

# Compulsory Acquisition of Communal Land and Compensation Issues: The Case of Minna Metropolis

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## ABSTRACT

It is incorrect to assume that the Land Use Act of 1978 has totally transferred ownership of land to the Governor of a state in Nigeria. It is argued that the natives could not claim any interest in any other land beyond their occupation because such interest has been lost by virtue section 1 of the Land Use Act, which provides that subject to the provisions of this act, all land comprised in the Territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefits of all Nigerians.

The procedure for compulsory acquisition requires adequate notice to be given to the owner, compensation be paid and the acquisition must be for “public purpose”. These points form the basis of dissatisfaction expressed by the natives as they claim that the principles of acquisition used by the state government in acquiring their lands has violated all the three basic requirements above. The unreported case of *Hassan Doma Bosso v. Commissioner of Lands and Anor*.<sup>1</sup> in Niger State provides the relevant components for this discourse. In this case, the plaintiff averred that their customary title over the land remains unaffected by the subsequent grants of statutory rights of occupancy to other persons without paying them compensation. The study aimed at reviewing the compulsory revocation of communal titles by the governor of Niger state within the beam of the statutory procedures for just and fair acquisition of communal land and payment of compensation. The study shows that “private convenience” does not qualify as “public purposes”, hence any compulsory acquisition of communal land for private purposes is void.

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## **1. INTRODUCTION**

With the re-emergence of democracy in 1999 and the supremacy of the 1999 Constitution that reinforces the Land Use Act of 1978 (hereinafter called the Act), the country has witnessed the resurgence of disputes on title to land, especially as it relates to compulsory acquisition by the defunct military administrations. The basis of complaints has drawn inspiration from section 29 (1) of the Act which provides that ‘if a right of occupancy is revoked for the cause set-out in paragraph (b) of sub-section (2) of section 28 or in paragraph (a) or (c) of subsection (3) of the same section, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements’. A person whose right of occupancy is revoked for the cause set-out in section 28 (2) (b) or section, 28 (3) (a) or (c) will be entitled to claim compensation for (i) the land, for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked; (ii) buildings, installation or improvements thereon, for the amount of the replacement cost of the building installation or improvement, that is to say, such cost as may be assessed on the basis of the prescribed method or assessment as determined by the appropriate Officer less any depreciation together with interest at the Bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cost thereof as may be substantiated by documentary evidence and proof to the satisfaction of the appropriate Officer; (iii) in addition to claim under (i) and (ii) above, the claimant will be entitled to claim for crops on the land, for an amount equal to the value as prescribed and determined by the appropriate Officer.

Most of the communal lands were acquired under the name of public purposes by the military governments which to a large extent downplayed the laid down procedures for public acquisition as prescribed in the foregoing sections of the Act. Therefore, the aim of this paper is to look critically at some aspects of compulsory purchase and compensation, as far as the common man is concerned in Nigeria. It recommends that compensation laws should be amended to reflect the current realities.

## **2. BACKGROUND TO THE STUDY AND CONCEPTUAL FRAMEWORK**

Since 1999 the Niger State Judiciary has been drafted into a fora of legal activities generated upon grievances of some communities about how their lands were illegally acquired by the state government. The claims for land ownership within Minna have often punctuated the litigation arena in the state. This development has attracted a lot of opinionated views formed on the shallow appraisal of the situation history and the legal implications of the struggle. The Gwaris, hereinafter called the natives, who are the primary hosting community, have over the years demonstrated a chequered gesture of hospitality to the “strangers” who were attracted

by the lush and prospect abound in Minna. Apart from the frequently emboldened economic importance of land, it remains the fulcrum of life and a symbol of pride and identity to the inhabitants. Citizenship would have become a meaningless legal coinage if ever the importance of land to individual identity is to be undermined. Therefore, it becomes natural if a community tries to assert its rights against any infringement To this, the Gwaris will never be an exception.

Arguably, the Gwaris remain the native-block capable of asserting superior interest in all land that host the Niger State metropolis. There is no any historical evidence yet to show any penultimate settlement by any other tribe capable of floating any proximate claim as held the natives over what today constitutes Minna and its adjoining settlements. Hence, it is not out of place as popularly believed, that the Gwari tribes enjoyed absolute ownership over this land, absolute against any other interest, until the commencement of the land Use in 1978. The Act brought about a new regime that struck at the incidence of land ownership, management and control in Nigeria. The lands formally held absolute by communities and native authorities are now vested in the state governor who holds and administer the land for the benefit of all. The fundamental feature of the Act is the introduction of state-holding of land against any individual interest.

One of the low points of the Act is its inability to address the fundamental questions revolving around the incidence of communal land ownership vis a vis the power of the governor to interfere with such. Much more a shortcoming is the Act itself could not provide any definition of land which could have determined the extent of the natives' right to lay claim on land. To cure this defect, our beam must be focused at section 13(3) of the Interpretation Act of 1964 which defines land as thus: Land includes any building and any other thing attached to the earth or permanently fastened to anything so attached but does not include minerals. Interestingly, the statute obviously includes farms and economic tress in its contemplation. Farming has proved to be the primary activity of the natives, hitherto the lands that constitutes Minna and its adjoining settlements today were farms fields utilized by the communities until the state acquisitions.

It is grossly unconvincing to assert that the aftermath of this legal evolution saw no protest or grievances from the natives; this is because the political order under the military rule gave little room for such to be nurtured. The return to democracy in 1999 therefore provided the awaited opportunity for the resurrections of the natives' dissatisfaction with the way their lands were purportedly occupied by the government. Since 1999, several suits have been instituted by several native families and communities against the government of Niger State seeking the court to either revoke the compulsory acquisition or cause for the regularization of the demented acquisition procedures. A survey of the individual actions both pending and disposed cases before the Niger State High Court reveals a common ground of action.<sup>2</sup>

### **3. STUDY AREA**

Minna is a Gwari town in the middle belt region of Nigeria, it lies at latitude 9<sup>0</sup> 37 North of the equator and longitude 6<sup>0</sup> 33 East of the Green which meridian. The town is the north-west

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direction of the Federal Capital Territory, Abuja. Over the years Minna became an administrative centre of increasing importance, and its function as a rail way junction attracted more investment and people. February 1976, Minna became the state capital of Niger State. The present town is widely dispersed along the main spin fro Chanchaga in the south to Bosso in the north where the University campus is located. The total population of Minna in 2006 census (Provisional Result) was 201,429 (105,803 males and 95,626 females).<sup>3</sup>

#### **4. RESEARCH QUESTIONS**

It is necessary to ask the following questions in other to establish the rationale behind uprising of the communities in Minna as it relates lands previous taking-over by government which is now subjected to litigations many years after acquisitions of the communal lands and the questions are: Whether the statutory compensation payable upon compulsory acquisition was actually paid to the natives? Whether the formula of valuation for the compensation, if ever used, was just? Whether the land is used for “public purpose” as claimed upon acquisition? And whether the subsequent grants of rights of occupancy contemplated on the purported acquisition superceded the earlier right?

#### **5. RESEARCH METHODOLOGY**

The methods of data collection in this study are two; (i) reported and unreported court cases in Nigeria, particularly in the study area; Minna (ii) interviews to authenticate earlier views stated in the reported cases. Data were collected from the Registry of the High Court of Justice, Minna, Niger State; officials of the Ministry of Lands, Surveys and Town Planning, Minna, Niger State regarding compulsory purchase and payment of compensation procedures most especially acquisition of communal land.

#### **6. VALUATION METHODOLOGY**

The methodology for the valuation of Buildings for Compulsory acquisition in Nigeria is the Replacement Cost approach method'. The Replacement cost method of valuation assumes the followings:

- (a) Current costs of construction
- (b) Appropriate depreciation

The Replacement Cost method of valuation is based on a faulty assumption that cost is related to value. This explains the reason why the method is suitably used for valuing properties of a special nature, which are rarely sold. Some properties compulsorily purchased are income – yielding properties which could best be valued using the investment or income method of valuation. The prescription of the Replacement Cost method of valuation for the assessment of Compensation for all kinds of Properties compulsorily purchased or acquired for Public purposes is enormous. The valuation methodology for the valuation of Crops and Economic Trees for Compensation under the Act is not spelt out at all. Current practice is based on the arbitrary fixing of prices for Crops and Economic Trees compulsorily acquired by the so-called Land Officer. These Prices are grossly inadequate as would be seen in the case study.

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Ideally, the market value of Land, which is the Price the Land will be offered for sale in the open market by a willing seller, is the value that adequately Compensate for the Land. This is the basis in United Kingdom, Zambia, Kenya and other Countries of the world. The Act attaches no value to Land as such the value of Land is not added to the depreciated replacement cost of building in the computation of compensation for real property under compulsory purchase.

## 7. COMPULSORY PURCHASE AND THE LAND USE ACT (LUA)

It is wrong to assume that the Land Use Act of 1978 has totally transferred ownership of land to the governor; regrettably, this wrong position has great fellowship. It is argued that the natives could not claim any interest in any other land beyond their occupation because such interest has been lost by virtue section 1 of the Act. This section provides thus: Subject to the provisions of this act, all land comprised in the territory of each state in the federation are hereby vested in the governor of that state and such land shall be held in trust and administered for the use and common benefits of all Nigerians in accordance with the provisions of this Act.

While majority of interpretations capture the express meaning of the provision, it often is understood in isolation of its later part which limits the Governor's power to that of a trustee who holds the trust for the benefit of all. The trust concept is not alien to land control and management in Nigeria and Minna in particular as it is recognized in communal ownership of land and in respect of family land where the family head holds the land in trust. In essences, despite the Land Use Act, the native holding over the land remains intact. According to Belgore JSC, "...the Act which appeared like a volcanic eruption is no more than a slight tremor".<sup>4</sup> Therefore, it is clear that the above provision of the Act has created a bare trust and no more. "It has not taken away the right of customary owners to enjoyment of the tributes, rather it left it untouched".<sup>5</sup> To strengthen the proprietary interest of the pre-1978 land holder, section 34 of the Act accorded a deemed grant in favour of any person who holds land before the commencement of the Act. The derivable interest vide a deemed grant is that of a holder of statutory right of occupancy duly issued by the governor this position was recently reiterated by the Nigerian Supreme Court in *Adole v. Gwar* (2008) 4 SCNJ 1 at 6. This is why the holder under deemed grant is not obliged to make a subsequent application for a grant of statutory rights of occupancy over a same piece of land, hence most of the lands held by the natives in Minna are covered by deemed grant.

At this juncture it is apposite to examine the status of customary ownership of land under the Act. Although the Act has not made any explicit reference to the phrase "Communal land", its incidence was captured under S.50 (1) as the "Customary Right of Occupancy" which means land holding right enjoyed by a person or community according to customary law. This position received judicial re-enforcement by the Nigerian Supreme Court which held that, "The Act is not a draconian document it is thought to be Land whether developed or undeveloped even in a rural area held by a person under a recognized customary tenure before the commencement of the Act will continue with such rights and privileges on the land, subject to the provisions of the Act..." per Ogbuaju, J.S.C. in *Adole v. Gwar* (supra).

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The purport of the above decision is that communal land rights enjoyed by the natives on lands within the metropolis remain unfettered and such can only be ripped in accordance with Sec.44 (1) of the 1999 Constitution (the Constitution) which states that no interest in land shall be compulsorily acquired by the government or any authority save in accordance with the law. The combined effect of the Land Use Act, 1978 and the Constitution is that unless the proper procedure of compulsory acquisition of land is religiously adhered to all native interest in communal land remains undisturbed in Nigeria.

## **8. PROCEDURES OF COMPULSORY ACQUISITION OF LAND UNDER THE NIGERIAN LAWS: THE CASE OF MINNA**

If the interest of the natives remains unfettered, the next issue it to consider the procedures of compulsory acquisition of land under the Nigerian laws; and try to answer the fundamental question of whether there was any acquisition of the communal lands at all. The fundamental elements required to affect the procedure for compulsory acquisition include adequate notice to be given to the owner, compensation be paid and the acquisition must be for “public purpose”.

The unreported case of *Hassan Doma Bosso v. Commissioner of Lands and Anor. (supra)* provides eloquent foundation for this paper. In this case, the court was called upon to declare the compulsory acquisition of the plaintiff’s land as null and void, the ground being that no compensation was paid at all for the land. Also, the plaintiff averred that their customary title over the land remains unaffected by the subsequent grants of statutory rights of occupancy to other individuals. Both the plaintiff and the defendants have joined issues as per the above grounds. However, the state failed to present any evidence to show that any compensation was paid at all to the plaintiff, and it did not challenge any of the claims put by the plaintiff. On this, the learned trial judge observes, “No counter affidavit was filed challenging any of the facts deposed to in the plaintiff affidavit. This is so because no positive reasons was forthcoming from the 1<sup>st</sup> defendant even after series of letters were written for the forwarding of appropriate documents in respect of the land for study and necessary action by the Ministry of Justice. Therefore, with nothing upon which to stand in challenge of the plaintiff’s claim, it remained unchallenged. It is a trite law that unchallenged evidence must be taken as truth and ordered upon by the court see *Adekanye v. Comptroller of Prisons* (2000) FWLR part 8 page 1258 ratio 2. This court therefore, has no option than to accept the deposition of the plaintiff in his affidavit as the true evidence of fact regarded the land in dispute.”

In *Hassan Doma (supra)*, failure by the defendants to challenge the claims advanced by the plaintiff left the court with no option than to hold that no compensation was paid at all to the plaintiff and the subsequent grant was void *ab initio*. In *Oloto v. Attorney General*<sup>6</sup> it was held that “... claims for compensation for lands acquired by the government for public purpose under statutes are statutory and no owner of land so expropriated by statute is entitled to compensation unless he can establish a statutory right to such compensation.” Reliance on section 44(1), 1999 Constitution<sup>7</sup> and section 28 of the Act shows that the duty imposed on the authority to pay compensation is not merely statutory, it is constitutional which also places the right to compensation as a fundamental human right appearing under Chapter IV of

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the Constitution. Therefore, failure to pay compensation upon acquisition is unconstitutional and a breach of fundamental human rights of the person entitled to the compensation. Section 44(1) of the Constitution provides, “No moveable property or any interest in an immoveable property shall be taken possession of compulsory and no right over or interest in any such property shall be acquired compulsory in any part of Nigeria except in the manner and for the purpose prescribed by a law that among other things – requires the prompt payment of compensation therefore, gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court or tribunal or body having jurisdiction in that part of Nigeria.”

Interestingly, compensation for compulsorily acquired land has remained primarily but not exclusively a constitutional issue in most English law jurisdictions and Europe. In the United Kingdom where the governing law is a mix of statutes and common law, the Land Compensation Act of 1991 and the Planning and Compulsory Purchase Act of 2004 have all conditioned payment of compensation as a prerequisite for compulsory purchase.

The combined effect of the above provision is that the natives are indeed right in their claim for compensation and the learned trial judge was right in entertaining jurisdiction over the claim. The decision reached by the court however attracted a lot of opinionated remarks from other stakeholders, most of the views were influenced by a retentive perception that the natives are trying to eat their cake and still have it. It has been seriously echoed that compensation was actually paid to the natives by the acquiring authority even before the commencement of the Act. It is important to note that section 28 of the Act that provides for payment of compensation does not apply retrospectively to make good the natives’ claims. The native lands were acquired under the Public Land Acquisition (Miscellaneous Provision) Act of 1976 which also recognized payment of compensation as a cardinal requirement to effect a compulsory acquisition and section 31 of the Land Use Act provides, “The provision of the Public Land Acquisition (Miscellaneous Provisions) Act shall not apply in respect of any land vested in, or taken over by, the Governor or any local government pursuant to this Act or the right of occupancy to which is revoked under the provisions of this Act but shall continue to apply in respect of land compulsorily acquired before the commencement of this Act.” From the foregoing, it could be deciphered that any right to compensation before 1978 remains intact and could be enforced against the acquiring authority.

## 9. FINDINGS AND DISCUSSION OF RESULTS

A review of some of the disposed cases shows that not all the lands were actually acquired without payment of compensation. The unreported case of *Sule Ahmadu Dogo and 7 Others v. Hon. Commissioner Ministry for Lands, Survey and Town Planning and 2 Others*<sup>8</sup> is material here. Although the claims in this case were similar to the plaintiff’s in *Hassan Doma (supra)*, the claimants failed to substantiate their assertions. In this case, the defendant presented a material witness that proved compensation was actually paid upon compulsory acquisition. There is sharp dissimilarity between these two cases, in *Sule Ahmadu Dogo (supra)* the claim that no compensation was paid at all was defeated because the defendants provided evidence which convinced the court that compensation was actually paid. Also, the

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plaintiffs failed to establish their root of title on the land in dispute based on traditional history. The court dismissed the claim. But in *Hassan Doma* (supra), the claim that compensation was not paid remained unchallenged by the defendants. It is however of great interest to note that the 1<sup>st</sup> and 2<sup>nd</sup> defendants in both the two cases are one and the same persons and the two cases are contemporaneous. Worthy of note is the distinguishing features in the two cases.

Another argument floated to favour the state government is that the claim for compensation should have abated because it was not brought within reasonable time. It is quite true that any claim which waited for more than 30 years before its prosecution has run short of the reasonable time theory. It is also a settled law that any claim for compensation predicated on compulsory acquisition should be made timeously and in accordance with the provision of the enabling statute. According to the dictum in *Ona v. Atenda*, There is even a presumption, made stronger by the lapse of time between the dates of acquisition and the institution of proceedings, that everything was done regularly in pursuance of the statute; and that upon acquisition of the lands, reasonable compensation was paid to the persons entitled thereto.”<sup>9</sup>

If the foregoing is to be strictly invoked, it will suffocate the claims for compensation instituted by the natives. But the situation is not a one way traffic for the natives because the Act itself does not specify the time within which the claim for compensation should be instituted. Reliance has always been placed on section 15 (2) (a) and (b) of the Limitation Act of 1966 which stipulates that action for recovery of land shall be brought within twelve years. This notwithstanding, section 39(1) (a) and (b) extends the right of action where the person in possession of the land acknowledges the title of the person to whom the right of action has accrued. In the instant case, the state does not contest the interest of the natives; the controversy revolves around the manner of acquisition. In the exact wordings of section 39 of the Limitation Act, “... The right of action shall be deemed to have accrued on and not before the date of the acknowledgement.” In the instant cases, the court was called upon for the first time to determine the root of title and whether there was any acquisition at all which left the computation of time to discretionary powers of the court. Behold none of all the actions was declared statute barred, in fact this line of argument was ever raised in very few instances. Moreover, non payment of compensation is a fundamental breach of fundamental human right (see section 44(1) and (2) 1999 constitution).

## **10. WHETHER THE LAND IS USED FOR “PUBLIC PURPOSE” AS CLAIMED UPON ACQUISITION**

Another theme of contention heavily relied upon by the natives in challenging the compulsory acquisition is the objective of the acquisition. The constitution (section 44(1)) provides that compulsory acquisition must be exercised in the manner and for the purpose prescribed by a law. The purpose has been illustrated by the Act under section 28(1) that it shall be lawful for the governor to revoke a right of occupancy for overriding public interest. Sadly again, the Act does not define what is “public interest” but a fundamental reference to ‘public purposes’ was made therein which is germane to this discussion. Hence any compulsory acquisition not exercised for public interest and by extension public purposes as claimed by the natives, is

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null and void. What then constitute public purpose? It is suggested that “public purpose” as used in section 28 means that the premises are required for the exclusive use of the government, or for use of the general public or in connection with sanitary improvement of any kind. Under section 50(1) of the Act, “Public Purpose” includes: acquisition of land for exclusive Government use or for general public use; for use by any corporate body directly established by law or by any body corporate registered under the Companies and Allied Matters Act as respect which the Government owns shares, stock or debentures; for or in connection with sanitary improvements of any kind; for obtaining control over land contiguous to any part or over land the value of which will be enhanced by construction of any railway, road or other public work or convenience about to be under or provided by the government; for obtaining control over land required for or in connection with development of telecommunications or provision of electricity; for obtaining control over land required for or in connection with mining purposes; for obtaining control over land required for or in connection with planned urban or rural development or settlement; for obtaining control over land required for or in connection with economic, industrial or agricultural development; for educational and other social services. Most of the lands compulsorily acquired have not been utilized for public interest, this is also incurably defective. The court of appeal was confronted with identical issues in *Lawson v. Ajibulu*<sup>10</sup> where Akanbi JCA rightly states that, “For indeed if at the time of acquisition the notice had stated the “public purposes” for which any or all the land acquired had been made, much of the furore or heat that has been generated in this case would not have arisen at all. For, it would then have been easy to say whether the use, of which the land was subsequently put, was or not in conformity with the stated purposes.” This position was reiterated in *Olatunji v. Military Governor Oyo State*<sup>11</sup> as thus, “... if a property is ostensibly acquired for public purposes and it is subsequently discovered that it has directly or indirectly been diverted to serve private need, the acquisition can be vitiated. The acquiring authority cannot rob Peter to pay Paul by diverting one citizen of his interest in a property by vesting same in another.”

On this point, the above authorities are unequivocal and apt; the purported compulsory acquisition of land belonging to the indigenes is null void. In fact, the supreme court encourages land owners whose lands have been compulsorily acquired for “public purposes” to follow it up to be sure if the acquired land is being put to the public use, otherwise, the land owner have all rights to challenge the acquisition.

The strong contention here is that having failed short of the laid down procedures for compulsory acquisition, viz: payment of compensation and requirement for public purposes, there was no acquisition at all. It therefore stands that any subsequent transaction in form of transfer or allotment by the government becomes void because ‘the government did not acquire nothing and cannot give nothing’ here operates to jettison any subsequent title adverse to the natives or original owner. In essence, if the above principles operate in favour of the natives that claim the original title against any other subsequent title, we have no option but to concede. In other words, the title of the natives remains intact and any transfer or allotment effected by the Niger State Government is void. In *Ibafon Co. Ltd. v. Nigeria Ports Plc.*<sup>14</sup> the court succinctly observes as thus “Without the acquisition of the land by the government, there would be nothing to assign to the 1<sup>st</sup> defendant for its use by the government. And if the

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acquisition of the land suffers some illegally, any subsequent act predicated on an illegally acquired land is null and void. This is so because no one gives what he does not possess, the maxim '*nemo dat quod non habet*'. He gives not who has nothing."

## 11. CONCLUSION AND RECOMMENDATIONS

The paper recommends for a radical harmonization of all conflicting laws on compulsory purchase and Compensation as this will enhance the building of logical and sound valuation basis that would ensure that a person deprived of his property through compulsory purchase is entitled to no more and no less than what he is being deprived of. Furthermore, the Compensation code should be reviewed to include possible claim for disturbance. The displaced persons should be resettled as of right and where Claimants are willing to acquire alternative houses; Government should advance loans or provide enabling environment for the Claimant to achieve their desire. It was recommended that government should strictly adhere to the provisions of the Constitution (section 44(1) in particular which provides that compulsory acquisition must be exercised in the manner and for the purpose prescribed by a law. The purpose has been illustrated by the Land Use Act under section 28(1). Also in public acquisition of land, strict adherence should be focused on the provision of the constitution. The Land Use Act should also provide a statutory definition of the phrase 'public interest' as it affects land usage in Nigeria.

## END NOTES

- <sup>1</sup> NSHC/MN/101/2002.
- <sup>2</sup> Registry of the High Court of Justice, Niger State.
- <sup>3</sup> Government Notice No. 24, of 15<sup>th</sup> May, 2007.
- <sup>4</sup> Abioye v. Yakubu (1991) 5 N.W.L.R. (Pt. 190) p. 130 @ 240.
- <sup>5</sup> Nkwocha v. Governor of Anambra State and 2 Ors. (1984) 6 S.C. p. 362.
- <sup>6</sup> (1961) all N.L.R. 893.
- <sup>7</sup> Constitution of the Federal Republic of Nigeria, 1999.
- <sup>8</sup> NSHC/MN/109/2002
- <sup>9</sup> (2000) 5 N.W.L.R. (pt 656) p. 244 @ 268.
- <sup>10</sup> (1991) 6 N.W.L.R. (pt. 195) 1 @ 59.
- <sup>11</sup> (1995) 5 N.W.L.R. (pt. 397) 586 @ 602.
- <sup>12</sup> Caldler v. Bull (1798) 3 U.S. 386.
- <sup>13</sup> No. 13406.
- <sup>14</sup> (2000) 8 N.W.L.R. (pt. 667) 86@ 100,

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## **BIOGRAPHICAL NOTES**

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