

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

HIS LORDSHIP: HON. JUSTICE M.S. IDRIS

COURT NUMBER: 28

Date:-13TH NOVEMBER, 2023

FCT/HC/GWD/CV/23/2021

BETWEEN

PASTOR PATRICK OLATUNDEOMOKARO-----

CLAIMANT

AND

- 1. ENGR. SULE AHMED ABDULAZIZ
(CEO of Transmission Company of Nigeria)**
- 2. TRANSMISSION COMPANY OF NIGERIA**

DEFENDANTS

JUDGMENT

The Claimant instituted this suit through Writ of Summons dated the 21st day of February 2021 and filed on the 23rd of February, 2021

The 1st and 2nd Defendants through a motion for an extension of time to file a conditional appearance as well as their Joint Statement Defence dated 14th day of February 2022 and filed on the 16th day of February 2022. The Court granted the Order.

The Claimant amended his Statement of Claim dated and filed on the 8th day of November, 2022, and amended by order of the court made on the 24th day of November, 2022.

The Claimant prayed as follows:-

1. An Order of Court declaring the Claimant as a beneficiary owner of Plot A3 in phase AA4 Ext. layout Kuje Abuja FC delineated by Beacon numbers PB 7234, PB 7235, PB 7270, and PB 2771 was allocated by the Kuje Area Council Lands Office on the basis of the Letter of

Allocation dated 8th of August 1998 and the Customary Certificate of Occupancy issued under the hand of the Chairman, Kuje Area Council number KAC/FCDA/LP&S/ED-746 and dated 6th day of July, 2009.

2. An Order of Court declaring the Claimant Right of occupancy number KAC/FDA/LP&S/ED-746 over Plot A3 in phase AA4 Ext. Layout Kuje Abuja FCT covered by the Certificate of Occupancy dated 6th of August 1998 given under the hand of the Chairman, Kuje Area Council as valid and still subsisting same having not been lawfully revoked.
3. An Order of Court declaring the Defendants as trespassers on Plot A3 in phase AA4 Ext layout Kuje Abuja FCT Conveyed by the Certificate of Occupancy dated 6th day of August 2009 given under the hand of chairman, Kuje Area Council.
4. An Order of Court declaring the act of the Defendants unlawful, illegal and a breach of fundamental rights of the Claimant to own and acquire property in Nigeria by taking the Plot as right of way without communication or correspondence to the Claimant over Plot No. A3 in Phase AA4 Ext. Layout Kuje-Abuja F.C.T.
5. An Order of court compelling the Defendants to pay the Claimant the sum of ₦25,000,000.00 (Twenty-Five Million Naira) only as compensation for right of way and usage of Plot No A3 in phase AA4 Ext. Layout Kuje Abuja.
6. Alternatively, a plot of land with the same size and value as indicated on the Conveyance of Provisional Approval in a strategic area within the jurisdiction of this court to be granted to the Claimant forthwith and ₦50,000,000.00 being compensation for the destruction of economic trees and 10% interest rate on judgment sum from the time judgment is delivered until judgment debt Is liquidated.
7. General damages of ₦10, 000,000.00 (Ten million Naira) only against the Defendants jointly and severally for trespass on Plot No A3 in phase AA4 Ext. Layout Kuje Abuja F.C.T.

8. The sum of ₦500, 000.00(Five Hundred Naira) only being the cost of litigation.

The Claimant opened his case on the 2nd day of February, 2023 and closed on the 6th March, 2023 calling one sole Witness: Pastor Patrick Olatunde Omokaro. The Claimant tendered seven (7) Exhibits which were admitted in evidence:-

Exhibit 1 - Deed of Gift between Pastor Patrick Olatunde Omokaro dated 12th of November, 2008.

Exhibits 2 - Conveyance of Provisional Approval granted by Kuje Area Council Abuja dated 8th of September, 1998.

Exhibit 3 - Customary Certificate of Occupancy dated 6th day of July 2009 and - Title Deed Plan TDP and Rights of Occupancy No: KAC/FCDA/LP & S/ED 746 with Abuja Geographic Information System FCT, dated 17th November 2006.

Exhibit 4 - Regularization of Land Title and Document of FCT Area Council Acknowledgement with old file No ED 746 and new file No: ED 41674 dated 23rd November, 2006.

Exhibit 5 - Receipts for processing, land app form and receipts for premium items fees issued by Kuje Area Council dated 12th day of April 1999 and 27th day of July 1999 with receipt No: 339155 and 341308 respectively.

Exhibits 6 - Acknowledged letter to the Defendants dated 22nd July 2020.

Exhibits 7 - Pictures of encroachment on the said land.”

All Exhibits were admitted in evidence and the Claimant closed his case on the 6th of March, 2023.

Subsequently, the Defendants amended their Statement of Defence through a Motion for Amendment dated and filed on the 2nd day of June, 2023. The trial court granted the order for amendment on the 8th June 2023.

The Defendants opened and closed their case on the same 8th day of June, 2023 calling a sole witness Mr. Ifeany Ibe, who tendered a document (Letter addressed to Executive Secretary, FCTA, Abuja dated 25th of May, 2021), which was admitted in evidence and marked Exhibit DW1.

Now, the summary of the Claimant's case is that the land in issue was originally granted to Giwa Aina Patience who conveyed same to the Claimant as a gift by virtue of Deed of Gift executed in favour of the Claimant.

The original land documents of Plot No A3 in Phase AA4 Ext. Layout Kuje- Abuja were handed over to the Claimant upon execution of Deed of Gift between the original Allottee Giwa Aina Patience and the Claimant.

The Claimant states that he has been in peaceful possession of the Plot since 2008 and no adverse claim or revocation notice, was neither issued nor received by him and has been in peaceful possession.

The Claimant went to the Plot, as usual, to check only to discover that some people were working there who claimed to be contractor(s) doing so at the instance of the 1st and 2nd Defendants as their contractors, with over 80% of the economic trees on the land cut down, logs of wood from the economic trees gathered on the land, wide road created at the center with high tension wires running through the center of the land. The high-tension pillars were permanently fixed at the center of the land.

The Claimant avers that before the encroachment/ trespass on the said land, it had served as source of livelihood through the sale of the cashew and seeds from the economic trees that littered all over the land.

It is the case of the Claimant that he never in any way and by any means permitted any person or group of persons to go into the Plot for any reason whatsoever.

The Claimant avers that upon his discovery, he contacted the Defendants through his former Solicitor who promised to pay compensation as soon

as they are through with the resettlement action plan(RAP). After several visits that yielded no positive result he requested his solicitor to write the Defendants a pre-action Notice to pay compensation for forceful acquisition in respect of Plot A3 Ext.Layout Kuje Abuja F.C.T. The law firm of Segun Olorundare reduced the instructions into writing and equally served the Defendants with acknowledged copy dated 22nd July, 2020.

The Claimant further avers that it is the responsibility of the Defendants that where projects are carried on through forceful acquisition and where Project Affected Person(s) (PAP) with legal rights or claim to their properties come, to quickly prepare their Resettlement Action Plan (RAP), set up Grievance Redress Committee as well as Grievance Redress Mechanism to take assets evaluation and pay compensation in accordance with relevant laws and global standards.

According to the Claimant, all his effort to resolve the forceful and involuntary acquisition of his land and unauthorised destruction of his economic trees in this issue has been exercise in futility as every attempt to dialogue with the Defendants were exercise in futile.

The case of the Defendants, however, is that sometimes in 2016 the Federal Government of Nigeria through the 2nd Defendant embarked on Power expansion Project in Abuja called the Abuja Feeding Scheme, aimed at improving the delivery of Electricity to the Federal Capital Territory and its environs in view of its strategic economic and political position in the Country.

That in compliance with the relevant environmental and social guidelines of the Federal Government, the 2nd Defendant prepared and disclosed the Environmental and social Impact Assessment (ESIA) for the project, and that the Resettlement Action Plan (RAP) for these Projects which addresses issues pertaining to involuntary resettlement has was prepared, disclosed and adequate compensation paid to all benefiting Project Affected Persons (PAPs) whose Assets were enumerated and valued for all the Projects sites.

The Defendants aver that the 2nd Defendant via its Letter dated 25th of May, 2021 addressed to the Executive Secretary, Federal Capital Development Authority, wrote and highlighted areas where the 2nd Defendant is encountering issues of encroachment/resettlement along the Project corridors that are threatening the successful implementation of the Project. The Defendants further aver that in the said Letter mentioned above, the 2nd Defendant highlighted that some Individuals and corporate organisations that were not on ground when the enumeration of Assets and payment of compensation were done have emerged along the right of way (ROW) of the Projects and are obstructing the smooth implementation of the Projects and need to be relocated accordingly. Some of them presented some land Documents purported to have been issued by either the FCT or some of the Area Councils while others have not shown any documentations at all. In the said letter, the Defendants requested for the relocation of all the Persons living or doing business within the Right of Way of the 2nd Defendant Abuja Power Feeding Scheme Project (including the Claimant) to further facilitate the smooth and timely implementation of the Project

The Defendants aver that the Claimant is among the persons who were listed in the said Letter mentioned above.

In their final written address, counsel on behalf of the Defendants raised a sole issue for the court's determination: -

"Whether in view of the totality of the pleadings and evidence before the Court, the Plaintiff is entitled to the reliefs sought?"

Counsel argued that by Paragraphs 12 and 13 of the Plaintiff's Witness amended Statement on Oath filed on 10 November 2022, the Plaintiff admitted at the trial that the acquisition of the Land is purely for overriding public interest which is constitutional and acknowledged that proper steps were taken by the Defendants to address the issue.

Counsel maintained that this Fact is further corroborated by Defendants in Exhibit DW1, tendered by the Defendant before this Honourable Court.

Counsel relying on the decision in ***OKOROJI V. ONWENU (2017) ALL FWLR (PT. 871) 1347 @ 1368 and YUSUF V. MASHI (2017) ALL FWLR (PT. 912) 664 @ 703*** submitted that it is settled law that evidence elicited from an adversary during cross-examination is good evidence and can be used to support a party's case,

Counsel further argued that the Plaintiff could not establish either by evidence or through any exhibit that the actions of 1st and 2nd Defendants is illegal or unlawful.

Counsel argued that the Exhibit DW1 clearly shows that the Defendants have taken all the steps to compensate the Plaintiff as provided by the law.

On the part of the Claimant, learned counsel to the claimant raised two issues for consideration:-

1. Whether the Claimant has proved his claim to entitle him the reliefs sought.
2. Whether a dispassionate appreciation of Exhibit DW2, pleading and evidence adduced by the Defendants, they have made a proper case to deny the Claimant of the reliefs sought.

On issue 1, counsel argued heavily on why the Claimant is entitled to all the reliefs sought by him.

Counsel stated that the Claimant is entitled to relief 1, because he has not only proved his title in the pleaded facts in his Statement on Oath but also by the evidence adduced, he produced document; by proving acts of ownership and possession over a sufficient length of time; by proving acts of long possession and enjoyment of the land as aptly stated by the Supreme Court.

Counsel further argued that the Claimant is entitled to reliefs 2 and 3, because the Defendants failed to issue notice of revocation to him and as such the Claimant's Right of Occupancy is valid and still subsisting.

Counsel cited Section 44(1) of 1999 Constitution of Federal Republic of Nigeria (as Amended) and Section 28(7) of the Land Use Act, 1978 (hereinafter referred to as Act) and argued that the only way a revocation of the Right of Occupancy can be validated and be lawful is only when the conditions prescribed in these laws has been duly complied with by service of notice of revocation and at its receipt and promptly paying compensation to the holder.

Counsel maintained that Notice must be proved to have come to the Right of Occupancy holder that is there must be proof of receipt of such Notice. ***ATTORNEY GENERAL LAGOS STATE V SOWANDE (1992) 1 NWLR***. He reasoned that the Defendants having entered the property and destroyed the crops and Cashew trees without lawfully revoking the Right of Occupancy of the Claimant, have trespassed on the land of the Claimant and have disturbed his peaceful possession as well as his source of livelihood.

Counsel further argued that the Claimant is entitled to relief 4 because it is an inalienable fundamental Human Right of all Nigerians to acquire and own land in any part of the country. See Section 43 of the 1999 Constitution of the Federal Republic of Nigeria (as Amended).

Also, such property shall not be acquired compulsorily, except in the manner and for the purpose prescribed by a law that requires both the payment of prompt compensation and compliance with the rule of law. See 44 (1) & (2) OF 1999 Constitution as Amended.

On the Claimant's entitlement to Reliefs 5 & 6, counsel argued that the land in question is no longer useful as no one can either live or farm under High Tension wires which ran through the land with its pillars permanently fixed on the land. It is also the contention of the Claimant that over 80% of the economic trees (Cashew trees) on the land were cut down and logs of wood from the economic trees stems gathered on the land. Exhibit 7 speaks for itself showing the logs of cashew trees cut down as well as the trees that are not cut down.

Counsel decried the fact that this matter has been in court for 3 years now with no attempt whatsoever from the Defendants to relocate the Claimants. In view of this, counsel urged the court to recognise the Supremacy of the 1999 Constitution as amended and hold that compensation with strict consideration of the current market value of lands in Federal Capital Territory and also with the current economic value of Cashew trees and fruits in Nigeria today and also hold that compensation be paid to the Claimant with interest on the judgment debt.

Counsel further urged the court to consider the financial burden that has been placed on the Claimant and grant reliefs 7 and 8.

On issue 2, counsel on behalf of the Claimant attacked Exhibit DW1 tendered by the Defendant, citing that the exhibit is an unacknowledged and purported letter addressed to the Executive Secretary, Federal Capital Development Authority, mentioning the name of the Claimant as one of the persons affected by the said project, that the Defendants were not able to show the stamp and date of receipt of the said letter from Federal Capital Development Authority.

Counsel argued that it is a mere fabrication to feign an attempt to have taken action. Counsel urged the court to discountenance exhibit DW1.

I have taken the pains to critically analyze the case of the parties in this suit. I understand what the contention of parties are, and to arrive at a just decision, I believe that a sole issue can be used to lay this case to rest:

“Whether in view of the totality of the pleadings and evidence before the Court, the Claimant is entitled to the reliefs sought?”

It is the case of the Claimant that he is the beneficial owner of Plot A3 in Phase AA4 Ext. Layout Kuje. In support of his claim, the Claimant tendered Exhibit 1 - 5. The exhibits clearly show that the documents held by the Claimant are title documents issued by Kuje Area Council.

Firstly, it is important to refer to the reliefs claimed by the Claimant in his amended statement of claim. The first four (4) reliefs of the Claimant are declaratory reliefs and they are the 15 principal reliefs. The law is that declaratory reliefs are granted to a party on the strength of the party's evidence before the Court. See **AYODELE IGBO KOYI & ORS V RAHEEM ADETORO LAWAL, (2013) LPELR 22006 (CA)**.

Further, the claim of the Plaintiff in the instant case is for declaration of title to land.

It is the law that a declaratory relief is not granted even on admission. A party claiming a declaratory relief must satisfy the Court that he is entitled to the relief. See **JOSHUA MOSUNMOLAAKINTOYE V JOSEPH FOLAYIN (2014) LPELR 24125 (CA)**, **SAIDU SANUSI DONGARI & ORS V SAHEED SA'ANUN (2013) LPELR 2204 (CA)**, **AYARRU V MANDILAS LTD, (2007) 4SC (pt111) page 58 and DUMAZ (NIG) LTD V NWAKHOBA, (2008) 18 NWLR (pt119) page 361**.

Premised on the aforesaid, the law is trite that declaratory reliefs or remedies are resorted to when a Claimant feels that he has a right he would like to protect in order to prevent or stop a wrong. See **IBIDAPO AWOJOLU V ODEYEMI & ORS (2012) LPELR 14 796 (CA)**.

The question that requires an answer in the instant case is whether the Claimant has a right over Plot A3 in Phase AA4 Ext. Layout Kuje worthy of protection to avoid a wrong committed thereof?

In other words, does the Plaintiff have the locus standi to institute this action? In the case of **THE HONOURABLE MINISTER OF FEDERAL CAPITAL TERRITORY & ANOR V OLAYINKA OYELAMI HOTELS LIMITED, (2017) LPELR 42876**, the Court of Appeal held:- "The two acid tests for determining whether or not a person has locus standi to institute an action are:- (a) The action must be justiciable; and (b) There must be a dispute between the contending parties." The Court of Appeal further held,

“in deciding whether a Plaintiff has locus standi, the judge is expected to meticulously examine the statement of claim to see if it discloses a cause of action. The averments in the statement of claim or as in the instant case, the affidavit deposed to in support of the originating summons filed by the Applicant, must disclose in clear terms the right and obligations or interest of the Plaintiff which have been or about to be violated; see **THOMAS V OLUFOSOYE (1986) 1 NWLR (pt 18) page 669, ADEFULU V OYESILE, (1989)5 NWLR (pt122) page 377**”.

Now, the Claimant avers that the original allottee from whom he derived title was granted a conveyance of provisional approval of the Right of occupancy in respect of Plot A3 in Phase AA4 Ext. Layout Kuje by Kuje Area Council. (See Exhibits 1-4). According to the Claimant's pleadings, the customary certificate of occupancy was re-certified or regularized by the Federal Capital Territory. The Claimant tendered exhibit 4, the regularisation of land titles and documents of FCT Area Councils acknowledgement slip dated 23rd November 2006.

The question that begs for an answer is who has the statutory power to allocate land in the Federal Capital Territory, Abuja. The answer to the above question can be found in the case of **JOSIAH MICAH & ORS V HON. MINISTER OF THE FEDERAL CAPITAL TERRITORY & ORS (2018) LPELR 44917**, where the Court held thus: -

“I must add at this juncture all lands in the Federal Capital Territory Abuja belong to the Federal Government of Nigeria, who has vested the Power and control of such lands on the Minister of the Federal Capital Territory. See sections 1 (3) and 18 of the Federal Capital Territory Act, as well as section 297 of the 1999 Constitution.” Then by section 1 (3) and 18 of the Federal Capital Territory Act, it provides. “1(3) The Area contained in the Capital Territory shall, as from the commencement of this Act,... shall henceforth be governed and administered by or under the control of the Government of the Federation to the exclusion of any other person or authority whatsoever and the ownership of the lands

comprised in the Federal Capital Territory shall likewise vest absolutely in the Government of the Federation."

As from the 28th May, 1984, the President has delegated to the Minister of the Federal Capital Territory the following functions that is to say:- (b) Any executive power of the Federal Government vested in the President pursuant to section 299 (a) or any other section of the Constitution of the Federal Republic of Nigeria and exercisable within the Federal Capital Territory; (C) Any function or power conferred by any law set out in the second schedule to this Act vested in the Governor or Military Governor of a State.

By virtue of the decision in ***JOSIAH MICAH V HON MINISTER FCT ABUJA (supra)***, sections 1 (3), 18 of the FCT Act and section 297 of the 1999 Constitution and indeed section 2 of the Land Use Act, all lands comprised in the Federal Capital Territory vests on 19 the Federal Government of Nigeria and the President by the powers conferred on him by the Constitution of the Federal Republic of Nigeria delegated his powers on land allocation in the Federal Capital Territory to the Minister of the Federal Capital Territory Abuja. The Law is also crystal clear that apart from the Honourable Minister of the Federal Capital Territory Abuja, no person or authority has the power to allocate land comprised in the Federal Capital Territory. See section 18 of the FCT Act.

In fact in the case of ***FRANK ERIBENNE V MR. ALI SUNDAY & ANOR (2007) LPPELR 4172***, the Court of Appeal held as follows:-

"The Federal Government has been clothed with exclusive right on the land as its owner and not just holding it in trust for the people. By virtue of section 18 of the Federal Capital Territory Act, only the Minister for the Federal Capital Territory can grant statutory rights of occupancy over lands situate in the Federal Capital Territory. Whatever customary rights the original owners of the land had prior to the acquisition of the entire area ceased to exist as from February 1976 when the Federal Capital Territory came into effect."

The implication of the above judicial authorities and sections 1(3), 18 of the FCT Act, section 297 (2) of the Constitution of the Federal Republic of Nigeria and the Land Use Act, irrespective of section 1 (2) of the FCT Act, customary right of occupancy does not exist in the Federal Capital Territory, Abuja and this point is made clearer in the case of MADU V DR. BETRAM MADU, (2008) LPELR 1806, the Supreme Court of Nigeria held:-

"Section 18 of the Federal Capital Territory Act Cap 503 LFN 1990, vests power in the Minister for the FCT to grant statutory rights of occupancy over lands situate in the Federal capital Territory to any person. By this law, ownership of land within FCT 20 vests in the Federal Government of Nigeria who through the Minister of FCT vest same to every citizen individually upon application. Thus, without an allocation or grant by the Honourable Minister of the FCT, there is no way any person including the Respondent could acquire land in the FCT."

Thus, having said the above, from the pleadings of the Claimant, the grant to the Claimant of Plot A3 in Phase AA4 Ext. Layout Kuje was a grant by Kuje Area Council. As I said earlier, though section 1(2) of the FCT Act recognizes the six Area Councils in the FCT, they have no authority to allocate land to any person by virtue of sections 1(3) and 18 of the FCT Act as well as the Land Use Act because all lands comprised in the Federal Capital Territory are urban lands. The Claimant's Counsel in both their pleadings and final address made heavy weather on recertification, revalidation or regularisation of title documents with the Federal Capital Territory Administration (Exhibit 4). It appears to me the Plaintiff's Counsel did not appreciate the import of exhibit 4 and the purported regularisation of title documents. At the bottom of exhibit 4, the acknowledgement slip which Claimant's Counsel relied that their title documents have been regularized by the FCTA, exhibit 4 contained a disclaimer and it states:- "This acknowledgment does not in any way validate the authenticity of the documents described above. All documents are subject to further verification for authenticity."

In other words, by exhibit 4, it does not validate or authenticate the Claimant's title documents as the rightful allottee neither does exhibit 4 confers the Claimant a statutory right of occupancy.

As I said earlier, the acid test in determining a person or party's locus standi in a suit is whether the party has a justiciable right to institute the action and the dispute that arisen therefrom. The Black's Law Dictionary defined the word "justiciable" at page 944 9th Edition as follows:- "A case or dispute properly brought before a Court of justice capable of being disposed judicially" See also **CHIEF REAGAN UFOMBA V INEC (2017) LPELR 4207 (SC)**.

Thus a justiciable right or a right is justiciable when it is capable of being legally enforced when it is derived from the existence of reciprocal rights, duties and obligations between the created statutes. See **CHIEF JOEL SIMEON OBU & ORS V THE SHELL PETROLEUM DEV. COMPANY OF NIGERIA LTD & ANOR, (2013) LPELR 21241 (CA)**.

Further, the Supreme Court in the case of **BARR. J.C UWAZURONYE V THE GOVERNOR OF IMO STATE & ORS, (2012) LPELR 20604** held:-

"A justiciable matter is one in which the Plaintiff has a cause of action. Courts only consider justiciable issues or controversy and do not bother spending precious judicial time with hypothetical disputes or one that is academic or moot."

Hence therefore, arising from the pleading of the Claimant in the instant case, the rights or obligations imposed by statute on the Minister of the Federal Capital Territory Abuja to allocate land to the Plaintiff has not been evoked. The authority that issued exhibit 2 and 3, a customary Certificate of occupancy to the Claimant, by sections 1 (3) and 18 of the FCT Act and the land Use Act, does not possess such power or authority to do so in the FCT.

In other words, from the amended statement of claim the Claimant has no justiciable right or a legal right capable of enforcement between him and the Defendants.

In short, the Claimant has no locus standi to institute the instant case because ab-initio the grantor has no authority in law to grant what it purports to grant to the Claimant. It is trite law that you cannot put something on nothing and expect it to stand. See **AFRICAN PEOPLES PARTY V MR. WILLE OBIANO, (2018) LPELR 44-64 (CA) MACFOY V UAC, (1962)AC 152 at160 and SKEN CONSULT (NIG) LTD V UKEY, (1981)1SC page 6 at 15.**

The effect of the above cases is that where an act is void,(in this case the grant by Kuje Area Council), then it is in law a nullity. It is not only bad but incurably bad. And every proceeding which is founded on the instant grant to the Claimant is also bad and incurably bad.

The issue of whether the Claimant has proved his case and therefore entitled to the reliefs claimed becomes an exercise in futility. In other words, the Claimant is not able to prove the declarations sought by tendering title documents emanating from the Federal Capital Territory Administration. Consequently, the Claimant having failed to prove his title to Plot A3 in Phase AA4 Ext. Layout Kuje, in accordance with the established principles of law in the cases **OFIDUNDUN V OKUMAGBA (1976) 7 -10 SC page 244 at 227, ANI V EWO, (2004)1 SC (PT11) page 115 at 133 AND EZUKWU V UKACHUKWU, (2000) 1 NWLR (PT 642)PAGE 657 at 679**, the suit of the Claimant failed and he is not entitled to the reliefs or declarations sought. Accordingly, the claims of the Claimant and the entire suit is hereby dismissed.

I would also like to add in this judgment that in the interest of justice and fair play the Court can not shy away from doing substantial justice without any undue regards to technicalities. Thus the Court will not allow technicalities to prevent it from doing substantial justice see **ABUBAKAR VS YARADUA (2008) 4 NWLR (PT 1078) 465. AMAECHI VS INEC (2008) 5 NWLR (PT 1080) 227 A-G BENDEL STATE VS A. G**

***FED. (1982)2 NWLR 116 MAGIT VS UNIVERSITY OF
AGRICULTURE MAKURDI (2005) 19 NWLR (PT 914) 211***

**HON. JUSTICE M.S IDRIS
(PRESIDING JUDGE)**

Appearance

Pat Oboba :- For the Claimant

Umar Saleh:- For the Defendant