



**NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW**

2023_1 POP EXAMINATION.

COURSE CODE: PUL444

COURSE TITLE: ADMINISTRATIVE LAW 11

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH)

- 1(a) Habeas corpus is a prerogative order and is an appropriate remedy in cases of unlawful detention, where the personal liberty of the detainees is at stake. By the Writ of Habeas corpus the court compels the officer detaining the applicant or the appropriate authority in charge to ensure that the applicant is not detained beyond the time allowed under the enabling law. Discuss.
- 1(b) Lagoon State decided to set up a Rent Tribunal in its state to address the problem arising out of the public outcry over outrageous high rent charged by landlords in the state. Section 5 of the Tenancy Law of the state establishing the Rent Tribunal provides that “The Rent Tribunal shall have the power to determine the rent payable for residential accommodation in the state except rent relating to government owned housing estates”. Mr. Balogun is a tenant in Green Gardens Estate owned by the state government. He has brought a suit against the management of Green Gardens Estate at the Rent Tribunal contending that the rent payable in respect of his house is too high and outrageous. He wants the Rent Tribunal to determine the rent he ought to pay. In its considered judgment the Rent Tribunal gave judgment in favour of Mr. Balogun and reduced the rent he pays for his accommodation. Also on the same day the Rent Tribunal gave judgment and granted a right of occupancy regarding a plot of land in the capital of the state. Two days after the Rent Tribunal began hearing a suit brought by Chief Adeyemi asking the tribunal to make an order demolishing houses belonging to Mr. Chinedu. The tribunal has fixed judgment in the case in two months’ time. Mr. Chinedu is apprehensive that the tribunal may grant Chief Adeyemi’s application before it and intends to take actions to forestall that happening. Explain the legal issues involved. (25 marks)
2. Mansfield while discussing the Writ of Mandamus asserted that it was introduced to prevent disorder from failure of justice... Therefore it ought to be used upon all occasions where the law has established no specific remedy, and where injustice and good conscience there ought to be on. Do you agree? (15 marks)

3. The rulemaking powers of administrative authorities are considerable and there is need for its exercise within the law. Accordingly, control is necessary to ensure against abuse. Discuss, bearing in mind the various methods of control of administrative rule making. (15 marks)
4. Mr. Adam is an engineer and has completed a major construction work for a private company. His contract fee has not been paid by the company. The government has set up a tribunal to resolve timeously all issues of non-payment of contract fees. Mr. Adam filed his petition before the tribunal and the 12th of June, 2018 was fixed for the hearing of his matter but the tribunal heard the matter on the 9th of June, 2018 without notifying Mr. Adam on the grounds that the Chairman has other urgent engagements on the 12th of June, 2018. Mr. Adam applied to the court complaining of this situation but his application was determined without hearing him despite the fact that he was in court and the tribunal discussed the matter in a language that Mr. Adam does not understand. Discuss the legal issues raised. (15 marks)
5. Properly conceived the doctrine of ultra vires covers not only those decisions made in excess of power, but also covers other heads of judicial review, which includes failure to observe rules of natural justice, irregular delegation of powers, jurisdictional error, unreasonableness, irrelevant considerations and improper motives. Expatiate. (15 marks)
- 6a. The concept of local government involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This implies legal and administrative decentralization of authority, power and personnel by a higher level of government to a community with a will of its own, performing specific functions as within the wider national framework. Discuss.
- 6b. Analyse the legal framework of local government in Nigeria. (15 marks)