

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS FRIDAY 14TH JULY, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CV/3041/2022

MT. NO: FCT/HC/M/1033/2022

BETWEEN:

HON. SADIQ IBRAHIM SALIHU.....APPLICANT

AND

- 1. ECONOMIC AND FINANCIAL CRIME COMMISSION**
- 2. HON. MINISTER OF FEDERAL
CAPITAL TERRITORY**
- 3. FEDERAL CAPITAL TERRITORY
ADMINISTRATION (FCDA)DEFENDANTS**
- 4. DR. IBRAHIM UMAR MODIBBO**

JUDGMENT

This ruling is on terms of settlement dated the 6-6-2023 filed on the 6-6-2023 whereof parties adopted same and urge this court to adopt it as the consent judgment of this court.

The claimant's counsel claims the following reliefs:

- a. ADECLARATION that the Claimant is the bonafide owner and the tile holder of Plot No. 4224, located at Guzape District, Cadastral zone A09, Abuja, with File No. BN62577 within the jurisdiction of this Honourable Court, haven purchased same through auction conducted by the FCT High Court enforcement unit on the 26th January, 2018.**

- b. A DECLARATION that the 1st Defendant does not have the constitutional rights whatsoever to sit on appeal or criticize or evaluate or overturn at the comfort of their office the Judgment of FCT High Court and the dismissal order of the Court of Appeal sitting in Abuja over and against the Judgment with suit NO. FCT/HC/CV/3956/13 dated 21st November, 2013.**
- c. A DECLARATION that the Caveat placed by the 1st Defendant on Plot No. 4224, located at Guzape District, Cadastral Zone A09, Abuja, with File No. BN62577 to favour the 4th Defendant is unlawful, illegal and ultra vires the EFCC Establishment Act, 2004, as investigation of title to land does not fall within the powers of EFCC, when same is targeted at denying the Claimant's his full right of ownership of the said plot of land.**
- d. A DELCARATION that the 1st Defendant investigation activities with respect to Plot No. 4224, located at Guzape District, Cadastral Zone A09, Abuja, with File No. BN62577 amount to overturning or sitting on Appeal against the Judgment of a Court of competent Jurisdiction and also an afront to the sanction of Chief Judge of the FCT High Court, that gave approval to the auction conducted on the 26th January, 2018, through which the Claimant became the tile holder of the said plot of land.**
- e. A DECLARATION that in consideration of the Supreme Court decision delivered on Monday, 20th day of December, 2021 in the case DR. JOSEPH NWOBIKE SAN VS. FEDERAL REPUBLIC OF NIGERIA (2022) 6NWLR (Pt. 1826) @293, whether having regard to the provisions of Sections 6, 7, 14 -18 and 46 of the EFCC (Establishment) Act, 2004 and the decision in EMMANUEL AHMED VS. FEDERAL REPUBLIC OF NIGERIA (2009) 13 NWLR (Pt. 1159) 536 at 552, the EFCC had any authority to investigate and prosecute matters not relating to Economic and Financial Crimes.**
- f. AN ORDER OF THIS HONORABLE COURT mandating the Defendants, particularly the 1st, 2nd and 3rd Defendants to vacate,**

remove and expunge the caveat placed upon Plot No. 4224, located at Guzape district, Cadastral Zone A09, Abuja, with File No. BN62577 within the jurisdiction of this Honorable Court.

- g. AN ORDER OF THIS HONORABLE COURT mandating and directing the 1st, 2nd and 3rd Defendants to recover and surrender to the Claimant, the Right of Occupancy (R of O) with respect to Plot No. 4224, located at Guzape District, Cadastral Zone A09, Abuja, with File No. BN62577 presently and surreptitiously in custody of the 4th Defendant. Alternatively, AN ORDER OF COURT for the 2nd and 3rd Defendants to issue and hand over to the Claimants the Certify True Copy (CTC) of the Right of Occupancy of the said property already prepared and fully paid for by the Claimant.**
- h. AN ORDER OF THIS HONORABLE COURT directing the Defendants particularly the 1st defendant not to further interfere, arrest, re arrest or regulate or trying to recover Plot 4224, located at Guzape district, Cadastral Zone A09, Abuja, from the Claimant to favour the 4th Defendant as such act ultra vires the EFCC Establishment Act as the 1st Defendant cannot overturn an auctioned dully carried by the enforcement department of this Honorable Court pursuant to the Judgment delivered by HONOURABLE JUSTICE M. M. DODO in suit NO. FCT/HC/CV/3956/13dated 21st November, 2013.**
- i. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st to 4th Defendants, their agents, servants, privies, representatives or by howsoever described from further interfering, disturbing or taking any illegal steps whatsoever against the interest of the Claimant with respect to Plot No. 4224, located at Guzape District, Cadastral Zone A09, Abuja, with File No. BN62577 within the jurisdiction of this Honourable Court.**
- j. AN ORDER OF THIS HONORABLE COURT directing that the 1st Defendant has no powers whatsoever under its Establishment Act to deal on matters relating to ownership or otherwise of any landed property or even to place Caveat or deal with or interfere in any land matters, particularly matters relating to Plot No. 4224, located at**

Guzape District, Cadastral Zone A09, Abuja, File No. BN62577 within the jurisdiction of this Honourable Court, same having been already decided by a Court of competent jurisdiction.

- k. AN ORDER OF THIS HONOURABLE COURT directing the 1st Defendant not to continue with further threat of arrest, harassment, intimidation and detention of the Claimant, Judgment creditor Suit No. FCT/HC/CV/3956/13 or any person or persons deriving title through the auction judiciously conducted by the FCT High Court Maitama.**
- l. AN ORDER OF THIS HONOURABLE COURT for the Defendants to pay jointly and severally the sum of ₦50,000,000.00 (Fifty Million Naira only) as general and exemplary damages to the Claimant.**
- m. AN ORDER OF THIS HONOURABLE COURT for the 1st and 4th Defendants particularly to pay jointly and severally ₦20,000,000.00 (Twenty Million Naira only) for illegal and unlawful arrest and detention of the Claimant with respect to the investigation of the aforementioned plot of land in Guzape Abuja and to have taken a decision that the land do not belong to the Claimant, which ultra vires their powers to take such decisions.**
- n. AN ORDER OF THIS HONOURABLE COURT for Cost of this action in the sum of (₦6, 000,000.00) Six Million Naira only.**
- o. AN ORDER OF THIS HONOURABLE COURT for such orders or further order as this Honourable Court may deem fit to make with respect to the facts and circumstances of this case.**

1 Guzape, Guzape 2, Guzape 3, Guzape4 Gazape5, Guzape 6, Guzape 7, Guzape 8, Guzape 9, Guzape 10, Guzape 11, Guzape 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29 30.

This matter was mentioned on the 21-11-2022, adjourned for 4 times before parties approached this court for settlement in accordance to order 26-of the High Court of FCT, civil procedure rules 2018. The said order 26 provide thus:

“When a matter comes before the court for the first time, the judge shall in circumstances where it is appropriate, grant to

the parties, time, not more than 30 days within which parties may explore possibilities for settlement of the disputes”.

On the 14-7-2023 party filed in their terms of settlement same adopted by the parties in this suit and pray the court to adopt same as the consent judgment of this court.

The parties having adopted the said terms of settlement signed by all the parties in this sign, I shall accept it and adopt same as the consent Judgment of this court.

Accordingly, the terms of settlement dated the 8th June, 2023, filed the same date is hereby adopted as the consent judgment of this court.

- 1. The 4th Defendant acknowledges that the Claimant, through an auction conducted by the FCT High Court on the 26th January, 2018, acquired plot No. 4224, located at Guzape District, Cadastral zone A09, Abuja, with File No. BN62577 (issued in the name Josephine MwuezeWashima)for the consideration of N12,000,000.00 (Twelve Million Naira only)**
- 2. The Claimant equally acknowledges that the 4th Defendant prior to the auction, had purchased the said plot No. 4224, located at Guzape District, Cadastral zone A09, Abuja, with File No. BN62577, for the sum of N15,000,000.00 (Fifteen Million Naira only) in 2015, from one Josephine MwuezeWashima, a judgment debtor in Suit No. FCT/HC/CV/3956/2013 (between PriscilliaNkechiOkoro V Josephine MwuezeWashima,)which led to the auction conducted by the FCT High Court on the 26th January, 2018.**
- 3. That plot No. 4224, located at Guzape District, Cadastral Zone A09, Abuja, with File No. BN62577, subject of the instant suit shall be sold at the current market value and the proceeds therefrom shall be shared between the Claimant and the 4th Defendant. The claimant and the 4th Defendant shall be entitled to N12, 000,000.00 (Twelve Million Naira) and N15, 000,000.00 (Fifteen Million Naira only) respectively (these sums present the purchased price expended by each party). The profit therefrom shall be shared between the Claimant and the 4TH Defendant based on the percentage of their respective purchasing prices.**
- 4. Where either the claimant or the 4th Defendant is interested in purchasing the land, it shall be sold to the interested party at the current market value**

and the purchaser shall pay the other party every single entitlement under this agreement.

5. In the event none of the parties is interested in the purchase of the said plot, the parties are at liberty to offer same to the public for a third party to purchase and the proceeds be shared as contained in paragraph 3 above.
6. That all matters instituted in court in respect of the subject matter of the amicable settlement reached by parties. Henceforth ceased against all the defendants/complainant directly or indirectly.
7. That this terms of settlement is holistic to all incidental issues arising therein, from plot No. 4224, located at Guzape District, Cadastral zone A09, Abuja, with File No. BN62577 (issued in the name Josephine MwuezeWashima).
8. The parties agree to bear their respective costs.
9. That these terms of settlement shall be irrevocably binding on all the parties.
10. These Terms of Settlement entered into by the parties by their own freewill and volition shall be adopted as the consent judgment of this HonourableCourt.

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HON. JUSTICE A. Y. SHAFI

APPEARANCE:

1. Deborah Ademu-Eteh for the 1st Defendant.
2. Kenath N. Ekeh for the Claimant
3. A. C. Opela for the 2nd & 3rd Defendant.