



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI - ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW (JIL)
OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: LAW 421 (PPL 421)

COURSE TITLE: LAND LAW I

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY. QUESTION ONE IS COMPULSORY

QUESTION

1. a) The case of *Amodu Tijani v Secretary of Southern Nigeria (1922)* is a landmark decision in the study, understanding and appreciation of the customary law, resulting in the position that can be morally justified. Critically discuss this statement.
 - b). Taju, Dotun, Tola Yakeen and Dayo are the surviving children of Otunba Ikotun. Taju is the eldest of the five children and the youngest Dayo is the richest. As the richest and most influential of the children Dayo is laying claim to the position of the family head, while his other brothers are tipping Taju being the eldest. Dayo and Dotun without the consent of others sold off to acres of family land to Chief Aro and Dayo executed a Deed of Assignment for and on behalf of the family as evidence thereof. In 2006, Taju the eldest son of Otunba Ikotun with the consent of Taju and Yakeen granted a 90years lease of part of the family land to Stainless Nigeria Limited and shared the proceeds to all the children including Dotun and Dayo. Recently the duo of Dotun and Dayo has threatened to set aside the lease and recover the land from Stainless Nigeria Ltd. Other children have also objected to the transaction carried out by Dayo and Dotun.
Examine the legal issues raises and advise the parties.
2. a) Examine and analyse the different nature of a Customary Tenancy.
 - b) The Apo tribe settled in Ajegunle in 1807, later the Ijows form Yenogo approached the Olu of Apo for a large tract of land to enable them engage in farming activities within the community which request was granted by the Olu of Apo on behalf of the community in return for the annual rent of N100,000. Recently a plague affected the community of Apo and reduced their population thereby making the Ijows more populous than the Apos. In addition, the Olu of Apo has not demanded rents from the Ijows for a while. Capitalizing on this, the Ijows has quickly declared their autonomy, installed Wakiba as the Yaribo of Ijow-Apo. Last month Wakiba has started making moves to sell some of the farm land granted to them by Olu of Apo to a foreign Company who needs a vast land to establish a departmental store. The Apo community is unhappy about this development and is threatening to forfeit their tenancy and seeks your advice.

Advise them as to their rights, if any and the possibility of the success in court.

3. Examine the application of the rule. “Quic quid plantatur solo solo cedit” under the multiple system of land tenure in Nigeria.

b) Monsuru Bobosa is dead. During his lifetime, he was allotted a portion of family land on which he built a four bedroom flat where he lived with his wife and children. Shortly before the death of Monsuru, his relationship with the Bobosa family got strained and after his death the family head reallocated the land to another member of the family and asked the deceased wife and children to relinquish possession. Modina (the widow) Lola and Bobo (the children) are resisting possession.

Advice the parties.

4. a. Alienation of family property by Head of the family without the concurrence of family members is voidable in any event. Do you agree?
Under what circumstances can a voidable alienation are set aside by the court?

b. Akpan is the head of Edet family, for the past five years he has been receiving rents from the family properties without an account. Last year he spent lavishly on the wedding of his only daughter and paid professional fees to the firm of solicitors handling family matters in court out of family funds.

Okon, a junior member of the family who has just arrived from the United Kingdom wants Akpan to render account, but this does not go well with majority members of the family who claim that Akpan is the representative of their ancestors and challenging the person is a taboo.

Okon is seeking relief in court that:

- i) the head of the family is surely responsible for the payment of outgoings on family property including solicitors fees out of his own pocket
- ii) the head of the family has an obligation in law to render an account.
- iii) A mandatory injunction compelling the Head of the family to render an account to the family.

Advice Okon.

5. a.) With the promulgation of the Land Use Act Customary Tenant’s position has been elevated and their allegiance transferred from the Customary Overlords to the Governor of the State in absolute terms. Do you agree?

b.) In 1975, Ola granted Olodo possession of her land as a guaranty for a loan of N200.00. Since then, Olodo has put the land into productive use. In 1980 Ola died and her estate devolved on her only son Akin. In the process of gathering Ola’s assets and liabilities, Akin discovered this transaction and seeks a re-transfer of possession from Olodo. Olodo has refused to do so, on the ground that the land has, by virtue of the Land Use Act 1978, been vested in him. He is also relying on the principle of adverse possession as a further ground for his claim.

Advice the parties.

6. “The Chief is the alter ego of the community. He manages, control and generally is in charge of the land for the benefit of the community. Discuss.