS TO COMPEL YOUR GOOD SELF AND THE 26 LAW-MAKERS OF THE RIVERS STATE HOUSE OF ASSEMBLY TO PERFORM YOUR CONSTITUTIONAL PUBLIC DUTY OF ACCEPTANCE (AND SUBSEQUENT ENACTMENT) FROM HIS EXCELLENCY GOVERNOR OF RIVERS STATE A COPY OF THE 2025 APPROPRIATION BILL (BUDGET) OF THE GOVERNMENT OF RIVERS STATE OF NIGERIA AS ORDERS BY THE SUPREME COURT OF NIGERIA IN IT'S JUDGMENT OF 28TH FEBRUARY 2025.

By way of re-introduction, my name is Kenneth A. Amadi Esq., I am the Solicitor of the Association of Legislative Drafting and Advocacy Practitioners-ALDRAP.

We write to issue this PRE-ACTION NOTICE respectfully the above-named subject matter.

You may recall that further to a letter dated 11th March 2025, His Excellency Governor of Rivers State put your good self on prior notice regarding his visit on 12th March 2025 to the premises of the Rivers State House of Assembly for the sole purpose of submitting the 2025 Appropriation Bill (budget) of the Rivers State Government.

Further recall that His Excellency Governor of Rivers State physically present led himself at the premises of the Rivers State House of Assembly in the company of the Secretary to the Rivers State Government and other members of his Executive Council in the morning hours of 12th March 2025.

Despite repeated phone calls, your good self and 26 members of the Rivers State House of Assembly refused and failed to open the gate to allow His Excellency Governor of Rivers State to perform the constitutional function of presentation of the said budget as directed by the Supreme Court of Nigeria in its judgment of 28th February 2025.

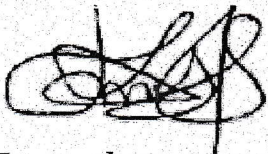
Your action of refusal to perform your constitutional task of acceptance of the Appropriation Bill from His Excellency is a direct violation of Section 121 of the Constitution of the Federal Republic of Nigeria, 1999.

Your failure to perform your constitutional functions leaves us with no other option to file an Order of Mandamus to compel you to perform your constitutional function.

TAKE NOTICE THAT WE SHALL BE FILING A PUBLIC INTEREST LAWSUIT FOR THE BENEFIT OF THE INDIGENES OF RIVERS STATE WHO ARE SUPPOSED TO BE THE BENEFICIARIES OF THE 2025 APPROPRIATION BILL WHICH YOU HAVE REFUSED TO ACT FROM HIS EXCELLENCY THE GOVERNOR OF RIVERS.

We thank you in advance for your anticipated prompt and positive response.

Yours faithfully,
For: **IBUCHIM CHAMBERS**



Kenneth A. Amadi Esq.

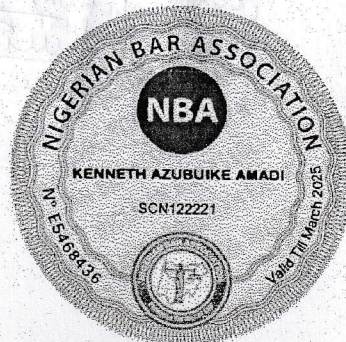




EXHIBIT C

OFFICE OF THE GOVERNOR

GOVERNMENT HOUSE, P.M.B 5050, PORT HARCOURT, RIVERS STATE, NIGERIA.

RYSG/RVHA/VOL/00141

13th March 2025

Rt. Hon. Martin Chike Amaewhule DSSRS
Speaker, Rivers State House of Assembly
Port Harcourt

RE: NOTICE OF PRESENTATION OF RIVERS STATE 2025 BUDGET TO THE RIVERS STATE HOUSE OF ASSEMBLY

1. You may recall my failed visit to the Rivers State House of Assembly on Wednesday, 12th March, 2025 for the presentation of the 2025 Rivers State Budget in compliance with the judgement of the Supreme Court of Nigeria.
2. As you know, the planned presentation of the said budget could not take place because my entourage and I were locked out at the gate and denied entry into the premises despite the prior delivery of a soft copy of the notice to you following the failure of the Clerk to accept the hard copy from us.
3. Recall further that before this unfortunate incident, the House issued a 48-hour ultimatum to present the 2025 budget even when we were yet to be served with the certified true copy of the judgement and accompanying enrolled orders.
4. Therefore, we were simply complying with both the order of the Supreme Court and the request of the Rivers State House of Assembly when we came to present the 2025 budget on the 12th of March, 2025.
5. The Supreme Court has directed that all arms of government should exercise their powers and perform their duties within the ambit of the Constitution and ordinary laws of our country, and this we must do to end the lingering stalemate and advance the progress of our State and the well-being of our people.
6. No matter the depth of our differences, we believe the interests of the State and our people should take priority over political conflicts.
7. Against this background, it is my pleasure to again notify you, Mr. Speaker, of my desire and intention to present the 2025 Budget to the Rivers State House of Assembly on Wednesday, 19th March, 2025 by 11.00 a.m. or any other date within March 2025 that you may consider convenient.
8. Thank you for the kind consideration of my request by the House, and please accept, Mr. Speaker, the assurance of my highest regards.


Sir Siminalayi Ekeke GSSRS
Governor, Rivers State

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE PORT HARCOURT JUDICIAL DIVISION
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SUIT NO.....

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other members of the Rivers State House of Assembly) -- RESPONDENTS

2. RIVERS STATE HOUSE OF ASSEMBLY

STATEMENT

1. NAME AND DESCRIPTION OF THE APPLICANT

The Applicant is a body incorporated under Part C, of the Companies and Allied Matters Act, 1990, now Part of the Companies and Allied Matters Act, 2020, with incorporation No. RC 95847

The Applicant is a non-profit organization comprising of lawyers and allied professionals who are employed in various civil services in Nigeria and private organizations, including employees of the National Assembly and States House of Assembly.

2. RELIEFS SOUGHT BY THE APPLICANT

1. AN ORDER of this Honourable Court granting the Applicant leave to apply for Order of Mandamus directing and compelling the Respondents to fix a reasonable time and date (A reasonable a time and date, being such time and date before salaries and allowances of all persons under the employment and service of the Rivers State Government is due from the date of this application); and to provide such reasonable avenue and courtesy to the Governor of Rivers State, in a manner devoid of rancour and intimidation for the presentation of the appropriation bill and finance bill for the year 2025 and/or any such bill

necessary for the due administration, receipt and expenditure of funds/money due or standing to the credit of the Government of Rivers State.

2. AND for such further or other orders as this Honourable Court may deem fit to make in the circumstance.

3. GROUND(S) UPON WHICH THE RELIEFS ARE SOUGHT

A. Subject to the judgment of the Supreme Court of Nigeria, the Central Bank of Nigeria and the Accountant General of the Federation will not release to the Government of Rivers State statutory federal allocations due and standing to the credit of Rivers State to the Government of Rivers State except an appropriation law is duly presented by the Governor of Rivers State and passed by the Rivers State House of Assembly.

B. The Governor in compliance with the judgement of the Supreme Court mandating it to present the said appropriation bill before the Respondents for passage into law, has communicated his readiness to do so to the Respondents, but the Respondents have refused to create the necessary avenue and courtesy for the Governor to perform such duty.

C. The Governor has once again communicate the Respondents his readiness to present the appropriation bill to the Respondents on March 19, 2025. The Respondent may rebuff him if they are not compelled to accept him and receive the presentation of the Appropriation Bill.

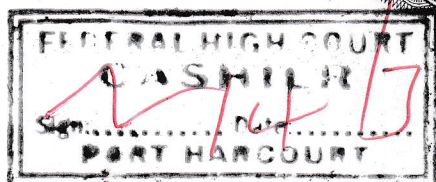
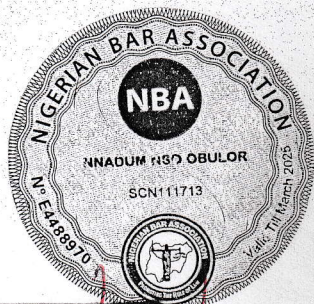
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E. Therefore, it has become imperative that this honourable grant us leave to seek order(s) of this court mandating the Respondents to provide the necessary avenue and courtesy required for the presentation of the appropriation bill for 2025 by the Governor, and order mandating the Respondent to pass the bill into law within a reasonable time.

Dated This 14th Day of March, 2025.



Nnadum Nso Obulor, Esq. (Signed)
Prince Benson Ubi Esq.
Applicant's Counsel
Tent & Towers Barristers and Solicitors)
11, Trans-Woji, Elelenwo Road,
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2. RIVERS STATE HOUSE OF ASSEMBLY

WRITTEN ADDRESS IN SUPPORT OF MOTION

1.0 INTRODUCTION

1.1 The Applicant filed this application to obtain the leave of this Honourable court to sue for order of mandamus compelling the Respondents to perform their constitutional duty of providing a conducive, safe space and venue within short notice to enable the Governor of Rivers State present the Rivers State Appropriation Bill, 2025 and all other Bills necessary for the just administration of the revenue of Rivers State.

1.2 The Application is supported by a 15 paragraphs affidavit deposed to by Tonye Jaja Clinton, a member of the Board of Trustees of the Applicant. Annexed to the Affidavit are two Exhibits marked Exhibits A and B. The Applicant relies on all the paragraphs of the Affidavit and the Exhibits herein.

2.0 ISSUE FOR DETERMINATION

2.1 The sole issue submitted for determination is:

- i. WHETHER the Applicant is entitled to the reliefs sought?

2.2 We urge my Lord to resolve this issue in favour of the Applicant.

3.0 LEGAL ARGUMENT

3.1 With regard to the singular issue raised above, we pray this Honourable Court to exercise its discretion in favour of the Applicant. An order of mandamus is a high prerogative writ which lies to secure the performance of a public duty. See *Fanyam v. Gov., Benue State* (2022) 11 NWLR (Pt. 1840) 33.

3.2 the law is that Mandamus is issued from the High Court and directed to any person, corporation, or inferior court requiring them to do some particular thing which appertains to their office and duty. In its application, it is confined to cases where relief is required in respect of the infringement of some public right or duty and where no effective relief can be obtained in the ordinary course of action. See *Dododo v. E.F.C.C.*(2013) 1 NWLR (Pt. 1336) 468.

3.3 The Affidavit in support of this Application clearly shows the circumstances under which this application emanates. From the circumstances of this case, it is clear that unless leave is granted the applicant to make the application for order compelling the Respondent to perform the duty imposed on them by the constitution, the members of the Applicant will suffer irreparable loss. It is our submission that no other relief can be effective in the circumstances of this case except the order we seek to be sought.

3.4 We submit that there cannot be any other effective remedy, except the writ of Mandamus for the members of the applicant, residents of Rivers State and persons who are under the employment and service of the Rivers State government, and the entirety of the economy of Rivers State that may go into recession without government spending.

3.5 According to the Keynesian economic theory, government spending is necessary in other to achieve full employment and price stability. This economic theory states that, government spending can be used as tool of economic intervention to stimulate growth, bring an economy out of recession or completely avoid recession.

3.6 My Lord, the Federal allocation of Rivers State will not be released to the Government of Rivers State except, the Governor of Rivers State id giving an adequate opportunity to present the appropriation bill before the Respondent and same is passed duly and swiftly. If the Federal allocation is withheld, the economy of Rivers State will shrink. This will lead to job losses, instability of many homes as many couple may not be able to cope with the economic hardship. This situation will lead to lawlessness in the state. It is only by order of this court, compelling the Respondent in the manner stated in our reliefs that this situation can be avoided.

3.7 The Applicant is required to obtain the leave of this Honourable Court before it can file an application for the writ of Mandamus. The leave is needed because a

writ of mandamus is considered a discretionary remedy, and the court must first be satisfied that the applicant has a legitimate claim and that the conditions for granting such a writ have been met.

3.8 The Law is that an order or mandamus will lie against a person or institution which has a duty of a public nature imposed on him or it but renege to carry out such duty. In *C.B.N. v. S.A.P. (Nig.) Ltd.* (2005) 3 NWLR (Pt. 911) 152, the law was stated thus:

"An order of mandamus is amongst the prerogative orders which are discretionary common law remedies which a High Court may grant in the exercise of its supervisory jurisdiction over the proceedings and decisions of inferior courts and tribunal and control of governmental duties and powers. It is a public law remedy, and is directed against officers in their capacity as such or against public bodies such as the Central Bank of Nigeria. It aims at compelling the performance of a public duty in which the person applying for it has sufficient legal interest. In other words, an order of mandamus only issues to a person or corporation, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. [Shitta Bay v. F.P.S.C. (1981) 1 SC 40 referred to.] (Pp. 180-181, paras. G-B)"

3.9 in the case of *Mohammed v. Min., F.M.E.H.&U.D.* (2018) 16 NWLR (Pt. 1644) 179 the court stated the principles guiding the grant of order of mandamus thus:

"The principles guiding the grant of mandamus are:(a) The order of mandamus lies to secure the performance of a public duty, in the performance of which the applicant has sufficient legal interest. The applicant must show that he has demanded the performance of the duty and that performance has (b) been refused by the authority obliged to discharge it. The duty to be performed must be of a public nature. Mandamus will not lie in general to secure the due performance of the obligation owed by a company towards its members or to resolve any other private (c) dispute. It is pre-eminently a discretionary remedy and the court will refuse to award it if another legal remedy (d) is equally beneficial, convenient and effective. [Fawehinmi v. Akilu (No.1) (1987) 4 NWLR (Pt. 67) 797; Wemabod Estates Ltd. v. Joyland Ltd. (2001) 18 NWLR (Pt. 744) 22; Akintemi v. Onwumechili (1985) 1 NWLR (Pt 1) 68; Central Bank of Nigeria v. S.A.P."

3.10 We submit that we have fulfilled all the conditions stated above. We have therefore, placed this honourable court sufficient material necessary for the grant of this application. We have established that the Respondent have a constitutional duty to received and pass the appropriation law of Rivers State. By Exhibit A and B, it is clear that both the Applicant and the Governor of Rivers State have severally requested the Respondent to perform their duty in this regards, but they

declined/refused; we have shown that no other remedy will be effective except the grant of order of mandamus.

3.11 The duty which we seek the Respondent's to perform are such that are provided under Sections 4 (7), 20, 21, 22 and 23 of the Constitution of the Federal Republic of Nigeria.

3.12 Furthermore, we submit that by virtue of Section 6(6) of the Constitution of the Federal Republic of Nigeria, this court has the inherent jurisdiction to hear and grant the application and the substantive application.

3.13 My Lord the granting of this Order is one that is necessary for effectual disposal of the substantive Application on the merit. We therefore submit with humility on behalf of the Applicant that a good case has been made out to persuade my Lord to grant the relief sought by the Applicant.

3.14 It is our humble submission that we have satisfied the requirement of the Rules for the grant of the Orders sought.

3.15 We therefore humbly urge my Lord to grant this application in the interest of justice.
May it please the court.

4.0 CONCLUSION

We therefore urge your lordship, to grant the Applicant leave to file a substantive application for mandamus for the rights of the parties hereto to be heard and be determined on the merit.

May it please this Honourable Court.

Dated this 14th day of March, 2025.



.....
Nnadum Nso Obulor, Esq. (Signed)
Prince Benson Ubi Esq.
Claimant's Counsel
Tent & Towers Barristers and Solicitors)
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