

**IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU
SUIT NO: FCT/HC/CV/069/2023
MOTION NO: FCT/HC/M/8678/2024
DELIVERED ON THE 09/04/2025**

BETWEEN:

ISHAYA MADI.....CLAIMANT/RESPONDENT

AND

- 1. THE HONOURABLE MINISTER FEDERAL CAPITAL TERRITORY**
 - 2. ABUJA GEOGRAPHICAL INFORMATION SYSTEM**
- } **...DEFENDANTS/
APPLICANTS**

RULING

The Defendants/Applicants vide motion No. **M/8678/2024** approached this Hon. Court seeking for an order striking/dismissing the suit of the Claimant/Respondent on the following grounds:

- (1) The suit as presently constituted does not disclose any cause of action.**
- (2) The suit is academic and the Hon. Court lacks the jurisdiction to entertain same**
- (3) The suit is speculating and an abuse of Court process**

In line with law and procedure a written address was filed wherein the issue “**whether this Hon. Court ought not to strike out this suit for want of jurisdiction**” was formulated for determination.

Learned Counsel submitted that this Hon. Court lacks jurisdiction to entertain the suit as presently constituted, as it does not disclose any

cause of action against the Defendants and that the suit is academic, speculative and abuse of Court process.

Reacting to the notice of preliminary objection, the Claimant/Respondent filed a written address wherein the issue “whether a publication in the National daily by the 1st Defendant/Applicant threatening to revoke Certificate of Occupancy constitute sufficient ground for the Claimant/Respondent to take precautionary action to safeguard his land from revocation so as to avert the consequent damage the revocation of the land by the 1st Defendant/Applicant would cause the Claimant/Respondent” was formulated for determination.

Learned Counsel argued that the claims of the Claimant disclose a reasonable cause of action. Therefore, the Court has jurisdiction to entertain the action.

On the part of Court, I have gone through the Notice of Preliminary Objection filed by the Defendants/Applicants in this case and I have equally gone through the reaction of the Claimant/Respondent. I shall address same in the interest of justice. I shall do so by adopting the issue raised by the Defendants/Applicants in their address.

The law is trite that what determines whether a Court has jurisdiction to hear and determine a matter is the claims of the Claimant. And when the enabling law on jurisdiction and the reliefs sought for in the suit is within the Court’s jurisdiction and the enabling law confers on the Court jurisdiction on the matter, the Court must assume jurisdiction, otherwise it lacks jurisdiction in the matter. **KOLO VS. NPF& ORS. (2018) LPELR 43635 (CA).**

The Defendants/Applicants argued that the suit as presently constituted does not disclose any cause of action against the Defendants/Applicants.

It is trite law that a party who has a right of action must in filing a suit disclose a reasonable cause of action against the Defendants for a Court to assume jurisdiction. A reasonable cause of action is such cause of action with some reasonable chance of success when only the allegations in the pleadings (Statement of Claim) are considered. Before it can be said that a reasonable cause of action has been disclosed, the Statement of Claim or as in the instant case, affidavit in support of the originating application, must set out the legal rights of the applicants and the obligations of the Respondent before setting out the facts constituting infraction of the Applicant's Legal right or failure of the Respondent to fulfill its obligation in such a way that if there is no proper defence, the Applicant will succeed in the reliefs sought against the Defendant. **TOTAL EXPLORATION & PRODUCTION (NIG) LTD VS. OKWU & ORS. (2024) LPELR 62623 (SC).**

It is settled law that, though jurisdiction and reasonable cause of action are distinct, but they are interwoven, for without a reasonable cause of action, the Court cannot exercise jurisdiction over the matter. **GOVERNOR OF OYO STATE & ORS. VS. AJUWON & ORS. (2020) LPELR 50471 (CA).**

The next question to be determined, in my view, is a consideration of when a cause of action can be said to have arisen. Generally, a cause of action will be said to have accrued, when all the facts that will give rise to the cause of action have taken place and there remains nothing more to be done to give a right of action to the party to seek a remedy in a court of law. A cause of action is said to arise and/or accrue when the facts or combination of facts had happened or come into being and would enable a party to make an enforceable claim in law based on such facts. A cause of action accrues when the facts or combination thereof are complete for the party to be able to commence or initiate his action against another

predicated on the facts. **GOVERNOR OF OYO STATE & ORS. VS. AJUWON & ORS. (2020) LPELR 50471 (CA).**

The Claimant/Respondent in the Statement of claim before the Court seeks for a declaration that the 1st Defendant cannot revoke the Claimant's Plot No. **2995** measuring approximately **2.344 sqm** lying and situate at Cadastral Zone A04, Asokoro District, Abuja, FCT, with Certificate of Occupancy No. **13F7w-3a9f3-6fbck-6fbc3** – with file No. **AD10647** dated 25/02/2002 and other reliefs contain in the Writ of Summons.

The Claimant avers that the Defendant is threatening to revoke his land hence the suit.

On whether the suit before me is more academic or speculative, it is the matter of substantive suit and not at the stage of interlocutory application. I shall do the needful by dismissing this application. Consequently Motion No. **M/8678/2024** lacking in merit is hereby dismissed.

SIGNED:
HON.JUDGE
09/04/2025

APPEARANCE:

Florence Ebuga, Esq, for the Claimant/Respondent
Defendants absent and not represented