

16th April 2025

**The Executive Council
Norvisi Development Union (NorDU)
Ho Municipality
Volta Region**

RE- CHIEFTAINCY RELATED CASE IN TANYIGBE

1. We acknowledge receipt of your letter dated 3rd April 2025, in which you indicated that the Respondent has filed a Notice of Appeal at the Judicial Committee of the National House of Chiefs, and further asserted that the filing of the said appeal operates as a stay of execution of the judgment of the Volta Regional House of Chiefs.
2. Respectfully, the position advanced in your letter is fundamentally misconceived and is not supported by our legal jurisprudence. It is a cardinal principle of law that the mere filing of a notice of appeal does not, and has never, operated as an automatic stay of execution of a judgment. In the absence of an express order of stay by the adjudicating body or a specific statutory provision to that effect, the filing of an appeal does not suspend or otherwise forestall the enforcement of a judgment.
3. This well-established legal principle has been clearly affirmed in the case of ***Beng v. Nyarko & Ors***[1976]1 GLR 78-79, where the Court held unequivocally that “an appeal shall not operate as a stay of execution of proceedings under the judgment or decision appealed from.” The Court of Appeal in ***Sachia & Co. Ltd v. Paul Kennedy Tawiah*** similarly

emphasized that an appeal, without more, does not operate as a stay of execution.

4. We respectfully bring to your attention key portions of the judgment of the Volta Regional House of Chiefs in the matter. The Judicial Committee of the House made the following emphatic determinations:

“It follows therefore from the above that the paramountcy of Tanyigbe is not the sole preserve of the Kodivi clan as contained in Respondents' Exhibit 1.”

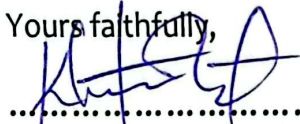
“This Judicial Committee also finds and holds accordingly that in view of the findings above, it was the Anyidoto clan, not the Kodivi clan which ought to have presented a candidate for the paramountcy after the death of the late Togbe Kwasi Adiko V. Accordingly, 3rd Respondent, Roland Adiko, ought not to have been enstooled after the death of the late Togbe Kwasi Adiko V since in the scheme of the rotatory system, he does not hail from the ‘appropriate’ clan/lineage to be Paramount Chief after the late Paramount Chief, Togbe Kwasi Adiko V.”

“By reason of the aforesaid, this Judicial Committee declares the enstoolment of 3rd Respondent, Roland Adiko, as null and void and we will proceed to set aside the nomination, election, selection and enstoolment of 3rd Respondent, Roland Adiko, as Paramount Chief of Tanyigbe Traditional Area.”

5. It is therefore manifestly clear that Kodi Adiko (Mr. Roland Adiko) has been divested of any lawful status as Chief of the Tanyigbe Traditional Area by the competent Judicial Committee of the Volta Regional House of Chiefs. Any act suggesting otherwise such as continued reference to him as Chief and allowing him lead, participate or play any role in His alleged Capacity as the Paramount Chief of the good people of Tanyigbe amounts to willful disobedience of the orders of a competent judicial committee and could well constitute contempt of the Judicial Committee.

6. We therefore urge your good offices to act in accordance with the binding decision of the Volta Regional House of Chiefs and give the necessary support to the legitimate Paramount Chief of Tanyigbe in the person of Togbe Etoi Kodzo II to assume responsibility of the role of Paramount Chief of Tanyigbe.
7. We trust this clarifies the legal position, and we remain available to engage further should you require any additional documentation or clarification

Yours faithfully,



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GODWIN KUDZO TAMEKLO

AYINE AND PARTNERS



- Cc
1. The Municipal Chief Executive, Ho
 2. Fiaga of Tokokoe
 3. Fiaga of Nyive
 4. Fiaga of hoe
 5. Fiaga of Shia
 6. Fiaga of Lume
 7. Fiaga of Klave
 8. Fiaga of Ave
 9. Fiaga of Atikpui
 10. Fiaga of Hodzo
 11. Secretary, NorDU