

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA

ON THE 4TH DAY OF MARCH, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/CV/175/2021

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

UNITED MOTORS NIGERIA LIMITED	CLAIMANT/ RESPONDENT
(Suing through its Attorneys, OYELERE ADETUNJI, ESQ., MESSRS DURO ALLI & SONS (NIG.) CO.)	

AND

1. FEDERAL REPUBLIC OF NIGERIA	}	DEFENDANTS/ RESPONDENTS
2. THE MINISTER, FEDERAL MINISTRY OF LANDS & WORKS			
3. THE MINISTER, FEDERAL MINISTRY OF HOUSING & URBAN DEVELOPMENT	}	DEFENDANT/ APPLICANT
4. THE INSPECTOR-GENERAL OF POLICE			
5. ATTORNEY-GENERAL & MINISTER OF JUSTICE OF THE FEDERATION		DEFENDANTS/ RESPONDENTS

RULING

The 2nd & 3rd Defendants' Notice of Preliminary Objection is dated 11/11/2021 and filed on the same date.

The Preliminary Objection seeks:

- (1) An Order of Court dismissing/striking out the suit in its entirety for lack of jurisdiction.

And for such Orders or further Orders as the Court may deem fit to make in the circumstance.

The grounds for the objection are:

- (1) That the action is statute barred hence the Court lacks the requisite jurisdiction to entertain the matter.
- (2) That the 2nd & 3rd Defendants due to their nature are not subject to the jurisdiction of this Court.
- (3) That the Court lacks the jurisdiction to determine the amount of compensation payable by the government to the Claimant.

The Claimant and the 1st, 4th and 5th Defendants were served. The Claimant filed a Counter Affidavit dated 25/08/2022.

The 2nd & 3rd Defendants/Respondents filed a Reply to the Claimant's Counter Affidavit.

The 2nd and 3rd Defendants' argument is that an aggrieved party cannot commence an action anytime he feels like doing so.

That the alleged compulsory acquisition occurred in 1976 while this action was instituted in 2021. That the action ought to have been brought within seven (7) years.

The 2nd & 3rd Defendants further contended that by Section 251 of the 1999 Constitution, the Court saddled with the requisite jurisdiction to entertain and determine a case concerning agencies of the Federal Government is the Federal High Court.

That the 2nd & 3rd Defendants are agencies of the Federal Government.

Learned Counsel on the other hand contends that the issue in this case relates to land *afortiorari* compensation.

Refers to Section 6 of the Public Lands and Acquisition (Miscellaneous Provisions) Decree and Section 39 of the Land Use Act.

On the issue of the case being statute barred, Learned Claimant's Counsel contends that until the issue of compensation is settled, the cause of action continues.

That correspondence between the Claimant and 4th Respondent ceased on 27/09/2010 while his matter was instituted on 19/11/2010 which makes the action to be within time.

This Court raised the issue of territorial jurisdiction at the conclusion of argument and called upon Counsel to address it on same.

The 2nd & 3rd Defendants filed and adopted their Address on the issue of jurisdiction. It is dated 21/09/2023.

The Claimant/Respondent failed to file or address the Court on the issue of territorial jurisdiction.

I have read and considered the Address of 2nd & 3rd Defendants/Applicants.

Jurisdiction means a Court's power to decide a case or issue. Jurisdiction also refers to the authority of a Court to decide matters that are litigated before it.

It is trite that jurisdiction is of various types:

- (1) Substantive jurisdiction, which refers to matters over which the Court adjudicates and it is usually expressly provided by the Constitution or enabling Statute.
- (2) Territorial jurisdiction however is the territorial limit a Court has power to decide.

A territory is the geographic area under the jurisdiction of a governmental authority. Courts are usually not seised of matters which occur outside their territory.

Just as the subject matter of a case has to come within the Court's jurisdiction, the Court's territorial jurisdiction and composition are other essential aspects of jurisdiction, which gives it competence.

See **PRINCE YAHAYA OYIDI AUDU vs. APC & 2 ORS. (2019) 17 NWLR (PT. 1702) at p. 379.**

In the instant case, by the Writ of Summons, Statement of Claim and the reliefs sought, the subject matter in which Claimant is claiming proper assessment and payment of compensation is land situate at Ikereku, Orita Challenge, Old Lagos Road, Ibadan, Oyo State or payment of ₦293,102,246 Million due as compensation for the compulsory acquisition of the aforesaid land in Ibadan, Oyo State.

The law is well settled that a Court in one State does not have jurisdiction to hear and determine a matter, which is exclusively within the jurisdiction of another State.

Jurisdiction in each State is limited to matters arising in its territory.

This Court has jurisdiction only on matters arising out of Federal Capital Territory, Abuja. This Court does not have unlimited jurisdiction. It is only Jehovah God that has unlimited jurisdiction. He is Omni.

See **DALHATU vs. TURAKI (2003) 15 NWLR (PT. 843) 310.**
MAILANTARIKI vs. TONGO (2018) 6 NWLR
(PT. 1503) 446.
ONYEMA vs. OPUTA (1987) 3 NWLR (PT. 60) 259.

Once a Court lacks jurisdiction, a party cannot use any statutory provision or common law principle to impose it because the absence of jurisdiction is irreparable in law.

The matter ends there and the only procedural duty of Court is to strike it out.

This Court lacks the power and is not enabled by Statute to transfer this case to the Oyo State High Court of Justice, Ibadan.

In the circumstance, I can only strike it out. This suit is accordingly struck out for want of territorial jurisdiction.

HON. JUSTICE U. P. KEKEMEKE, ACIArb (UK), FICMC
(HON. JUDGE)
04/03/2024

Parties absent.

No legal representation.

COURT: Ruling delivered.

(Signed)
HON. JUDGE
04/03/2024