IN THE DISTRICT APPEAL COURT
HOLDEN IN THE KENEMA JUDICIAL DISTRICT
(CIVIL DIVISION)

BETWEEN

YAYAH KAMRAKAH ***-APPLICNAT***
MAIN HANGA ROAD

AND

ALLIEU SHAW & TWENTY OTHERS ***-RESPONDENTS***
MAIN HANGA ROAD

DELIVERED BY MAGISTRATE HADIRU DABOH
DATED 3RD DAY, NOVEMBER,2026

LEGAL REPRESENTATION

S.B.E. SESAY-Esq. and A. Gowa-Esq. ***-Counsel for the Applicant***

J.B. DAUDA-Esq. ***-Counsel for the Respondents***

RULING

This Court is called upon to determine a ***Jurisdictional Objection*** raised by J.B. Dauda, Esq., Counsel for the Respondents, challenging the jurisdiction of this Court to entertain and determine the Ejectment Summons, dated 23rd day of September 2026. In substance, the grounds of his objection are as follows:

1. *That this Court lacks jurisdiction to proceed, hear and determine this Ejectment Summons.*
2. *That the matter should not be instituted by a private counsel pursuant to Section 13 (1) of the State Proceedings Act, No.14, of 2000.*
3. *That any action to recover Land for and on behalf of the Government in the Provinces must be pursuant to sections 3,4,11,12,13, and 14 of Cap. 116 of the Laws of Sierra Leone 1898.*
4. *That there is no Provision in Cap. 128 saying that the Director of Surveys and Lands should enter property already occupied by individuals; and if so, the occupants must be compensated.*

It is his submission that the grounds are enough to render the proceedings incompetent and consequently deprive this court of jurisdiction. In reply, S.B.E. Sesay, Esq., Counsel for the Applicant, argued among other things, that the Applicant is a licensed Surveyor and Director of Lands and that he is under the obligation to manage, direct, and control lands in the Republic of

Sierra Leone. That Sections 31 and 32 of the Crowns Land Act, of 1960, give right to the Applicant to institute an action for the recovery of land belonging to the Government of Sierra Leone.

The objection, as presented, appears to conflate two distinct legal concepts, namely the jurisdiction of the court and procedural irregularity arising from the private legal representation of a Government worker/director. The principal question for determination is whether the grounds advanced by the objecting counsel genuinely challenge the jurisdiction of this court or whether they merely raise procedural complaints which ought properly to be addressed through the appropriate procedural mechanisms. This court is however of the opinion that the following issues emerged:

1. *Whether the grounds raised by the objecting counsel constitute a genuine challenge to the jurisdiction of this Court.*
2. *Whether an alleged procedural irregularity, without more, can automatically deprive a court of jurisdiction*
3. *Whether the preliminary objection is properly placed before this court for determination*

In Sierra Leone, the civil jurisdiction of Magistrates' Courts commences with sections 7 and 8 of ***The Courts Act, No.31 of 1965.*** Part II rule 1 of the Magistrates' Courts Civil Procedure Rules of 1966, sections 6 and 7 of Cap. 49, Summary Ejectment Act and sections 31 and 32 of the Crowns Lands Ordinance of 1960 are relevant provisions invoking the civil jurisdiction of this Court. ***Cap. 128, Survey Ordinance (1951),*** establishes the legal framework for conducting, approving, and standardizing official land and boundary surveys across Sierra Leone. ***Cap. 116 of the Laws of Sierra Leone, 1898*** regulates the compulsory acquisition of lands nationwide for public works. It requires the Director of Lands to issue out a formal warrant, public or personal notice, compensation based on market value, severance damage, actual earning, and with provision for review by the Court. ***Section 2 of State Lands Act/Crown Lands Ordinance, of 1960***, defines state lands as including all property belonging to the state through treaty, cession, convention, agreement, or public-purpose acquisition, encompassing shores, beaches, lagoons, creeks, and river estuaries. The rubrics of Section 1 applies to the colony only. The caveat remains, the Country had passed the ***Adaptation Act, No.29 of 1972,*** to bring existing colonial and pre-existing laws into accord with post-independence constitutional provisions. Until this Act is amended, it continues to permeate clashes with enactments. Directors of Surveys and Lands may justify their

actions under section 4 of it to compulsorily or legally acquire State Lands. Sections 90 and 91 of the ***National Lands Commission Act, 2022***, have invalidated Cap. 122 of the Laws of Sierra Leone, 1960. Thus, ending the long-standing legal complexities and restrictions on provincial land tenure and dualism overtime contended by Sierra Leonean Jurists like Dr. Aderemi Desmond Renner-Thomas and Dr. Marcus Jones. It works alongside the ***Customary Lands Rights Act, of 2022***, to protect communal lands, forests, grazing areas, and local usage rights. These Acts have not only guaranteed all Sierra Leoneans the right to acquire, own, and inherit land anywhere in the country regardless of gender, tribe, religion, ethnicity, age, or marital status, but regulates commercial and foreign investments; setting boundaries and safeguards to prevent investor-induced displacement of landowners in the Provinces.

Now, this Court considers it necessary to distinguish between jurisdiction and procedure. Jurisdiction concerns the legal competence of a court to adjudicate upon a particular matter. Procedure, on the other hand, concerns the prescribed steps, processes and formal requirements through which the proceedings are conducted. Jurisdictional objection is therefore a formal legal challenge to the court's powers to hear and determine a matter. It strikes at the fundamental competence of the court. It can be generally raised ***at any stage*** of the proceedings, even for the first time on appeal. But, to avoid irrelevant rancor in proceedings, liberal Judges have raised it defect ***suo motu*** because a judgment issued without proper jurisdiction is legally void. And although procedural compliance is important to the administration of justice, not every procedural irregularity necessarily renders proceedings incompetent or deprives the court of jurisdiction. A procedural defect must be examined according to its nature, seriousness and legal consequences. Some irregularities are diminishing, therefore capable of correction or regularization, while others may be so fundamental that they affect the validity of the proceedings.

This Court will therefore avoid treating every procedural complaint as though it were a fundamental jurisdictional objection. In ***Ron Campbell v. Isatu Jalloh Bradshaw and Others, CC: 288/18***, Ruling No.21, delivered on the 13th October, 2022, the High Court of Sierra Leone discussed the principles governing preliminary objections. It emphasized that a preliminary objection must be grounded in a point of law and distinguished questions of law from matters requiring factual investigation. Similarly, in ***Alie Suma v. Alusine Turay and Others***, MISC. APP 163 of 2022, Ruling No. 19, delivered on the 12th March 2024, the High Court of Sierra Leone

examined the distinction between procedural nullities and procedural irregularities. It explained that a serious violation may render proceedings a nullity, whereas an irregularity that is not fatal may be addressed through procedural orders. These Authorities have demonstrated that the Court must examine the substance of an objection rather than merely the terminology employed by the Counsel. In strict sense, legal representation of a Government Worker like the Director must be provided by the Office of the Attorney General and Minister of Justice. The legal boundaries dictating this rule include:

1. *Statutory Power against representation*
2. *Constitutional Mandate of the Attorney-General & Minister of Justice*
3. *Separation of Private and official capacity*

Under the statutory power against representation, the State Lands Act gives power to the Director to enter a suit in both the Magistrate and the High Courts to recover state lands. Since the Attorney-General is the principal legal adviser to the Government of Sierra Leone, he represents the Government and the Sovereignty of Sierra Leone in all legal matters. Hence, all official litigations are strictly handled by the Law Officers' Department. The Director bypassing a State Counsel for a Private Counsel does it at the risk of irregularity, unless the Attorney-General explicitly delegates or procures such private legal services under a formal state appointment through a fiat. Overtime, there were difficulties or bureaucracies in getting the AG's Office to promptly assign a State Counsel in such cases, but that does not oust the reason to follow procedure or due process. Unduly recovering Private Lands and Houses built overtime by citizens carries severe dislike and constitutional consequences centered on the protection of private property, the rule of law, and institutional instability. This specific issue culminated in the Supreme Court decision on the 6th day of February, 2025, in the case of ***Theophilus Pratt and Hawanatu Pratt v. Dr. Turad Senesie (Minister of Lands)***, where the Hon. Justice Glenna Thompson, JSC, firmly established constitutional boundaries governing state-sponsored acquisitions. She espoused the constitutional provisions that state lands acquisitions are not done by mere verbal instructions, administrative letters, or unverified documents, but constitutionally by ***verifiable Court order(s).*** The Regional Director (Applicant) has however respected the Supreme Court Judgment to come before this court. That vigilance will not go in vain for mere representation irregularity.

Having carefully considered the law and arguments advanced by both Counsel, this court finds that the objecting Counsel has not sufficiently demonstrated that it lacks jurisdiction over the

instant case. The substance of the objection raises procedural complaints which ought to be presented and determined under appropriate procedural provisions. This Court will reiterate that it will not permit procedural technicalities to be employed as instruments for unnecessarily obstructing the administration of justice. At the same time, the Court will not overlook any procedural requirement whose breach is fundamental and which the law treats as fatal.

I therefore hold that the preliminary objection, insofar as it purports to challenge the jurisdiction of this Court on the procedural grounds advanced, is misplaced and cannot be sustained in its present submission and for the reasons stated above, this Court hereby rules as follows:

1. The preliminary objection insofar as it is presented as a challenge to the jurisdiction of this Honourable Court, is hereby dismissed for want of sufficient legal foundation.
2. The grounds advanced, as presently presented, relate substantially and principally to procedural irregularity(ies) and have been improperly characterized as a jurisdictional objection.
3. The dismissal of this objection shall not be construed as a determination of any further procedural objection that may properly arise under the applicable law.
4. The substantive proceedings shall accordingly continue before this court, subject to compliance with the rules of legal representation.
5. No order as to cost

HADIRU DABOH (SENIOR MAGISTRATE)
COURT NO.1, KENEMA JUDICIAL DISTRICT