

**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/1153/2024  
MOTION NO: FCT/HC/GWD/M/07/2025  
DELIVERED ON THE 15/04/2025**

**BETWEEN:**

**MRS. BLESSING MUSA.....CLAIMANT/RESPONDENT**

**AND**

**IDRIS UMAR TAKUMA.....DEFENDANT/APPLICANT**

**RULING**

By a Notice of Preliminary Objection dated 07/01/2025 and filed on 10/01/2025, the Defendant/Applicant prayed for the relief set out below:

*1. An order dismissing the suit for lack of jurisdiction.*

The grounds of the application are as follows:

**1. That the Claimant lacks *locus standi* to institute this action in view of Section 297 (2) of the Constitution of the Federal Republic of Nigeria 2011 (as amended) and Section 1 (3) of the Federal Capital Territory Act, Cap. F6, Laws of the Federation of Nigeria, 2004.**

It is supported by a written address. In the written address, learned counsel for the Defendant/Applicant raised a sole issue for determination by this Honourable Court, *to wit*:

**“Whether in the circumstances of this case the plaintiff has the *locus standi* to institute this action”.**

In the Defendant/Applicant's address, learned counsel argued that ownership of all lands in the Federal Capital Territory is vested absolutely in the Government of the Federation to the exclusion of any other person or authority. To that extend, he contended that there is no question of customary right of occupancy arising in respect of all lands comprised in the Federal Capital Territory. Counsel argued that from the statement of claim of the Claimant, the Claimant's claim of ownership of the land in dispute before the court has no link with the Government of the Federal Republic of Nigeria or with the Minister of the Federal Capital Territory but has its root from Gwagwalada Area Council. As such, counsel submitted, that the Claimant lacks the platform to seek the reliefs sought, and that any relief sought in the absence of the platform, i.e. *locus standi*, for doing such, remains incompetent. He relied on ***ADEDAYO V. P.D.P. (2013) 17 NWLR (PT. 1382) PP. 88-89, PARAS. H – B RATIO 23 and FRANK V. ABDU (2003) 23 WRN 80, PP. 97-98.***

In opposition, Adejoh Jibrin Yusuf, Esq., counsel for the Claimant/Respondent filed the Claimant's response to the Defendant's notice of preliminary objection on 29/01/2025.

On 30/01/2025, learned counsel for the parties on both sides adopted their processes.

Adejoh Jibrin Yusuf, Esq., counsel for the Claimant/Respondent contended that the Claimant in this suit has the *locus standi*, i.e., the legal capacity to institute this action and to seek redress. He relied on the case of ***PAM & ANOR V. MOHAMMED (2008) LPELR-2895 (SC)***. Learned counsel submitted further that the Claimant has an interest in the subject matter before the Court to protect, and that there is a dispute between the parties over the subject matter of the suit and that the Claimant will suffer serious injury and hardship if she did not seek redress before the Court.

He referred the Court to **FAWEHINMI V. COL. AKILU(1987) 4 NWLR (PT. 67), 797** and urged the Court to dismiss the instant application.

I have examined the claim of the Claimant, i.e. the Claimant's Amended Statement of Claim dated 07/11/2024. In the Claimant's statement of claim, it is pleaded, *inter alia*, as follows:

- “3. *The Claimant avers that she is the legitimate, legal and equitable owner of plot of land described as plot No. 70 measuring about 1035sqm lying and situate within Gwagwalada IV Extension Layout FCT Abuja and same is within the jurisdiction of this Court.*
4. *The Claimant avers that some time in 2009, she became the legal equitable owner of the plot of land known as plot No. 70 measuring about 1035sqm within Gwagwalada IV Extension Layout, Abuja via Deed of Assignment and Power of Attorney between Shettima Abubakar and Blessing Musa, AND the Power of Attorney between Amina Momoh the original allottee and Shettima Abubakar Umar. The said Power of Attorneys and Deed of Assignment are hereby pleaded and shall be relied on during trial.*
9. *The Claimant avers upon the said offer and acceptance of the conveyance of provisional approval, the Federal Capital Development Authority (FCDA) put the Claimant in possession through the issuance of site plan/map also known as Technical Data Plan (TDP) and survey layout showing the exact size of the land and surrounding survey beacon number. The said Technical Data Plan (TDP) and layout granted to*

*Amina Momoh is hereby pleaded and shall be relied on during trial.*

- 12. The Claimant avers that she had since been in possession of the said plot No. 70 measuring about 1035sqm within Gwagwalada IV Extension Layout, Abuja enjoying peaceful and undisturbed possession and she is still in possession of same land even till now but the Defendant did unlawfully and illegally trespassed into part of the disputed land and put up structures on same plot against her will and her consent.*
- 14. The Claimant state that the Defendant haven trespassed into part of the Claimant land and started building project, she quickly lodged a complaint at land department and upon the receipt of the complaint, the Defendant was clearly told to stop work and present his title document yet he refused to go to the office of development control.*
- 15. The Claimant equally avers that on the 27<sup>th</sup> October, 2021 letter of complaint was equally written to the office of Development Control against the illegal and unlawful activities of the Defendant, the office of Development Control clearly told the Defendant to desist from the land and marked the building for demolition, the Defendant in view to carry out his evil plan stationed armed thugs and continued work. A copy of the said letter of complaint dated the 27<sup>th</sup> day of October 2021 is hereby pleaded and shall be relied on during trial.”*

In paragraphs 3 and 4 of the Claimant's amended statement of claim, the Claimant averred the existence of a right over the land in dispute, i.e. to *Plot No.70, measuring about 1035sqm lying and situate within Gwagwalada IV Extension Layout, FCT Abuja, within the jurisdiction of this court.* Furthermore, in paragraphs 9 and 12, it is averred that the Claimant is in possession and still in possession of the plot when the Defendant unlawfully and illegally trespassed into part of the disputed land and put up structures on the plot against her will and consent. Also, in paragraph 14, it is averred that following the trespass into the land by the Defendant, the Claimant lodged a complaint at land department against the Defendant and the Defendant was asked to stop work on the land and present his title document yet he refused to go to the office of Development Control.

I have also given consideration to the submissions made by learned counsel for the parties on both sides, as well as the authorities cited for and against the instant application.

It is well settled principle of law that for a person to have *locus standi* to institute an action he has to show that he has special interest; and that the interest is not vague, or intangible, supposed or speculative or that it is not an interest which he shares with other members of the society. He also has to show that such interest has been adversely affected by the act or omission which he seeks to challenge. See *L.S.D.P.C. V. DAKOUR (1992) 3 NSCC. 488.*

Having stated the above, it is my respectful view, that the Claimant has satisfied the Court that it has sufficient or special interest in the subject matter of this suit and that there is a dispute between the parties over the subject matter before the Court, to resolve. Accordingly, I hold that the Claimant has the *locus standi* to institute this suit.

It was also the contention of learned counsel for the Defendant/Applicant that where the Applicant successfully challenge the *locus standi* of the Claimant to bring this action before the Court, the Court would in turn, have no jurisdiction to adjudicate. He relied on ***GREEN V. GREEN (2001) 45 WRN 90, P. 118.***

It is also trite law that the jurisdiction of the Court is determined by the claim of the plaintiff. See ***BABALE V. ABDULKADIR (1993) 1 N.S.C.C. per Karibi-Whyth, J.S.C.*** It is the nature of the claim that determines the jurisdiction of a Court. See also ***DICKSON OGUNSEINDE VIRYA FARMS LTD. V. SOCIETY GENERALE BANK LTD. & ORS (2018) LPELR-43710 (SC).***

In this suit, the Claimant's claim against the Defendant is ownership of the property known as Plot No. 70 within Gwagwalada IV Extension Layout, Gwagwalada, Abuja. Therefore, the subject matter of the claim in this suit is within the jurisdiction of the Court and having not found any extrinsic factor affecting the jurisdiction of this Court, I hold that the Court is competent to exercise its jurisdiction and adjudicate on the suit. The preliminary objection fails and is accordingly dismissed.

**SIGNED:  
HON.JUDGE  
15/04/2025**

**APPEARANCE:**

*A.Y. Jibrin, Esq, for the Claimant*

*M.A. Alemeru, Esq, for the Defendant*