

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA**

**BEFORE HIS LORDSHIP: HON. JUSTICE M. S. IDRIS**

**COURT: 28**

**Date:-27/5/2022**

**FCT/HC/CV/884/2022**

**BETWEEN**

**ALHAJI YUSUF IBRAHIM-----**

**APPLICANT**

**AND**

**1. DEFENCE INTELLIGENCE AGENCY }  
2. MAJOR ALIYU A. ADEBISI }**

**RESPONDENTS**

**RULING**

The Applicant brought this application for the enforcement of his fundamental right same is dated the 16<sup>th</sup> March, 2022. Same is brought pursuant to section 35,36, 37, 41 and 44 of the Constitution of the Federal Republic of Nigeria as amended and also brought under Article 5,6,78 and 15 of the African Charter on Human and Peoples Right as Article 5,3,10,13 and the universal declaration of Human right. Counsel to the Applicant adopted same and the reliefs contained therein . Also in compliance with fundamental human right procedure, he filed a statement date 16<sup>th</sup> March, 2022 and filed on the 17<sup>th</sup> March, 2022. In support of same is on 18 paragraph affidavit dated 17<sup>th</sup> March, 2022 and filed same day the Application is deposed to by Hon. Luka Auta Bara attached to the affidavit is exhibit Ah1. Counsel

further asserted that they have filed a written address Counsel urged the Court to grant same in the interest of justice. Counsel further said upon the service of the Applicants application on the Respondent. Same filed a counter affidavit and a written address dated the 4<sup>th</sup> May, 2022 and filed same day. The said further affidavit is deposed to by Honourable Luka Auta Barau attached to same is exhibit AH2 , AH3 and AH4. Counsel further filed a reply on point of law dated 4<sup>th</sup> May, 2022 Counsel adopt same and urge the Court to grant all the reliefs contained in the Applicants application.

Respondent's Counsel in opposing the application filed a counter affidavit dated 6<sup>th</sup> April, 2022 same is deposed to by one Uchenna N, Uche (Mrs) attached to the exhibit is exhibit A1. In compliance with the rules of this Court Counsel filed a written address dated 6<sup>th</sup> April, 2022. Counsel finally urged the Court not to grant any of the reliefs. Although I have not reproduced the two affidavits in this ruling i.e the affidavit in support of the application and the counter affidavit. It would still not change the ruling of this Court at all. This is because the exhibit D1, A1 a subsisting order granted by the Federal High Court Judge. Hon, Justice D.U Okorowo. Any order granted by a competent Court must be obeyed strictly. It is pertinent to not that both the Federal High Court and the FCT High Court have concurrent jurisdiction in this type of application as such this Court cannot either directly or indirectly grant any of the reliefs sought doing so would certainly amount to giving conflicting orders which must be discourage at all time. I have looked at the process filed by the Applicant and the Respondents counter affidavit. I am of the view that this Court is not sitting on appeal as such this application cannot be granted. Accordingly same is hereby dismissed reason being that as per this type of application is brought before FCT High Court, FCT

High has no jurisdiction. There is a subsisting order granted by Federal High Court Port- Harcourt I so hold.

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**HON. JUSTICE M.S IDRIS**  
**(Presiding Judge)**

**APPEARANCE**

John Abutu:- For the Applicant  
C.B Abodunde:- For the Respondent