

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT NO. 4, MAITAMA ON THE**  
**9<sup>TH</sup> DAY OF NOVEMBER, 2021**

**BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE**

**SUIT NO. FCT/HC/CV/977/2021**

**COURT CLERKS:** *JOSEPH ISHAKU BALAMI & ORS.*

**BETWEEN:**

- |   |   |                       |
|---|---|-----------------------|
| <b>1. GLENKERRIN DESIGN &amp; BUILDING<br/>NIGERIA LTD.</b> | } | <b>.....CLAIMANTS</b> |
| <b>2. NIU PROPTERTIES &amp; INVESTMENT LIMITED</b>          |   |                       |
| <b>AND</b>  |   |                       |
| <b>1. FEDERAL CAPITAL DEVELOPMENT AUTHORITY</b>             | } | <b>DEFENDANTS</b>     |
| <b>2. RAYMOND FRANCIS GREHAN</b>                            |   |                       |
| <b>3. BRYAN MICHAEL GREHAN</b>                              |   |                       |

**RULING**

I have read the Motion and Affidavit. I have also considered the Written Address of counsel. The Respondents were duly served with this Motion. They failed, refused and or neglected to file a response.

The substratum of this case is the 22 hectare piece of land in Cadastral Zone D12, Plot 6, Kado, Abuja allotted to Claimant for mass housing and the 1<sup>st</sup> Defendant's Quit Notice dated 19/03/2021 issued to the Claimants to vacate all that 22 hectare piece of land in

Cadastral Zone D12, Plot 6, Kaba, Abuja and the placing of caveat thereon.

The deposition contained in the Affidavit is that on the 19<sup>th</sup> of March, 2021, officers of the Defendant, Department of Development control stormed the property where construction work was ongoing, chased out the 2<sup>nd</sup> Claimant's workers, marked the ongoing development thereon with Caveat Notice.

That they complied with the terms and conditions of the written approval. The Affidavit evidence is not controverted.

The Claimant/Applicant has clearly shown that he has an interest to protect in this case.

**See UBANU vs. OGOLO (1998) 3 NWLR (PT. 540) 120.**

The Claimant/Applicant also deposed that the balance of convenience is in his favour.

The Affidavit evidence is that Claimants were allotted the 22 hectare piece of land for the purpose of mass housing. The Claimant/Applicant therefore has a legal right.

In paragraph 31, the claimants deposed to an undertaken as to damages.

In the totality, the application succeeds.

The evidence is that the Defendant has placed caveat notice on the land in question.

An Order of interlocutory injunction is not a remedy for an act that has been completed or carried out.

However, it is important that the status quo be maintained and the alternative prayer is more appropriate.

Parties are therefore ordered to maintain the status quo existing before the 19<sup>th</sup> of M

arch 2021, when the 1<sup>st</sup> Defendant issued a Quit Notice to the claimants to vacate the property located at Cadastral Zone D12, Plot 6, Kaba Abuja in connection with the dispute over the said land pending the hearing and determination of the substantive Originating Summons.

Suit is adjourned to 2/02/21.

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**HON. JUSTICE U. P. KEKEMEKE**

(HON. JUDGE)

09/11/2021

**DEFENDANTS' COUNSEL:** We intend to call evidence about their good character to ameliorate punishment.

**PROSECUTION:** It is the prerogative of the Defendants. We are not standing on their way.

**COURT:** The 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Defendants are already convicts. They are hereby remanded in Prison custody while the case is adjourned to 2/02/2022 for Sentencing Proceedings.

(Signed)

**Hon. Judge**

07/12/2021

Defendants present.

John Ijagbemi, Esq. with G. A. Adeosun, Esq. for the Prosecution.

Chuks M. Mpama, Esq. for the Defendants.

**COURT:** Judgment delivered.

(Signed)

**Hon. Judge**

07/12/2021