

Summary Ruling Of India Garba Vs Commission For Local Government and Chieftaincy Benue State.

Court Fines LGA For Not Honouring FOI Request

Published on Monday, 12 November 2012 15:46

Written by Okoi Obono-Obla

Court Ordered Vandeikya Council to Pay N500, 000 as Fine for Refusing To Honour Request for Information under FOI Act

A High Court sitting in Vandeikya, Benue State of Nigeria has ordered the Vandeikya Local Government Area Council to pay a fine of N500, 000.00 (five Hundred Thousand

Naira) for denying the request for access to information concerning revenue allocation from the federation account to Vandeikya Local Government Council from May, 2007 to June, 2012 made by a Major General India Garba (retired) an indigene of the Vandeikya Local Government Area.

The Court also ordered a writ of mandamus compelling Vandeikya Local Council to furnish the plaintiff with all the detailed records of the all the income and expenditure of all the federation revenue allocations to the defendant from the month of May, 2007 to June, 2012 within fourteen (14) days from the date of this judgment.

In a judgment delivered on the 31st October, 2012, the Court presided over by Justice D. M Igyuse in Suit No. VHC/20/2012 between Major General India Garba versus Vandeikya Local Government Area Council the Court after evaluation of the affidavit evidence of the Plaintiff in support of his Originating Summons held thus:

"I have gone through all the court processes in this Suit. I have listened to the argument and submissions of Okoi Obono-Obla for the Plaintiff. The defendant was served with the writ of summons as per the return of service on the 08-08-2012 and also served with the hearing date of the suit on 28-9-2012. The defendant was in court being represented by her legal officer when the suit came up for hearing on the 12-10-2012. The defendant has not entered defence in this suit up to the writing and delivery of this judgment in spite of the fact that when the plaintiff presented his case the court did not deliver judgment there and then but adjourned for judgment over a period of two weeks till today. I, therefore believe that the defendant does not dispute not intends to defend the action. The defendant has not file any counter-affidavit to this suit to dispute the averments in the affidavit in support of the summons...I therefore, believe that compiled

Source:

<http://elombah.com/index.php/write-for-us/13291-court-fines-lga-for-not-honouring-foi-request>

Monday, 12 November 2012.

with the provision of Section 5 (a) & (b) of the Act. The Plaintiff is entitled to information sought from the Defendant. I believe also that the refusal to furnish the requested information offends section 4, 5 & 8 (4) and (5) of the Act. The case of the plaintiff succeeds on all the issues identified for determination in this suit by the plaintiff's counsel. The consequences of the above findings is that an order of Mandamus is hereby made against the defendant to furnish the plaintiff with all the detailed records of the all the income and expenditure of all the federation revenue allocations to the defendant from the month of May, 2007 to June, 2012 within fourteen (14) days from the date of this judgment. The plaintiff has established his claim to the effect that the Defendant has wrongfully denied him of the said information. The defendant is found guilty and convicted as well as ordered to pay N500, 000.00 fine to the Benue State Government as provided by Section 8 (5) of the Freedom of Information Act, 2011".

An elated Major General Garba, who retired from the Nigerian Army as Commandant of the Supply & Transport Corps and Schools of the Nigerian Army said he has launched a series of proactive actions to enthrone a culture of transparency, accountability and good governance in Vandeikya Local Government Area of Benue State using the Freedom of Information Act as a veritable tool.

Source:

<http://elombah.com/index.php/write-for-us/13291-court-fines-lga-for-not-honouring-foi-request>

Monday, 12 November 2012.