

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP: HON. JUSTICE H. Mu'azu

MOTION NO: FCT/HC/M/2504/2024

DELIVERED ON THE: 08/05/2025

BETWEEN:

FIRST BANK OF NIGERIA LIMITED.....APPLICANT

AND

- | | | |
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| <ol style="list-style-type: none">1. MINISTER OF THE FEDERAL CAPITAL TERRITORY2. FEDERAL CAPITAL TERRITORY AUTHORITY3. DIRECTOR OF LANDS ADMINISTRATION, ABUJA
GEOGRAPHIC INFORMATION SYSTEM (AGIS)4. ATTORNEY GENERAL OF THE FEDERATION | } | RESPONDENTS |
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RULING/JUDGMENT

By a Motion on Notice dated 15/12/2024 and filed on the 23/12/2024 the Applicant is praying this Honourable Court for the following reliefs:

1. ***AN ORDER OF MANDAMUS** of this Honorable Court directing and/or compelling the Respondents to remove the caveat placed on the property belonging to First Bank of Nigeria Limited and known as Plot 321 Cadastral Zone B10 Dakibiyu covered by **certificate of occupancy No.:***

18cew-6a49z-539br-d32cu-20 and File No.: MISC 52449 at the Abuja Geographic Information System (AGIS); and

2. Omnibus prayer.

The Application is predicated on 4 grounds, to wit:

- A. That title in the Property known as Plot 321 Cadastral Zone B10 Dakibiyu covered by certificate of occupancy No.: 18cew-6a49z-539br-d32cu-20 and File No.: MISC 52449 at the Abuja Geographic Information System (AGIS) was transferred to First Bank of Nigeria Limited by virtue of a Tripartite Legal Mortgage dated 27th January, 2014 and executed by WHITEPLAINS BRITISH SCHOOL LIMITED, FRANCE-LEE NIGERIA LIMITED and FIRST BANK OF NIGERIA LIMITED.*
- B. That without an Order of Court and acting solely on the advise of the Director of Public Prosecution, the 3rd Defendant imposed a CAVEAT on the Property known as Plot 321 Cadastral Zone B10 Dakibiyu covered by certificate of occupancy No.: 18cew-6a49z-539br-d32cu-20 and File No.: MISC 52449 at the Abuja Geographic Information System (AGIS).*
- C. That the Applicant, through its Counsel wrote to the Respondents requesting the removal of the said caveat but the Respondents refused and/or failed to*

either respond to the said letter or remove the said caveat.

D. That the actions of the Respondent are ultra vires their powers and complete abuse of power.

The Applicant in support of the Application filed a statement; a 31 paragraph affidavit deposed to by one Abdullahi Bulama, a Recovery officer of the Applicant and also attached 11 Exhibits wherein he averred as follows:

- “3. That sometimes in 2013 and 2014, the Applicant granted one Whiteplains British School Limited, a loan facility of **N650,000,000.00 (Six Hundred and Fifty Million Naira)** only and **N630,000,000.00 (Six Hundred and Thirty Million Naira)** only respectively. The purpose of the loan facilities were to pay down the School's existing loan with Guaranty Trust Bank Plc in the sum of **N390,000,000.00 (Three Hundred and Ninety Million Naira)** only and to use the balance to complete the development and provision of facilities on the School's permanent site.*
- 4. That the loan facilities were secured with a Tripartite Legal Mortgage dated 27th January, 2014 and executed by **WHITEPLAINS BRITISH SCHOOL LIMITED, FRANCE-LEE NIGERIA LIMITED and FIRST BANK OF NIGERIA LIMITED** over a property covered by Certificate of Occupancy Number*

*18CEW-6A49Z-539BR-D32CU-20, AGIS File Number Misc 52449 located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja. The loan facilities were further secured with Personal Guarantee of the Prime Mover, **Dr. Francis Nwufoh** and a third-party legal mortgage. A copy of the said Tripartite legal mortgage is hereby attached and marked as "Exhibit A".*

- 5. That I know as of fact that Whiteplains British Schools Ltd, utilized the entire loan facilities and abandoned repayment of the loans to our Applicant, despite repeated demands to honor its obligation.*
- 6. That consequent upon final demand and failure of the customer to repay the loan facilities, the Applicant immediately exercised a right over the pledged property (i.e. property covered by Certificate of Occupancy Number **18CEW-6A49Z-539BR-D32CU-20**, AGIS File Number **Misc 52449** located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja).*
- 7. That in line with relevant clauses in the Tripartite Legal Mortgage, the Applicant appointed a Receiver over the pledged property and the Receiver obtained necessary Court Order from the Federal High Court, sitting in Abuja to enable him perform his duties without interference from the customer and Directors of Whiteplains British School Limited. A copy of the*

Judgment of the Federal High Court appointing the Receiver dated 18th November, 2016 is hereby attached and marked as "Exhibit B".

8. *That I know as a fact that having been dissatisfied with the decision of the Applicant in appointing a Receiver, Dr. Francis Nwufor, the Proprietor of White plains British Schools Limited, went ahead to challenge the order of the Federal High Court appointing the Receiver and the Court, presided over by Hon. Justice B. F. M. Nyako consequently delivered judgment in favor of the Applicant. A copy of the said Judgment is hereby attached to this petition and marked as "Exhibit C".*
9. *That in compliance with the order of the Honorable Court, the Applicant applied for requisite approvals and eventually took possession of the pledged property in 2017.*
10. *That I know as of fact that whilst the property was in possession of the Applicant and under the watch of Police personnel, Dr Francis Nwufor, the proprietor of Whiteplains British School Limited, employed the services of armed thugs, miscreants and fake army personnel to terrorize security officers at the property.*
11. *That I know as of fact that premised on paragraph 10 above, the Applicant wrote to the Deputy Inspector*

General of Police for Police backup men in a bid to protect the property and staff of the Applicant that might need to visit the property, and also to allow the Applicant carry out minor renovation of the collateral.

12. *That I know as of fact that while this was ongoing, Dr. Francis Nwufor filed several petitions at various Police Units including the National Assembly in a bid to frustrate the Applicant from taking benefit of the Court's judgment.*
13. *That I know as of fact that to effectively state its own position, the Applicant also wrote a counter petition to the Deputy Inspector of Police, Force Intelligence Bureau, Abuja and the Deputy Inspector of Police directed that all petitions and counter petitions be consolidated by the AIG Legal/Prosecution FCIID and thoroughly investigated with the findings forwarded to him for action accordingly.*
14. *That I know as of fact that while investigation was still on, Dr. Francis Nwufor filed an action against the Nigerian Police and the Applicant for Enforcement of his fundamental rights at the High Court of the Federal Capital Territory, Maitama in **Suit No.: CV/3068/18** for an order of Court restraining the Police from investigating or interrogating him until the case was decided.*

15. *That the Court in delivering judgment dismissed the Suit for lacking in merit. A copy of the said judgment dated 19th February, 2020 is hereby attached and marked as "**Exhibit D**".*

16. *That the Police via its investigation report from the office of the Assistant Inspector General of Police, Force Intelligence Bureau (FIB), Abuja also held that **the allegation of forgery of Tripartite Legal Mortgage has been decided by the Federal High Court** and therefore recommended that Dr. Francis Nwufor and Whiteplains British School Limited should instead pursue the appeal with **Appeal No.: CA/A/230/2015** and all other judgments against them rather than resorting to reporting frivolous allegations of forgery which has been decided by a court of competent jurisdiction. A copy of the said Police Report is hereby attached and marked as "**Exhibit E**".*

17. *That I know as of fact that having been unsuccessful in all his attempt to frustrate the Applicant via court actions and contrary to the Police report in paragraph 15 above, Dr Francis Nwufor and Whiteplains British Schools Limited reported the Applicant to the office of the **Director of Public Prosecution** of the Federation and by virtue of the said complaint, the Department of Public Prosecution wrote two letters dated the **1st August, 2020** and **26th August, 2021** respectively, and with **Ref. Nos.: DPPA/REQ/590/19** and*

***DPPF/ADV/008/20/20** respectively addressed to the Director, Lands Administration, Abuja Geographic Information System (AGIS) seeking the placement of a caveat on the property covered by Certificate of Occupancy Number **18CEW-6A49Z-539BR-D32CU-20**, File Number **Misc 52449** located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja, subject of the tripartite legal mortgage by which the Applicant took possession of the said property, and Whiteplain British School Ltd. A copy of the DPP's letter dated 26th August, 2021 is hereby attached and marked as **"Exhibit F"**.*

- 18. That the reason given by the Director of Public Prosecution of the Federation to the Director, Lands Administration for the caveat placement was that investigation of fraud was been conducted on the said property possessed by the Applicant.*
- 19. That I know as of fact that however, contrary to the Director of Public Prosecution, the Applicant was never invited for any investigation aside the Police Investigation that was concluded and reported submitted in shown in the document marked and attached herein as Exhibit E.*
- 20. That I know as of fact that by virtue of the DPP's letters stated in paragraphs 16 above, the Director of Lands Administration, without informing the Applicant and without obtaining a Court Order,*

*placed a caveat on the property covered by Certificate of Occupancy Number **18CEW-6A49Z-539BR-D32CU-20**, File Number **Misc 52449** located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja, to the detriment of the Applicant.*

21. *That I know as of fact that as at the time the said letter of 26th August, 2021 was written, no charge was pending in court against the Applicant and there was also no Court Order validating the caveat been placed on the said property, and which caveat is still pending to the detriment of the Applicant's interest.*
22. *That in 2023, the Department of Public Prosecution filed information in Charge No. CR/266/2023 before the High Court of the Federal Capital Territory, sitting at Court 33 Apo, against the Applicant and four other Defendants alleging conspiracy, forgery of the Tripartite Legal Mortgage and criminal breach of trust. A copy of the said information is hereby attached and marked as "**Exhibit G**".*
23. *That the Applicant through its Counsel, with utmost respect for the Honorable Court and having understood the implication of a criminal action, filed a Notice of Preliminary Objection to the Information in Charge No. CR/266/2023 on the following grounds:*
 - i. *That the information as filed before the Honorable Court is an abuse of Court Process in view of the*

- judgment and ruling of the Federal High Court on allegation of forgery in Suit No.: FHC/ABJ/CS/1023/2015 delivered by Hon. Justice B. F. M. Nyako;*
- ii. That the Honorable Court ruled was in favor of the Appellants on the issue of forgery in Suit No: FHC/ABJ/CS/1023/2015 and is now subject of an appeal in Appeal No.: CA/A/239/M/2017; and*
 - iii. That the finding and decision of the Federal High Court in Suit No. FHC/ABJ/1023/2015 having not been overturned, the present charge based on allegation of forgery as presently constituted would amount to total abuse of court process and be liable to be struck out. This Honorable Court lacks jurisdiction to adjudicate on the information.*

*A copy of the said Notice of Preliminary Objection dated the 26th April, 2023 and filed on 28th April, 2023 is hereby attached and marked as "**Exhibit H**".*

- 24. That I know as of fact that pursuant to the Applicant's Notice of Preliminary Objection, the Department of Public Prosecution filed a letter to the Court for the discontinuance of the information in **Charge No.: CR/266/2023** and withdrawal of all charges against our client, and by a ruling delivered by the Honorable Court on 7th June, 2023, the information in **Charge No.: CR/266/2023** was stroke out and all charges against our Client were dropped. A Certified True*

Copy of the said ruling dated 7th June, 2023 is hereby attached and marked as "Exhibit I".

- 25. That I know as of fact that the caveat is still pending on the property covered by Certificate of Occupancy Number **18CEW-6A49Z-539BR-D32CU-20**, File Number **Misc 52449** located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja at AGIS.*
- 26. That I know as a fact that the Applicant through its counsel, Ade Oyebanji (SAN)&Co., wrote a petition to the Honorable Minister of Justice and Attorney General of the Federation seeking, amongst other things, the withdrawal of the DPP's letter that directed the Director, Lands Administration to impose a caveat on property covered by Certificate of Occupancy Number **18CEW-6A49Z-539BR-D32CU-20**, File Number **Misc 52449** located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja. A copy of the acknowledge page of the said Petition dated 5th May, 2023 is hereby attached and marked as "**Exhibit J**".*
- 27. That I know as of fact that the Applicant wrote a Pre-Action Notice to the 1st Respondent and also copied the 3rd Respondent seeking the administrative removal of the caveat on the property subject matter of this application, but the Respondents have refused and/or neglected to honor the Applicants request. An acknowledgment copy of the said Pre-Action Notice*

dated June 29, 2023 is hereby attached and marked as "Exhibit K".

- 28. That I know as a fact that the placement of the caveat without fair hearing and/or Order of a competent Court of law is ultra vires the powers of the Director of Public Prosecution and the Director, Lands Administration, AGIS, respectively.*
- 29. That it is necessary for the Honorable Court to grant this Application compelling the Honorable Minister of the F.C.T. and the Director, Lands Administration, to remove the caveat placed on the property covered by Certificate of Occupancy Number **18CEW-6A49Z-539BR-D32CU-20**, File Number **Misc 52449** located at Plot 321 Cadastral Zone 810 Dakibiyu, Jabi, Abuja, and to allow the applicant proceed with registering its full interest on the said property.*

Counsel filed a written address in support of the Application wherein Counsel formulated a sole issue for determination, to wit: “Whether or not this Court ought to make an Order of mandamus as sought in this Application”

Counsel argued the issue in urging the Court to grant the relief sought.

I have carefully perused the prayers, statement and affidavit of the Applicant. The Respondents did not file any process in

response to this Application leaving it unopposed, it is trite that where an affidavit is not opposed to, it is deemed to be an admission on the part of the party not opposing.

I am satisfied that the Applicant has made a case to entitle it to the relief sought based on the averment on its affidavit and the Exhibits attached thereto.

Accordingly, the Application is granted and prayer is granted as prayed. i.e.

1. AN ORDER OF MANDAMUS of this Honorable Court is granted directing and/or compelling the Respondents to remove the caveat placed on the property belonging to First Bank of Nigeria Limited and known as Plot 321 Cadastral Zone B10 Dakibiyu covered by ***certificate of occupancy No.: 18cew-6a49z-539br-d32cu-20*** and ***File No.: MISC 52449*** at the Abuja Geographic Information System (AGIS); and

**SIGNED
HON. JUDGE
08/05/2025.**

APPEARANCE:

David B. Stephen, Esq, for the Applicant