

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ZUBA, ABUJA**

**ON FRIDAY THE 21<sup>ST</sup> DAY OF JUNE, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**  
**JUDGE**

**SUIT NO.: FCT/HC/CV/3280/2020**

**BETWEEN:**

1. MOMOH JIMOH LAWAL
2. YIPA IBRAHIM
3. LANRE AWOGBEMI
4. ABANIWONDA OLUFEMI
5. LITTLE JOHN OKOJIE  
(Also called LITTLE JOHN)



**CLAIMANTS**

**AND**

1. INSPECTOR-GENERAL OF POLICE
2. COMMISSIONER OF POLICE, FCT COMMAND



**DEFENDANTS**

**JUDGMENT**

In this Suit the Claimants – 5 in number led by Momoh Jimoh Lawal instituted this action against Inspector-General of Police and Commissioner of Police FCT Command. In the Suit the Claimants initially claimed the following Reliefs:

A Declaration that the Claimants are the respective persons entitled to Statutory Right of Occupancy over their respective Plots of Land at 1<sup>st</sup> Avenue, M-Close, Lugbe Housing Estate, Abuja. The said Plots are:

- (a) Plot 1360 ---- Momoh Jimoh Lawal (1<sup>st</sup> Claimant);
- (b) Plot 1352 ---- Yipa Ibrahim (2<sup>nd</sup> Claimant);
- (c) Plot 1355 ---- Lanre Awogbemi (3<sup>rd</sup> Claimant);
- (d) Plot 1350 ---- Abaniwonda Olufemi (4<sup>th</sup> Claimant);
- (e) Plot 1354 ---- Little John (5<sup>th</sup> Claimant).

Initially they wanted damages of ₦500, 000,000.00 (Five Hundred Million Naira) against the Defendants. But after the parties explored settlement of the dispute out of Court the Defendant agreed not to challenge the Suit of the Claimants and the Claimants agreed to drop the Prayer/Relief on Damages. The Court granted their application. Hence, there is no Relief for Damages in this Suit.

The Claimants also want an Order of Perpetual Injunction restraining the Defendants, their servants, successors-in-title, assigns, officers of whatever rank, contractors, representatives-in-interest or any other person acting on their behalf/for them, from further interfering with the Claimants' right to own and possess their Plots of Land as described above.

The 1<sup>st</sup> & 2<sup>nd</sup> Defendants did not file any Process in defence. They did not appear in Court or enter appearance until the 2<sup>nd</sup> to the last adjourned date, when the Counsel – J.W. Eke came and announced appearance for the 1<sup>st</sup> & 2<sup>nd</sup>

Defendants. He informed Court that the 1<sup>st</sup> & 2<sup>nd</sup> Defendants are not challenging the Suit of the Claimants rather some unscrupulous Nigerians are trying to siphon money from the 1<sup>st</sup> & 2<sup>nd</sup> Defendants. They had urged Court to grant the Reliefs of the Claimants as the Defendants has no Defence and no intension to challenge the case save the prayer of Damages.

The Claimant Counsel opened case of the Claimants and the 1<sup>st</sup> Claimant, Momoh Jimoh Lawal testified as PW1 on behalf of of all the Claimants. Because the Defendants did not file any Statement of Defence or Counter-Claim and never came to Cross-examine the PW1, the Court granted the application for foreclosure. The Claimants closed their case and the matter was adjourned for Final Addresses.

The Claimants filed and served the Defendants their Final Written Address. On the day of Adoption of same the Claimants filed a Motion for removal of the names of the 2<sup>nd</sup> & 3<sup>rd</sup> Claimants – Yipa Ibrahim and Lanre Awogbemi as Claimants. The Court granted it. Hence, there are only 3 Claimants in this Suit – Momoh Jimoh Lawal, Abaniwonda Olufemi and Little John as 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Claimants respectively. On the said date for Adoption of Final Written Addresses the Defendants had Counsel representation by name J.W. Eke as already stated above.

The main crux in issue is that the Claimants claimed that the respective Plots of Land allocated to them were forcefully taken by the 1<sup>st</sup> & 2<sup>nd</sup> Defendants. That all steps to resolve the issue then failed and that they, as law

abiding citizens, decided to run to Court to seek redress. Hence, this Suit was filed. The PW1 tendered documents and his evidence was not challenged by the Defendants.

In the Final Written Address the Claimants raised a sole Issue for determination which is:

**“Whether from the facts of the case and the current position of the law, the Claimants have made out a case warranting the grant of the Reliefs as presently sought.”**

They answered in the affirmative and referred to **S. 43 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended). That they are Nigerians and are entitled to Rights as contained in **S. 43 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended). They cited the case of:

**A-G Rivers State V. Ikalama**  
**(2016) All FWLR (PT. 842) 1721 @ 1734 Para F – G**

That they have right to own immovable property anywhere in Nigeria. They referred to **S. 44 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended) and the case of:

**Abdullahi V. Hadima**  
**(2011) 2 NWLR (PT. 1230) 42 @ 55 Para C – D**

That they have shown through the testimony of the PW1 and documents tendered that they are the Allottee of the Plots of Land in issue. That they have shown plan showing

accurately the land which the title has been given. That they did so in paragraph 4 of the Statement on Oath of the PW1 in which they clearly identified the Res in issue as required by law. That it left no room for ambiguity.

Again, that **EXH 1** is the letter of Allocation for the Res. That the Claimants have proved their title to the Res and have discharged the burden placed on them. Hence, the onus has shifted to the Defendants to prove otherwise but they have failed to do so as they did not file anything in challenge of the case of the Claimants. Hence, they have accepted the claims of the Claimants and the Reliefs are unchallenged and the facts are uncontroverted. They urged Court to so hold and grant the Reliefs as sought. The relied on the cases of:

**Jiya V. Awumi**  
**(2011) 4 NWLR (PT. 1238) 467**

**Usung V. Nyong**  
**(2010) 2 NWLR (PT. 1177) 83 CA**

The Claimants also submitted that they have established that the Defendants are trespassers having committed act of trespass in the Res as shown in the extant paragraphs of their Oath – Paragraphs 10 – 21.

That they proved that the Defendants' men had forcefully taken over the Claimants' lands, an act which is unlawful, illegal and unconstitutional.

That as citizens, the Claimants are entitled to own land on any part of Nigeria. Besides, that the Defendants are

supposed to pay the Claimants compensation as required by law, but they never did. Hence, the action of the Defendants is in total breach of the Rights of the Claimants. They urged Court to hold that the Claimants having satisfied the requirement of the law in establishing their case and shifting the onus to the Defendant and identifying the Res, that they are entitled to their Reliefs as sought.

As already state, the Defendants never challenged this Suit. They had agreed to explore and actually explored amicable settlement of their dispute in this Suit. They came before this Court and stated on record that they are not challenging the Suit of the Claimants. That Court should grant all the Reliefs sought by the Claimants in this Suit save as to award of Damages. That the Claimants are the owners of the Res and are entitled to the Reliefs sought save as to award of Damages. This Court took judicial notice of the agreement which were orally made before this Court.

Now, having summarized the stances of the parties above, it is the most humbly view of this Court that the Claimants have made out a case, established same with the testimony of PW1 and the documents tendered in this case. They deserve the Judgment of this Court being entered in their favour. Most importantly, the Defendants had stated on record that they are not countering the case of the Claimants. Again, the Claimants had agreed to jettison or withdraw the Reliefs on payment of Damages.

This Court totally agrees with the submission of the Claimants and the agreement of the parties as far as payment of Damages is concerned.

The Court therefore without any further ado enters Judgment in the favour of the Claimants by granting all their Reliefs sought save as to the issue of Damages which is according to parties' agreement.

**This is the Judgment of this Court.**

**Delivered today the \_\_\_ day of \_\_\_\_\_ 2024 by me.**

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**K.N. OGBONNAYA**  
HON. JUDGE