

IN THE SUPREME COURT OF NIGERIA

HOLDEN AT ABUJA

ON FRIDAY, THE 28TH DAY OF FEBRUARY, 2025

BEFORE THEIR LORDSHIPS

UWANI MUSA ABBA AJI

IBRAHIM MOHAMMED MUSA SAULAWA

EMMANUEL AKOMAYE AGIM

CHIOMA EGONDU NWOSU-IHEME

JAMILU YAMMAMA TUKUR

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

SC/CV/1174^A/2024

SC/CV/1174/2024

SC/CV/1175/2024

SC/CV/1176/2024

SC/CV/1177/2024

SC/CV/1174^B/2024

SC/CV/1175^A/2024

SC/CV/68/2025

BETWEEN

1. RIVERS STATE HOUSE OF ASSEMBLY
2. THE RIGHT HONOURABLE MARTIN CHIKE AMAEWHULE (THE HON. SPEAKER, RIVERS STATE HOUSE OF ASSEMBLY)

APPELLANTS

Certified True Copy

Usman B. Bature Esq.

REGISTRAR
SUPREME COURT OF NIGERIA

6/3/23

AND

1. THE GOVERNMENT OF RIVERS STATE
2. RIVERS STATE INDEPENDENT ELECTORAL COMMISSION
3. HON. JUSTICE ADOLPHUS ENEBELI (RTD) (CHAIRMAN RIVERS STATE INDEPENDENT ELECTORAL COMMISSION)
4. CENTRAL BANK OF NIGERIA
5. ZENITH BANK PLC
6. ACCOUNTANT GENERAL OF THE
7. ACCESS BANK PLC FEDERATION
8. THE GOVERNMENT OF RIVERS STATE (SIR SIMINALAYI FUBARA)
9. THE ACCOUNTANT GENERAL OF RIVERS STATE.
10. HON. JUSTICE S. C. AMADI (THE CHIEF JUDGE OF RIVERS STATE)

RESPONDENTS

JUDGMENT
(DELIVERED BY IBRAHIM MOHAMMED MUSA SAULAWA, JSC)

The instant appeal is consequent upon the Judgment of the Court of Appeal, Abuja Judicial Division, delivered on December 13, 2024 in appeal No. **CA/ABJ/CV/1287/2024: GOVERNMENT OF RIVERS STATE VS. RIVERS STATE HOUSE OF ASSEMBLY & 10 ORS.** By the majority decision thereof, the Court below, coram – H. A. Barka, and P. C. Obiorah, JJCA set

Certified True Copy
Alisman B (Bature Esq)

IMM SAULAWA, JSC REGISTRAR
SUPREME COURT OF NIGERIA

2

6/3/23

SC/CV/1174/2024 – CONTRIBUTION

aside the judgment of the trial Federal High Court, coram Joyce Abdulmalik, J; delivered on October 30, 2024 in suit No. **FHC/ABJ/CS/984/2024: RIVERS STATE HOUSE OF ASSEMBLY & ANOR VS. CENTRAL BANK OF NIGERIA & 9 ORS**, thereby stopping the statutory allocation and disbursement of revenue to the 1st Respondent.

BACK GROUND FACTS

The genesis of the instant appeal is traceable to July 15, 2024. Indeed, that's the day the Appellants herein filed in the trial Federal High Court originating summons, thereby seeking the determination of the following questions:

1. *Whether upon a proper construction of Section 120(2), (3) and (4) and Section 122 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the 1st, 2nd, 3^d, and/or 4th Defendants are entitled to release, continue to release or to permit the withdrawal of moneys, fund re revenue of Rivers State/Rivers State Government (moneys in the Consolidated Revenue Funds, Federation Account Allocation Committee FAAC, and Internally Generated Revenue Fund inclusive) after 30th June 2024 in*


 Certified True Copy
 Olumide B. Bature Esq.
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/23

respect of the 2024 Financial Year upon the authorization of the 5th Defendant acting by himself or his servants, agents or persons deriving authority from him including the 6th, 7th, 8th, 9th and 10th Defendants without an Appropriation Law for the 2024 Financial year having first been made and put in place by the Rivers State House of Assembly.

2. *Whether upon a proper construction of the provisions of Section 1(1), 1(2), 120(2), 120(3), 120(4), 122 and 287(3) of the constitution of the Federal Republic of Nigeria 1999 (as amended), the authorization of withdrawal or continue withdrawal of moneys, fund or revenue from the Consolidated Revenue Fund of Rivers State or from any moneys, funds or revenue belonging to Rivers State after the 30th of June 2024 and without an Appropriation Law for the 2024 Financial year having been made by the Rivers State House of Assembly does not or amount to a subversion of the Constitution of the Federal Republic of Nigeria and therefore unconstitutional?*

IMM SAULAWA, JSC

4

Official
 Certified True Copy
 Usman B. Bature Esq
 REGISTRAR
 SUPREME COURT OF NIGERIA
 SC/CV/1174/2024 – CONTRIBUTION

6/3/25

3. *Whether upon a proper construction of the provision of Section 120(2), (3) and (4), Section 122 and Section 197 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 10 of the Rivers State Local Government Election Tribunal Law, the 5th Defendant is entitled to authorized withdrawal of any moneys and whether the 6th, 7th, 8th, 9th and 10th Defendants by themselves or by their servants or agents are entitled to withdraw or demand for the release to them or release of moneys, fund or revenue for the Consolidated Revenue Fund or any moneys due to or belonging to Rivers State/Rivers State Government after the 30th June 2024 in respect of the 2024 Financial year fir Rivers State, the Appropriation law for the said 2024 Financial year not having been made and put in place by the Rivers State House of Assembly?*

Whereupon, the Appellants sought against the Respondents the following declaratory and injunctive reliefs:

IMM SAULAWA, JSC

Official
 Certified True Copy
 Usman B. Bature Esq
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25
 SC/CV/1174/2024 – CONTRIBUTION

1. *A Declaration that the 1st Defendant (Central Bank of Nigeria) is not entitled to release any amount, money, fund or revenue standing to Rivers State in the Consolidated Revenue Fund of Rivers State domiciled at the Central Bank of Nigeria including all allocations and revenue receipt including from Federation Account Allocation Committee (FAAC) due to Rivers State from Federation Account or from any other source to the 2nd Defendant or any other bank, being the commercial bankers of Rivers State Government or any other person Until the fund has been duly charged with the relevant expenditures by an Appropriation Law duly made by the House of Assembly of Rivers State.*

2. *A Declaration that the 1st, 2nd, and/or 3rd Defendants, by themselves or by their Servants or Agents are not entitled to release or permit the withdrawal of any amount, money, fund or revenue standing to the credit of Rivers State Government, Rivers State Government Institutions or agencies (funded through appropriations in*

the appropriation Law made by the House of Assembly of Rivers State) including Rivers State Independent Electoral Commission the 7th Defendant, for any purpose pose whatsoever Until an Appropriation Law duly made by the House of Assembly of Rivers State.

3. *A declaration that the appropriation Bill for the Financial year beginning from 1st January, 2024 and ending 31st December, 2024 not having been presented by the 5th Defendant and passed into law or made an Appropriation Law by the House of Assembly of Rivers State, the power of the Governor of Rivers State, the 5th Defendant to authorized or continue to authorized withdrawal of moneys, fund or revenue from Consolidated Revenue Fund of Rivers State domiciled in the Central Bank of Nigeria (the 1st Defendant) or from any moneys, fund or revenue standing to the credit of Rivers State or Rivers State Government (from whatsoever source derived), domiciled in, held by or in the custody of the 1st, 2nd, 4th Defendants, ceased and it is no longer*

Certified True Copy
Usman B. Bature Esq

REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25

available to be exercised with effect from the 1st day of July, 2024 by the 5th Defendant or any other person acting on his behalf or driving authority from the 5th Defendant or the office of the Governor of Rivers State including the 6th, 7th, 8th, 9th, and 10th Defendants.

4. *A declaration that it is illegal, unlawful, unconstitutional and a subversion of the Constitution of the Federal Republic of Nigeria 1999 (as amended) for the 5th Defendant to withdraw, authorize or continue to authorize withdrawal of moneys, fund or revenue from the Consolidated Revenue funds of Rivers State, no matter where domiciled or any moneys, fund or revenue belonging to Rivers State or standing to the credit of Rivers State Government no matter where it is kept, or for the 1st, 2nd, 3^d, and/or 4th Defendants by themselves or by their servants or agents to release , continue to release, withdraw or permit the withdrawal of any moneys fund or revenue in the Consolidated Revenue Funds of Rivers State or belonging to the*

6/3/25

Rivers State, no matter by whatever name called with effect from the 1st day of July 2024 when the Constitutional power of the 5th Defendant to authorize withdrawal of such moneys, funds or revenue in the absence of an Appropriation Law ceased absolutely.

5. *A Declaration that it is illegal, unlawful, unconstitutional and a subversion of the constitution fir the 1st, 2nd, 3^d and/or 4th Defendants by themselves or by their servants or agents to release moneys to, to permit withdrawal, continue to release or to continue to permit the withdrawal of moneys, funds or revenue at the instance of or by the 5th, 6th, 7th, 8th, 9th, and 10th Defendants in respect of or for the purported purpose of the proposed conduct of Local Government Councils election for Rivers State or for the purpose of funding Tribunals, including Election Tribunals or Election Appeal Tribunals for the said election.*
6. *An order of Injunction restraining the 1st, 2nd, 3^d and/or 4th Defendants by themselves or by their servants or agents from releasing*

IMM SALLAWA, JSC

Official
 Certified True Copy
 Usman B (Bature Esq)
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/23

SC/CV/1174/2024 – CONTRIBUTION

any moneys, funds, or revenue of Rivers State or Rivers State Government, its Ministries, Departments or Agencies or withdrawing or permitting the withdrawal of any such moneys, funds or revenue from the Consolidated Revenue Fund or from any Account kept in respect of moneys, funds or revenue due to, or belonging to Rivers State or in respect of any moneys, fund or revenue of Rivers State or due to Rivers State or Rivers State Government to/by the 5th, 6th, 7th, 8th, 9th and/or 10th Defendants or on the authorization of or at the instant of any of them, individually or jointly until an Appropriation Law for the 2024 Financial Year has been duly made by the House of Assembly of Rivers State.

The said Originating Summons was supported by an affidavit of urgency of 11 paragraphs and a 26 paragraphed affidavit. Attached to the affidavit are three documents marked as Exhibits

(i) *RHA 1 (Judgment of the Federal High Court, delivered on 22/01/2024 regarding suit No. FHC/ABJ/CS/1613) 2023;*

(ii) *Exhibit RHA2 (Judgment of the Court of Appeal delivered on 04/7/2024 and*

IMM SAULAWA, JSC

Certified True Copy

Elsmann B. (Bature Esq)

REGISTRAR
SUPREME COURT OF NIGERIA

SC/CV/1174/2024 – CONTRIBUTION

(iii) *Exhibit RHA 3 (notice of the resolutions State House of Assembly, dated 08/7/2024, signed by the 2nd Appellant).*

Pleadings we filed and exchanged by the respective parties in the case. At the end of hearing of the case, the trial Court delivered its judgment on 30/10/2024, to the conclusive effect:

The resolution therefore of the Rivers State House of Assembly of four members as in Exhibit AGRS3 purporting to have passed the Rivers Appropriation Bill which the 6th Defendant said has been assented to by the 5th Defendant can not and must not be allowed to stand having been passed in clear violation of Section 91 and Section 96 of the Constitution and set aside by the subsisting Order of this Court per Exhibit RSHAI and confirmed by the Court of Appeal in the recent decision delivered on Thursday 10/10/2024.

Suffice to state that Section (sic) 91 and 96(1) of the Constitution in my considered view, is a precondition without which the powers of the 5th Defendant to present the 2024 financial year estimates of the revenue and expenditure before the State House of Assembly cannot be properly exercised in accordance with Section 121(1) of the Constitution.

The combined effect of Sections 91, 96(1), 120(2)(3)(4) and 121(1) of the Constitution is designed to eliminate abuse. No power in my view exists under these provisions for the

IMM SAULAWA, JSC

Certified True Copy

Usman B. Balure Esq
REGISTRAR
SUPREME COURT OF NIGERIA

SC/CV/1174/2024 – CONTRIBUTION

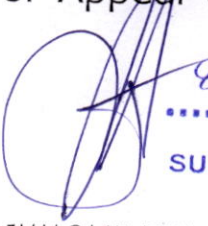
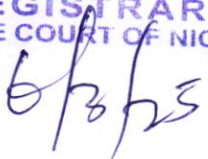
6/3/25

aggrandizement of both the legislature and executive arms of Government.

Since there is nothing in the Counter affidavits of all the Defendants to suggest that the 5th Defendant complied with the provisions of Sections 120(2)(3)(4) and Section 121(1) of the Constitution in presenting the Rivers State Appropriation Bill in respect of the 2024 financial year before a validly constituted House of Assembly, this Court has an enormous duty to provide and guard the Constitution from unwarranted assault to curb the excesses of powers and infraction to Constitutional Order as in the instant case, this Court will surely not shy away from its sacred constitutional responsibility to do what is considered just in the circumstances of the case. That is where the 5th Defendant have (sic) missed the point.

In the result and for all the reasons which I have endeavoured to give, I find the questions/issues raised in the originating Summons are meritorious to warrant the grant of the Declaratory and injunctive reliefs. I therefore make the following Declarations and order in favour of the plaintiffs.

Not unexpectedly, the judgment of the trial Court aforementioned did not go down well with the Appellants, they deemed it expedient to appeal to the court below. By the Notice of Appeal thereof (filed in the court below on 04/11/2024), the

 Certified True Copy
Usman B. Bature Esq
.....
REGISTRAR
SUPREME COURT OF NIGERIA


IMM SAULAWA, JSC

Appellants urged upon the Court below to allow the appeal and set aside the judgment of the trial Court.

That appeal was duly entered and registered as, Appeal No. **CA/ABJ/CV/1287/2024**. The learned Counsel having filed and exchanged their respective briefs of argument, the appeal proceeded to hearing. At the end of the hearing of the appeal, the Court below in a majority decision of 2:1 Barka and Obiorah, JJCA, (with Banjoko, JCA, dissenting) held, to the conclusive effect:

However, the case that gave rise to this appeal is a fresh action with different parties and different reliefs and cause of action targeted at the Consolidated Revenue Fund of Rivers State, which is a different subject matter.

The capacity and locus standi of the 1st and 2nd Respondents to initiate the suit is not in doubt but the issue is the judicial forum where the action was initiated and whether the Federal High Court had the Jurisdiction to entertain the action. The right to bring a court action is one thing but the subject matter of the action being within the jurisdiction of the court where the action is commenced is another thing, as the three conditions laid down in MADUKOLU VS. NKEMDILIM (supra) must be present for the exercise of a court's jurisdiction. On the merit of

IMM SAULAWA, JSC

Official
Certified True Copy
Usman B. Bature Esq
REGISTRAR
SUPREME COURT OF NIGERIA
6/3/25

SC/CV/1174/2024 – CONTRIBUTION

the appeal, I would have had no hesitation whatsoever dismissing this appeal.

In the instant case, having before now found that the Federal High Court lacks the jurisdiction to entertain the suit over the consolidated Revenue Fund of Rivers State.

Accordingly, the judgment of this Honourable court in GOVERNOR OF RIVERS STATE HOUSE OF ASSEMBLY & ORS (2024) LPELR-62961 (CA) delivered on 10th October, 2024, cannot be used to cure the blatant defect in the jurisdiction of the Federal High Court in the instant case.

The Notice of Appeal is predicated upon a total of 13 grounds, thereby urging upon the following reliefs:

- (i) **AN ORDER ALLOWING THE APPEAL, SETTING ASIDE THE DECISION AND CONSEQUENTIAL ORDERS OF THE COURT OF APPEAL AND IN ITS STEAD, RESTORE ALL THE DECLARATIONS AND ORDERS OF THE TRIAL FEDERAL HIGH COURT.**
- (ii) **SUCH OTHER (CONSEQUENTIAL) ORDERS AS THIS HONOURABLE COURT MAY DEEM FIT TO MAKE PURSUANT TO SECTION 22 OF THE SUPREME COURT ACT AND OTHER ENABLING ACT.**

On 10/02/2025, when this appeal (SC/CV/1174/2024) was heard along with the other sister appeals (i) SC/CV/1174A/2024; (ii) SC/CV/1175/2024; (iii) SC/CV/1176/2024; (iv) SC/CV/1177/2024;

[Signature]
 Certified True Copy
Alsan B (Bature Esq)
 REGISTRAR
 SUPREME COURT OF NIGERIA
 14
 IMM SAULAWA, JSC
 6/3/25

SC/CV/1174/2024 – CONTRIBUTION

(v) SC/CV/1174B/2024; (vi) SC/CV/1175A/2024; (vii) SC/CV/68/2024, the court deemed it expedient to reserve judgment with the mutual consent of all the parties herein, that the judgment in the instant appeal shall bind the other sister appeals in question.

The Appellants' brief settled by JB Daudu, SAN, on 08/01/2024, spans a total of 37 pages. At pages 14 to 15 of the said brief, a sole issue has been couched for determination:

Whether the court of Appeal was right or correct in law when it held that the Appellant's as plaintiffs in the Federal High Court did not situate any or all of their reliefs within the ambit of section 251 of the 1999 constitution (as amended) thereby ousting the jurisdiction of the Federal High Court? (Grounds 1,2,3,4,5,6,7,8,9,10,11,12 and 13).

Instructively, the foregoing Appellants' sole issue and the issues raised by the learned Counsel in their respective briefs of argument are not at all mutually exclusive.

DETERMINATION OF THE 1ST RESPONDENT'S PRELIMINARY OBJECTION

The 1st Respondent's brief, settled by Chief Chris Uche, SAN on 31/01/2025, spans a total of 44 pages. At pages 8 to 11 (paragraphs 3.0 to 3.12) of the said brief, the 1st Respondent has

Official
Certified True Copy
Melsman B Bature Esq
15
IMM SAULAWA, JSC
REGISTRAR
SUPREME COURT OF NIGERIA
6/3/25

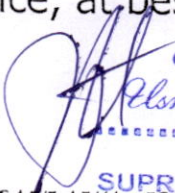
SC/CV/1174/2024 – CONTRIBUTION

raised a preliminary objection, thereby challenging the competence of the instant appeal:

On the ground of its being an academic exercise as the subject matter of the appeal which is the 2024 Appropriation Law of Rivers State for the 2024 financial year had lapsed.

Various decisions of this Court have been cited and relied upon in support of the proposition, to the effect that the court would waste its judicial time in determining an appeal where there is no live issue, or the point has become academic. See **IJAODOLA VS. UNILORIN GOVERNING COUNCIL (2018) 14NWLR (pt. 1628) 32 @ 45; AG ANAMBRA STATE VS. AG FEDERATION (2007) 12 NWLR (pt. 1047) 4; SEISMOGRAPH SERVICES (NIG) LTD VS. EYUAFE (1976) 9&10 SC 135.**

The provisions of section 121(1) of the Constitution of the Federal Republic of Nigeria, 1999 as amended, section I of the Financial Year Act, have equally been copiously alluded to, to the effect that the substructure of the matter has been overtaken by events, having expired by effluxion of time. As such, the ultimate result of the present appeal would no longer serve the ends of justice, at best, it would lead to making of bare legal postulations,

Certified True Copy

 Alhassan B. Bature Esq.
 REGISTRAR
 SUPREME COURT OF NIGERIA
 IMM SAULAWA, JSC
 6/3/25

16

SC/CV/1174/2024 – CONTRIBUTION

which the Court does not indulge in. See **IJAODOLA VS. UNILORIN (supra)** @45 paragraphs C-D; 46 paragraph H.

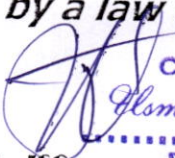
The court is urged to so hold, and accordingly strike out or dismiss the appeal for being an academic exercise.

Most ironically, the 1st Respondent's preliminary objection was merely directed at challenging the competence of the suit vis-à-vis the appeal on the basis of QUESTION NO.3, copiously alluded to above. However, it's obvious that the Appellants' reliefs sought in the claim vide the originating summons is not restricted to the issue of release of funds under the 2024 Appropriation Bill Law of Rivers State. The questions No.2, 3 and 4 for determination are to the following effect:

(2) No money shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the fund by this constitution or where the issue of those moneys has been authorized by an Appropriation Law, Supplementary Appropriation Law or Law passed in pursuant of Section 121 of this constitution.

(3) No moneys shall be withdrawn from any Public Fund of the State, other than the Consolidated Revenue Fund of the State, unless the issue of these moneys have been authorized by a law of the House of Assembly of the State.

IMM SAULAWA, JSC

Certified True Copy

 Usman B. Bature Esq.
 17
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25

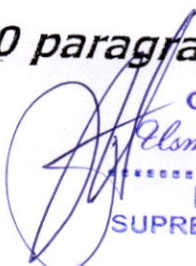
SC/CV/1174/2024 – CONTRIBUTION

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other Public Fund of the State except in the manner prescribed by the House of Assembly.

I have taken into an account of the submission of the Appellants' learned Counsel in the Reply brief thereof. It is obvious that the facts as pleaded and determined at the trial Court below relate to fundamental constitutional issues, thereby questioning the ***unconstitutional and unauthorized withdrawal of revenue, funds or moneys belonging to Rivers State after the 30/6/2024, domiciled or banked in the Central Bank of Nigeria, as well in other Banks.*** That being the case, therefore, this Court has an onerous responsibility to critically, albeit dispassionately, examine such a fundamental issue as raised with a view to ensuring that it's accorded the treatment it deserves. As aptly reiterated by this Court:

A constitutional issue, like the question of jurisdiction, is not only fundamental but must be disposed of as soon as it is raised to ensure that the Constitution which is the Supreme Law of the land is not breached or disregarded.

See ***ISHOLA VS. AJIBOYE (1994) 6NWLR (pt. 352) 506 @500 paragraphs B-C; CHUKWUMAH VS. SPDC (NIG) LTD***

Certified True Copy
 Usman B. Bature Esq.
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25

IMM SAULAWA, JSC

18

SC/CV/1174/2024 – CONTRIBUTION

(1993) LPELR-864 (SC) @64 paragraph D; KALU VS. THE STATE (1998) 13 NWLR (pt. 583) @585 paragraphs C-D.

I am of the considered view, that the main issue raised in the instant appeal as alluded here-to-fore, raises a constitutional issue of fundamental importance which therefore ought not to be trivialised or swept under the carpet on the flimsy ground of being rendered an academic issue.

In the circumstance, the 1st Respondent's preliminary objection ought to be, and same is hereby discountenanced and dismissed.

DETERMINATION OF THE APPEAL ON THE MERITS

As copiously alluded to above, the sole issue nominated in the instant appeals for determination, raises the very vexed question of whether or not the court below was right in law, when it held that the Appellants did not situate any or all of their reliefs within the ambit of section 251 of the 1999 Constitution, as amended, thereby ousting the jurisdiction of the trial Federal High Court. The majority judgment of the Court below (Barka & Obiorah, JJCA) is contained at pages 3708 to 3784; 3861 to 3894 of volume 6 of the Record of Appeal.

Abdulsman B. Bature Esq.

REGISTRAR
 SUPREME COURT OF NIGERIA
 6/2/25

Most specifically at pages 375 to 3754 of the said volume 6 of the Record, the Court is recorded to have held:

Having carefully perused the above paragraphs as reproduced (section 251(1) (q) and (r) of the 1999 Constitution), I fail to see how paragraphs (q) and (r) above can be said to have clothed the trial Court with jurisdiction when the trial court had in the same breath held that:

It cannot be denied that the subject matter of the Plaintiffs claim pertains to the Consolidated Revenue Fund of the States (Rivers State inclusive) to which the Federal Government also contributes money to the Consolidated Fund.

It was equally the finding of the Court below (at page 3765, lines 5 of volume 6 of the Record for the conclusive effect:

From the subject matter identified and for which allowance was not made for such a situation under sections 251 (i) of the constitution, I fail to agree with my Lord of the lower Court that the subsections relied on to assume jurisdiction are unavailable to him in the circumstance to the conclusion that it lacked the necessary vires undertaking the long hazardous, but unrewarding journey. My Lord of the Federal High Court had no jurisdiction to hear and to determine the dispute that originated the instant appeal, and I so hold.

Officer
 Certified True Copy
 Usman B. Bature Esq
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25

Undoubtedly, the provisions of section 251 of the 1999 constitution have cloaked the Federal High Court with exclusive jurisdiction over certain civil and criminal matters:

251(1) – The Federal Hight Court has jurisdiction to hear and determine:

Any action or proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision.

In the instant case, the very basis of the Appellants' claim at the trial court was that all funds accruable to the Government of Rivers State, whether situate in the Federation Account and/or in the Consolidated Revenue Fund or flowing from internally Generated Revenue, or from other private sources, in as long as such fund money or revenue is within the custody and liable to be disbursed by the Central Bank of Nigeria (which is an agency of the Federal Government), vests jurisdiction to halt the release of such funds or revenue exclusively in the trial Federal High Court.

A critical, albeit dispassionate, consideration of the Appellants' reliefs inquestion would reveal that the substratum of their complaint is whether the Central Bank of Nigeria (the 4th Respondent herein), an agency of the Federal Government of Nigeria can continue to disburse or release funds standing to the

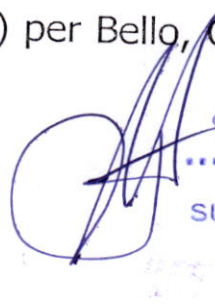
Official
Certified True Copy
Alsan B (Bature Esq)
21
DMM SAULAWA, JSC
REGISTRAR
SUPREME COURT OF NIGERIA
6/3/25

SC/CV/1174/2024 – CONTRIBUTION

credit of Rivers State Government (the 1st Respondent) in the Consolidated Revenue Fund thereof, domiciled at the 4th Respondent in the absence of an appropriation law duly passed by the 1st Appellant.

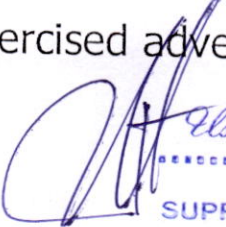
It's trite, that jurisdiction of courts is derived from the grund norm, the Constitution. Thus, where the constitution has provided that a Court is devoid of jurisdiction to entertain an action, any provision in any law to the contrary would be unconstitutional, null, void and of no effect whatsoever. See **UTIH VS. ONOYIVIWE (1991) 1NWLR (pt. 166); 166; (1991) 1 SCNJ 25; (1991) 1 SC (pt. 1) 61; (1991) LPELR-3436 (SC) per Bello, CJN @ 87 paragraphs E-F.**

Due to the fundamental nature thereof, jurisdiction is likened to blood that accords life to the survival of an action in a Court of law or tribunal. Thus, without jurisdiction, the action or matter would be like an animal that has been drained of its blood. It would cease to have life, and any attempt to resuscitate it without infusing blood into it, would be an abortive exercise. See **UTIH VS. ONOYIWE (supra) per Bello, CJN @ 46 paragraphs C-D.**

Certified True Copy

 Usman B. Bature Esq.
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/23
 Officer

In the instant case, the Court below aptly acknowledges the trite fundamental doctrine, that the jurisdiction of the Court can only be determined by the Plaintiffs' originating process (claims). Yet, the Court below in its wisdom formed the view, to the effect that the funds in the custody of the 4th Respondent are ***mixed-up with other funds not exclusively from the Federation Account***. A critical, albeit dispassionate, perusal of the seven reliefs of the Appellants (pages 4-6 of the Record of Appeal) would undoubtedly reveal that all the reliefs in question have aimed at preventing the (alleged) ***unjustified, illegal, unlawful and unconstitutional release of funds by the 4th Respondent to the 1st Respondent***, based on Sections 120 and 121 of the 1999 Constitution, as amended.

What's more, it ought to be reiterated, for the avoidance of doubt, that where a plaintiff has right to bring an action to enforce a right, the exercising of such a right cannot, by any stretch of imagination, be rendered unenforceable (or defeated) by the mere fact that the right of another might be adversely affected in consequence of (the exercise of) his right. That's to say, where there's a right of action, the mere fact that it has been exercised adversely or maliciously would not deprive the owner of


 Certified True Copy
 Elsmar B. Bature Esq.
 REGISTRAR
 SUPREME COURT OF NIGERIA
 23
 6/3/25
 IMM SAULAWA, JSC

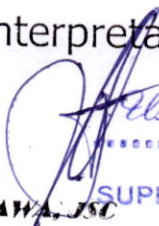
SC/CV/1174/2024 – CONTRIBUTION

the right of his right to exercise same. See **UTIH VS ONOYIVWE** (supra) per Bello, CJN @ **82 paragraphs D-F**.

The term jurisdiction is varied and ubiquitous. In essence, jurisdiction denotes a Court's power to decide a case or issue a decree. Thus, the term **exclusive jurisdiction** means a Court's power, to determine or adjudicate an action or class of actions to the exclusion of all other Courts. See **BLACK'S LAW DICTIONARY, 12th Edition, 2022 @ 707-708**.

The main principal reliefs in the present case are reliefs 1, 2, and 5 as claimed by the Appellants at the trial Court, thereby challenging the powers of the 4th, 5th 6th and 7th Respondents herein to **authorise the release, withdrawal of moneys in the Consolidated Revenue Fund and the Federation Account**, notwithstanding, the category of funds. What's more, the 4th and 7th Respondents are undisputably agencies of the Federal Government, whose potential conduct of unconstitutional release of funds is the crucial issue under consideration.

There's every cogent reason for me to agree with the Appellants' view point, that question 1 and Reliefs 1, 2 and 4 of the Originating Summons (copiously alluded to above) not only seek interpretation of the performance of the 4th and 7th


Certified True Copy
Usman B. Bature Esq.
REGISTRAR
SUPREME COURT OF NIGERIA
24

IMM SAULAWA, JSC

6/3/23

SC/CV/1174/2024 – CONTRIBUTION

Respondent's duties, but equally seek appropriate Orders against the (alleged) unconstitutional conduct or non-performance of the duties in question.

Under Section 251 of the 1999 Constitution, the Federal High Court has been cloaked with exclusive jurisdiction over civil matters involving the Federal Government or any of its agencies. This includes matters relating to government revenue, taxation, customs and excise duties and export duties. Likewise, the Federal High Court is conferred with exclusive jurisdiction over actions or proceedings for declarations or injunctions regarding the validity of any executive or administrative action by the Federal Government.

The Federal High Court equally has jurisdiction over treason, treasonable felony, and such other criminal matters in respect of which jurisdiction is conferred thereupon by Section 251(1) of the Constitution, or by an Act of the National Assembly. See ***FRN VS. IFEGWU (2003) LPELR – 3173 (SC) @ 19-21 paragraph E; OLADIPO VS. NCSB (2009) 12 NWLR (pt. 1156) 563 @ 585; OLUTOLA VS. UNILORIN (2004) 18 NWLR (pt. 905) 416 @ 462; OPIA VS. INEC (2014) LPELR – 22185 (SC) @ 30-31 paragraph D; NDIC VS. OKEM ENT. LTD (2004) 10 NWLR (pt. 680) 107 @ 221.***

IMM SAULAWA, JSC

Certified True Copy
 25
 Usman B. Balogun Esq
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25

SC/CV/1174/2024 – CONTRIBUTION

In the circumstances, the sole issue ought to be and it's hereby resolved in favour of the Appellants, against the Respondents.

Hence, against the backdrop of the foregoing postulations, I have no hesitation whatsoever, in whole-heartedly concurring with the reasoning extensively postulated by my learned brother Agim, JSC in the judgment just delivered, to the conclusive effect that:

In the light of the foregoing, I hold that the decision of the Court of Appeal the trial Federal High Court lacked the jurisdiction to entertain and determine suit No. FHC/ABJ/CS/984/2024 is wrong. The trial court validly exercised jurisdiction to hear and determine suit No. FHC/ABJ/CS/984/2024.

The sole question in Appeal No. SC/CV/1174/2024 is resolved in favour of the Appellants.

Thus, having deemed it expedient to adopt the reasoning and conclusion thereby reached in the said judgment as mine, I hereby with any further ado, allow the appeal **(No. SC/CV/1174/2024)** for being meritorious. The vexed order of

IMM SAULAWA, JSC

Certified True Copy
 Usman B. Bature Esq.
 26
 REGISTRAR
 SUPREME COURT OF NIGERIA
 6/3/25

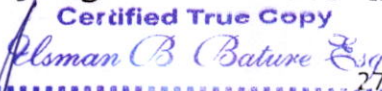
SC/CV/1174/2024 – CONTRIBUTION

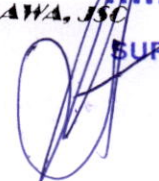
the Court of Appeal made on 13/12/2024 in Appeal No. **CA/ABJ/CV/1287/2024**, thereby erroneously striking out the said Suit No. **FHC/ABJ/CS/984/2024** for lack of jurisdiction, ought to be and same is hereby set aside.

Most instructively the Appellant herein in the **CROSS-APPEAL NO. CA/ABJ/CV/1303/2024** sought the following:

- i. *AN ORDER allowing the Cross-Appeal.*
- ii. *AN ORDER setting aside part of the Judgment of the Court of Appeal delivered on 13th December, 2024 and orders made therein especially where their Lordships held that there was merit regarding other issues submitted for its consideration apart from the issue of jurisdiction.*
- iii. *AND FOR SUCH FURTHER ORDER(S) as this Honourable court may deem fit to make in the circumstances of this appeal.*

I am in full concurrence with the reasoning reached in the judgment just delivered by my learned brother, Agim, JSC, to the conclusive effect that the instant Cross appeal No. SC/CV/1175A/2024 lacks merits, thus it's hereby dismissed. The part of the judgment of the Court below affirming the judgment of the trial Federal High Court in

Certified True Copy


REGISTRAR
SUPREME COURT OF NIGERIA

 6/3/23

SC/CV/1174/2024 – CONTRIBUTION

suit No. FHC/ABJ/CS/984/2024, is hereby affirmed. The said judgment of the Federal Hight Court in suit No. FHC/ABJ/CS/984/2024 is equally hereby restored.

I abide by the consequential orders made in the said judgment to the following effect:

- 1. The Central bank of Nigeria and the Accountant General of the Federation should forthwith stop releasing and paying to the Government of Rivers State, its organs, department and official any money belonging to Rivers State until an Appropriation Law is made by Rivers State House of Assembly constituted as prescribed by the 1999 Constitution.*
- 2. The Right Honourable Martin Chike Amaewhule and the other 26 members should forthwith resume unhindered sitting as Speaker and Members respectively of the Rivers State House of Assembly.*
- 3. The Rivers State House of Assembly should resume sitting with all elected members forthwith.*

With the consent of all the parties, the decision in Appeal No. **SC/CV/1175A/2024** will bind the Sister Appeals Nos.

Alhassan B. Bature Esq

REGISTRAR
 SUPREME COURT OF NIGERIA 28

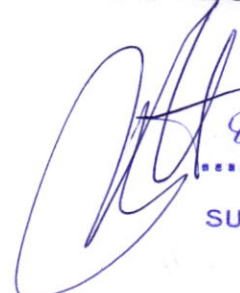
IMM SATULAWA, JSC

6/3/25

SC/CV/1174/2024 – CONTRIBUTION

SC/CV/1174A/2024, Appeal No. **SC/CV/1174B/2024**,
Appeal No. **SC/CV/1175/2024**, Appeal No.
SC/CV/1177/2024, Appeal No. **SC/CV/1175A/2024**, Appeal
No. **SC/CV/1176/2024** and Appeal No. **SC/CV/68/2024**.


IBRAHIM MOHAMMED MUSA SAULAWA
JUSTICE, SUPREME COURT


Certified True Copy
Usman B. Bature Esq
.....
REGISTRAR
SUPREME COURT OF NIGERIA
6/3/25

Appearances:

J.B Daudu SAN, Prof S.T. HON SAN, Dr. O.J. Onoja SAN, M.A Ebute SAN, Adedayo Adedeji SAN, Paul B. Daudu SAN with Shallom Emmanuel Esq, Precious Andrew Esq, E.C. Onyekwere Esq, Aishetu Isa Esq and Shuaibu Mohammed for the Appellants

Chief Chris Uche SAN, Gordy Uche SAN, Jeph C. Njikonye SAN, Samuel Atung SAN and Damian Okoro SAN with Chiamaka Amagwu Esq, Olakunle Lawal Esq, Abdul Musa Esq and Mike Uche ESq for 1st Respondent in SC/1174 10th Respondent in SC/CV/1175, SC/CV/1176, SC/CV/1177 and Cross appellant in SC/CV/1174a.

Tayo Oyetibo SAN for 2nd – 3rd Respondents in SC/1174, Cross appellant in SC/1174b, **for 2ND and 3RD Respondents** in SC/CV/1175, SC/1176 and SC/1177 with Femi Falana SAN, O.M Atoyebi SAN, Mofesomo Tayo Oyetibo SAN with Paul C. INBU Esq and T.D. Mogbo Esq.

J.J. Usaman SAN **for 4th respondent** in SC/CV/1174, SC/1175 and SC/1177, 1174A and SC/1175A with C.O Ochu, J.I. Machianan and N.E Nwoba JNR.

Chief Emeka Obegolu SAN, **for 5th Respondent** in SC/1174, SC/1175 and SC/1174, **4TH Respondent** in SC/CV/1176 for 5th Respondent in SC/1174A and SC/1175A and Appellant in SC/CV/68/2015 with Grace Ehussani Esq, Chinomso Christian Osunmune Esq and Kamal Olamide Olamilekan Esq.

Prof. Ali SAN for 1st Respondent in SC/1174, **1ST Respondent** in SC/1175, Cross Appellant in SC/1175A and **7th respondent** in

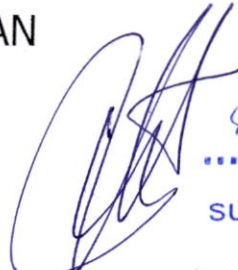
30

Official
 Certified True Copy
Usman B. Bature Esq

REGISTRAR
SUPREME COURT OF NIGERIA
 6/3/25

SC/1177 and **8th respondent** in SC/1174B with Adebayo Adelodu SAN, Paul Erokoro SAN, K.K Eleja SAN, LukmanFagbemi SAN with S.B. Sambo Esq, Alex Akoja Esq and K.T. SulymanEsq and Kehinde O. IjatuyiEsq

I. A. Adedipe SAN, **for 9th Respondent** in SC/1174, SC/1175, **8th Respondent** in SC/1174 and Tuduru U. Ede SAN, Yemi Adeshina SAN, T.J. Aondo SAN

 **Certified True Copy**
Usman B. Bature Esq
.....
REGISTRAR
SUPREME COURT OF NIGERIA
6/3/25