

**IN THE HIGH COURT OF THE FEDERAL
CAPITAL TERRITORY, ABUJA
HOLDEN AT ABUJA**

ON TUESDAY, 23RD FEBRUARY, 2021

BEFORE HON. JUSTICE SYLVANUS C. ORIJI

SUIT NO. FCT/HC/CV/007/2018

BETWEEN

KARMANCHI INTERNATIONAL LTD. --- CLAIMANT

AND

**HON. MINISTER, FEDERAL)
CAPITAL TERRITORY) --- DEFENDANT**

JUDGMENT

The plaintiff [also referred to as the claimant] filed this suit on 30/10/2018 along with the statement of claim and other accompanying processes. Upon being served with the originating processes, the defendant filed a statement of defence on

The claimant's reliefs are:

1. a declaration that the plaintiff's title and Statutory Right of Occupancy over Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja with File No. Misc 52164 [Old File No. MFCT/LA/MISC

18282]and Statutory Right of Occupancy dated the 22nd of April 2003 are valid and subsisting.

2. An Order of perpetual injunction restricting the Defendant whether by himself, agents or privies from unlawfully revoking and or unlawfully expropriating or in any manner howsoever unlawfully interfering with the rights, title of the plaintiff over and Statutory Right of Occupancy dated 22nd day of April, 2003.
3. An order of Mandatory Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja, with File No. MISC 52164 [Old File No. MFCT/LA/MISC 18282] injunction directing the Defendant to vacate Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja, with File No. MISC 52164 [Old File No. MFCT/LA/MISC 18282] and deliver up possession to the plaintiff.
4. An Order directing the Defendant to immediately issue the plaintiff with the updated and /or current Bills or Demand on Notices for payment of the Ground Rents and Certificate of Occupancy for Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja, with File No. MISC 52164 [Old File No. MFCT/LA/MISC 18282].
5. An Order directing the Defendant to issue the Plaintiff with the Certificate of Occupancy over Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja, with File No. MISC 52164 [Old File No.

MFCT/LA/MISC 18282] and Statutory Right of Occupancy dated the 22nd day of April, 2003 upon payment of the Right of Occupancy Bill.

6. An award of the sum of N300,000,000.00 (Three Hundred Million Naira) only as general and exemplary damages against the Defendant.

DEFENDANT'S WITNESS STATEMENT ON OATH

1. That I am a Senior Land Officer in the Department of Lands Administration.
2. That by virtue of my employment, I am conversant with the facts of this case.
3. That I have the consent of my employers to depose to this witness Statement on Oath.
4. That the Plaintiff is not limited liability Company duly registered in Nigeria with the Corporate Affairs Commission as required by law.
5. That the Honourable Minister in carrying out his Statutory duties of the Administration of the Federal Capital Territory, is also under the strict obligation of ensuring that the original Master Plan of the Federal Capital Territory is adhered to.
6. That the Honourable Minister also has Statutory powers to revoke title to Plots within the Federal Capital Territory whose owners are in

breach of the Terms and Conditions of their grant, in accordance with the provisions of the law.

7. That the Department of Lands Administration (which is one of the agencies under its supervision) is saddled with the responsibility of keeping and managing all records pertaining to land allocation within the Federal Capital Territory, while another agency known as Abuja Geographic Information Systems is saddled with the responsibility, amongst other, of keeping and managing financial records on all Plots within the Federal Capital Territory.
8. That the mere fact that the Plaintiff submitted a copy of office of Statutory Right of Occupancy in respect of the subject Plot to the Department of Lands Administration and an acknowledgement letter was issued to it, does not automatically mean that the title over the plot has been recertified by the Defendant.
9. That the document submitted by Plaintiff would have to undergo a process of verification, after which a Certificate of Occupancy would be issued and conveyed to the Plaintiff over the subject Plot before the process of recertification could be said to have been completed.
10. That contrary to the allegations of the Plaintiff, its agents did not at any point in time eject nor refuse to accept any form of payment from the Plaintiff regarding the Plot 242 CadastZone A00, Central Business District, Abuja subject matter of this suit. In any event, the Plaintiff has

not shown to the Court how the Defendant refused to accept the said payment.

11. That all payments for Statutory bills in respect of Plots within the federal Capital Territory are usually made directly to the designated banks as contained in the bills that are usually issued to Plot owners, and as such, the Department of Lands Administration does not receive payments directly from Plot owners within the Federal Capital Territory.
12. That Defendant has never kept any of its agents on Plot 242 Cadastral Zone A00, Central District, Abuja, subject matter of this suit.
13. That neither the Defendant nor any of the agents threatened to revoke the plaintiff's title over the subject Plot via phone call. The defendant has never spoken to the Plaintiff's agents via telephone and has never met any of them in person. In any event, the Plaintiff has not exhibited anything before this honourable Court to substantiate the above allegation.
14. That the Defendant's agents have never interfered nor in anyway prevented the allottee of the Plot 242 Cadastral Zone A00, Central Business District, Abuja, subject matter of this suit, from enjoying quiet possession of the Plot and also the Defendant's agents have never encroached on the said Plot in anyway. In any event, the Plaintiff has

not exhibited anything before this Honourable Court to substantiate the said allegation.

15. That the Defendant will at the trial of this suit urge the Honourable Court to dismiss this suit as being frivolous, vexatious and lacking merit.

PLAINTIFF'S FURTHER WITNESS STATEMENT ON OATH

1. I am the Plaintiff's Managing Director and by virtue of my position I am quite conversant with the facts herein deposed to,
2. I have the consent and authority of the Plaintiff to make this statement on oath.
3. I have been shown and I have read the Defendant's Statement of Defence.
4. I know as a fact that the Plaintiff is a limited liability company duly registered in Nigeria with the Corporate Affairs Commission; and I have seen the Certificate of Incorporation of the Plaintiff (RC NO 319602)
5. The Plaintiff statutory right of occupancy over Plot 242 Cadastral Zone A00, Central Area District, Abuja, was duly recertified by the Defendant and the Plaintiff's certificate of occupancy over the same was

prepared and given the number (186AWB864Z620FRDB06U2O) recited in the Bill issued to the Plaintiff dated 12th of October 2016.

6. It was after the documents submitted by the Plaintiff were duly verified by the Defendant that the Certificate of Occupancy over the said Plot of Land was prepared in favour of the Plaintiff, but since then the Defendant has refused to accept payment and release the said Certificate to the Plaintiff.
7. Since then, instead of releasing the said certificate of occupancy to the Plaintiff, the Defendant has been saying that Plaintiff's title has not been recertified and therefore has been refusing to accept payment for the certificate of occupancy.
8. All efforts made by the Plaintiff to secure the current updated Bill for payment for the Statutory Right of Occupancy for the said Plot of land proved abortive.
9. The Plaintiff was made to understand that the reason the payment will not be accepted from the Plaintiff and certificate of occupancy issued to the Plaintiff is because it no longer has a subsisting right of occupancy over the said Plot of land.
10. I know as a fact that the Plaintiff has not been issued with any notice of revocation of its statutory right of Occupancy over the said Plot of land, but the Defendant has been preventing the Plaintiff from having access into the same.

11. I verily believe that the false and misleading averments in the statement of Defence are designed to cover the Defendant's intention to unlawfully take over the Plaintiff's rights and interests over the said Plot of land.
12. I verily believe that the Defendants have no defence to this action.
13. That I verily believe that the Plaintiff deserves the protection of this Honourable Court and it will be in interest of justice to grant all the reliefs sought by the Plaintiff in this suit.
14. That I make these statements solemnly and conscientiously believing the same to be true and in accordance with the Oaths Act.

WITNESS STATEMENT ON OATH

1. That I am the Plaintiff's managing Director and by virtue of my position am quite conversant with the facts herein deposed to
2. That I have the authority and consent of the Plaintiff to depose to this Affidavit.
3. That the Plaintiff is a limited liability Company with its Corporate Office in Abuja within the jurisdiction of this Honourable Court.
4. That the Plaintiff is the grantee of the Right of Occupancy over Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja. with File No: File No. MISC 52164 [Old File No. MFCT/LA/MISC 18282] and

Statutory Right of Occupancy issued to Plaintiff on the 22nd day of April, 2003.

5. That the Defendant is the Minister in charge of the Administration of the Federal Capital Territory, whose function includes granting of Statutory Right of Occupancy of Land in the Federal Capital Territory.
6. That on 22nd day of April, 2003, pursuant to the application of the Plaintiff, the Defendant allocated Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja, with File No. MISC 52164 [Old File No. MFCT/LA/MISC 18282] and communicated same to the plaintiff vide a conveyance of statutory Right of Occupancy dated the 22nd day of April 2003.
7. That when the Defendant commenced re-certification of titles of land within the Federal Capital Territory, the Plaintiff submitted a copy of his Statutory Right of Occupancy, the receipt of which the Defendant acknowledged on the 22nd day of March, 2005.
8. That the Defendant processed and recertified the Plot and issued a new File No. MISC 52164 to the Plaintiff together with a Statutory Right of Occupancy Bill dated 12th October, 2016, which bill the Plaintiff tried to make payment for but the Defendant refused to accept payment.
9. That the plaintiff further states that the Defendant has kept and is still keeping his agents on the Plot,. And when the Plaintiff tried to get the

Defendant's agent out of the Plot, the Defendant via a phone call threatened to revoke the allocation of the said Plot.

10. That though the lawful grantee of the Statutory Right of Occupancy over Plot No. 242 Cadastral Zone A00 within Central Area District, Abuja, with File No. MISC 52164 [Old File No. MFCT/LA/MISC 18282], the plaintiff has not enjoyed quiet possession of the Plot as the Defendant has consistently encroached and been on the land.
11. That I verily believe that the Plaintiff is entitled to and is deserving of all the reliefs set forth herein.
12. That I make the above statements solemnly and conscientiously believing same to be true in accordance with Oaths Act.