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**NATIONAL OPEN UNIVERSITY OF NIGERIA**

**14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS**

**SEPTEMBER/OCTOBER 2015 EXAMINATION**

**SCHOOL OF LAW**

**COURSE CODE: Law 42I**

**COURSE TITLE: LAND LAW 1.**

**Time Allowed: 2 ½ Hours**

**Instruction: Answer QUESTION 1 and any other 3 questions.**

1. a. To what extent is it to assert that the concept of ownership is a misnomer and irrelevant to modern Nigeria land law? (7.5Marks)
2. Tayo, Dami, Tubi, Yemi and Demola are the surviving children of OtunbaOwonikokoTayo being the eldest of the five children and Demola the richest and youngest. As the richest and most influential of the children, Demola is laying claim to the position of the family head, while his brothers are tipping Tayo being the eldest. Demola without the consent of others sold off two acres of family land to Chief Gbadamosi and executed a Deed of Assignment for and on behalf of the family as evidence thereof. Demola also unilaterally disposed of a plot of the family land to Pastor Daniel describing himself as the beneficial owner of the land. In 2008, Tayo the eldest son of OtunbaOwonikoko with the consent of Tubi and Yemi granted a 90 years lease to Arrow Nig. Ltd and shared the proceeds among all the children including Dami and Demola. Recently the duo of Dami and Demola has threatened to set aside and recover the land from Arrow Nig. Ltd. Other children have also objected to the transactions carried out by Dami and Demola Examine the legal issues raised and advise the parties. (10 MARKS)
3. a) According to Lord Halden in *AhmaduTijani V. Sec of Southern Nigeria*, there exist two important categories under customary land holding. What are these categories? (10 marks)
4. Analyze the following:-
5. Akin claims that he acquired his land through settlement, does he have defective title? Give reasons for your reasons. (2.5 marks)
6. Adegbola claims he bought his land from Elemosho under customary law. The possession of the land in question was transferred to Elemosho in consideration of the N30, 000 loan he gave to Haruna. (2marks)
7. Obi has been told that a land under customary law title could be derivative. He is confused and wants you as Land law student to explain how land under customary law could be alienated by gift and by borrowing. (3 marks)
8. a. To what extent is this statement correct “ ***the powers of the Chief under trust is a***

***qualified one***” (10 marks)

b. Eze is the Community Head of Nkisi village. He allotted a portion of the land to

Nduka’s family.Nduka and his family has been in possession and been exercising

all occupational rights on the Land. Eze and Nduka fell out, following Nduka’s

refusals to allow Eze marry his last daughter. Eze decided to allot the same parcel

of land to chukka who has agreed to give his beautiful daughter to Eze. What is

the right of Nduka under native law and custom. Would your answer be different

ifNduka was a stranger in the community? (7. 5Marks)

1. “Asiyanbi”, is a customary tenant to Alarape a native of “Iju”. Asiyanbi resides in the next compound to Alarape with his wives and children. He has the habit of coming home late from his farm. Every day, he gets to his house at 11:00pm and insists that his wives must prepare pounded yam for his supper and this they must make it at his arrival when almost everyone is asleep or about to go to bed. AlarapeadvisedAsiyanbi to consider coming to the house early; this does not go down well with Asiyanbi, who started screaming and shouting that as a Tenant he knows his rights and duties, no matter how awkward the time he can come in at any time!
2. Advise Asiyanbi on the rights and duties of a customary tenant.
3. What are the circumstances that can necessitate the determination of a

Customary tenancy?

(17.5 marks)

1. The inhabitants of Ode village who migrated from Benin Republic in 1922 were settled on the land by Keke Community and in recognition of this gesture, paid N5, 000 and 10% of their farm proceeds annual as customary tribute to the Keke Community. In 1972, the inhabitants of ode village started selling some parcels of land to land speculators for housing estates and also TOTAL NIG LTD to build Mega Filling Station without the authority and consent of the Keke Community. In 1984, they also through their head Chief Metonun applied for a Customary right of over the same land. Thereafter they stopped paying tribute to Keke Community. In 1988 when the Keke Community applied to the Governor for a Statutory right of occupancy over the same land, they discovered that inhabitants of Ode village had been granted customary right of occupancy, even though the Governor eventually granted Keke Community a Statutory Right of Occupancy. The Keke Community became furious and confronted the inhabitants of Ode village with a view to commencing forfeiture proceedings against them.

Advise the parties with the aid of statutory and judicial authorities (17.5marks)

1. a. Examine the application of the rule” Quic quid Plantatur solo cedit” under the

multiple system of land tenure in Nigeria (7.5marks)

b. SaheedBobasa is dead. During his life time he was allotted a portion of the

family land to build on which he built a 3bedroom flat where he lived with his

wife and children. Shortly before the death of Saheed, his relationship with the

Bobasa family got strained and after his death the Bobasa family re-allotted the

same land to Lola another member of the Bobasa family and asked the deceased

wife and children to relinquish possession. Ruth and her children are resisting

possession.

 Advise the parties.(10 marks)