

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT NO. 4, MAITAMA ON THE**

**26<sup>TH</sup> DAY OF OCTOBER, 2023**

**BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE**

**SUIT NO. FCT/HC/CV/2126/2018**

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

**BETWEEN:**

1. STARGATE HOTELS LTD } ..... CLAIMANTS  
2. MR. MATTHEW ODEZUGO }

AND

1. INSPECTOR-GENERAL OF POLICE } ..... DEFENDANTS  
2. THE POLICE SERVICE COMMISSION }

**JUDGMENT**

On the 20<sup>th</sup> day of June 2018, the Claimants instituted this action vide a Writ of Summons and Statement of Claim wherein they claim the following reliefs:

- (1) A Declaration that the invasion of the hotel of the Claimants on the 1<sup>st</sup> July 2017 and the molestation and humiliation of their guests in the circumstances

of this case was unwarranted, illegal and an abuse of power.

- (2) Injunction restraining a further invasion of the 1<sup>st</sup> Claimant and or harassment of their guests without justification.
- (3) An Order directing Defendants to issue a letter of apology to Claimants to be published in two National Dailies.
- (4) ₦1,395,000.00 for the repair and or replacement of the 31 doors damaged by the Defendants and their officers, agents or staffs at the hotel on the 1<sup>st</sup> of July 2017.
- (5) The sum of ₦120,000 for the repair of the three wardrobes damaged by the Defendants and their agents/officers.
- (6) ₦2.5 Million being refunds of room booking to guests made by the Claimants.

(7) ₦10 Million for battered and ruined business reputation of 1<sup>st</sup> Claimant.

(8) ₦5 Million for alarm and distress caused the Claimants.

The Defendants were served with the Originating Processes on the 4<sup>th</sup> of July 2018. On the 19<sup>th</sup> of July 2021, the Court granted an Order striking out the name of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants and in their stead joined the Police Service Commission as the 2<sup>nd</sup> Defendant.

The Claimants' Amended Writ of Summons and Statement of Claim is dated the 3<sup>rd</sup> of November 2021. The Defendants were duly served on the 4<sup>th</sup> of November 2021.

The Claimants opened their case and called a sole witness in proof thereof. He is the 2<sup>nd</sup> Claimant, Mr. Matthew Odezugo, the Managing Director of the 1<sup>st</sup> Claimant.

That on or about the 1<sup>st</sup> day of July 2017 about (30) thirty fully armed Police Officers of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants led by one Mr. Sunday Okpe (then O/C, defunct Special Anti-Robbery Squad (SARS), Awka, Anambra State) in about eight Police vehicles stormed the hotel premises of the Claimants situate at Kilometer 60, Enugu/Onitsha Road (Opposite Nnamdi Azikiwe University) Awka, Anambra State and the following events occurred:

- (1) Everybody, guests, security men on duty, 2<sup>nd</sup> Claimant met at the hotel lobby and were ordered to lay face down on the floor.
- (2) Sporadic, rapid and arbitrary gun shots were fired into the air to scare everyone.
- (3) Everyone ran helter-skelter and the ensuing fright and commotion attracted the whole neighbourhood and passers-by who gathered to watch the scenario.

- (4) That all doors of locked rooms of the 1<sup>st</sup> Claimant were maliciously broken and ripped apart, 31 doors in all and guests found in the rooms were dragged out to lay face down.
- (5) Ceiling of two rooms on the top floor were broken/damaged on the pretext of conducting a search.
- (6) Three (3) Wardrobes in three rooms were destroyed.
- (7) No allegation of any wrongdoing was made known to the Claimants.

That all the aforesaid narratives happened notwithstanding that the Counter Terrorism Unit (CTU) Anambra State of the Defendants and officers of the Nigeria Customs Service had been on free accommodation in the Claimants' hotel since 2012 as Claimants' social service contribution to the State.

That notwithstanding the intervention of the officers of the Counter Terrorism Unit and those of Nigeria Customs Service accommodated in the hotel, the officers of the

Defendant were adamant on the destruction of the Claimants' property.

That some AK47 rifles of the officers of the Counter Terrorism Unit residing in the Claimants' hotel were disarmed and confiscated despite their protest not until the Commandant of the Counter Terrorism Unit came in and threatened a showdown before the rifles seized were returned.

That nothing incriminating was found in any part or rooms of the Claimants' hotel but they rather deliberately upon investigation and malicious falsehood of bitter and envious rivals deliberately chose to destroy the hospitality business of the Claimants having claimed to receive a Petition against Claimants for harbouring kidnappers.

I have read the evidence of the Claimants' witness as contained in the Statement of Claim. There is no doubt that the cause of action which arose on or about the 1<sup>st</sup> day of July 2017 which led to the destruction of Claimants' properties arose in Kilometer 60, Enugu/Onitsha Road (Opposite Nnamdi Azikiwe

University) Awka, Anambra State. It is the above that led to the institution of this action claiming damages.

None of the events took place in the Federal Capital Territory. The only connection with the Federal Capital territory is that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are resident within jurisdiction. The cause of action arose in Awka, Anambra State.

Section 257 of the 1999 Constitution states that the High Court of the Federal Capital Territory, Abuja shall have jurisdiction to hear and determine any civil proceedings in which the existence of a legal right, power, duty, liability, privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person.

Section 255 of the same Constitution created the High Court of the Federal Capital Territory.

Jurisdiction are of various types. Substantive jurisdiction refers to the issue or matter over which the Court can

adjudicate and it is usually expressly provided by the Constitution or the enabling Statutes.

Territorial jurisdiction is the territorial limit a Court has power to decide. A territory is a geographical area. Jurisdiction over a territory relates to the geographic area over which the Court has authority to decide cases. The geographical area in which matters brought before a Court for adjudication arose.

Courts are usually not seized of matters that occur outside their territory. A Court in one State as in the Federal Capital Territory does not have jurisdiction to hear and determine a matter which is exclusively within the jurisdiction of another State.

Each State of the Federation is independent of the other and the jurisdiction of each State is limited to matters arising in its territory.

See **MOBIL PRODUCING NIG. UNLIMITED vs. LASEPA (2002) 18 NWLR (PT. 798) 1.**

**RIVER STATE GOVT. vs. SPECIALIST KONSULT (SWEDISH GROUP) (2005) 7 NWLR (PT. 923) 145.**



**DALHATU vs. TURAKI (2003) 15 NWLR (PT. 843) 310.**  
**MAILANTARKI vs. TONGO (2018) 6 NWLR (PT. 1614) 69.**  
**PRINCE YAHAYA OYIDI AUDU vs. APC & 2 ORS. (2019)**  
**17 NWLR (PT. 379).**

In the circumstance of this case, this Court lacks territorial jurisdiction to entertain this action.

Consequently, I shall strike out the case. It is accordingly struck out.

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**HON. JUSTICE U. P. KEKEMEKE**  
**(HON. JUDGE)**  
**26/10/2023**

Parties absent.

No legal representation.

**COURT:** Judgment delivered.

(Signed)  
**HON. JUDGE**  
26/10/2023