

**IN THE HIGH COURT OF JUSTICE OF THE
FEDERAL CAPITAL TERRITORY ABUJA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA - ABUJA**

BEFORE: HON. JUSTICE O. C. AGBAZA

COURT CLERKS: UKONU KALU & GODSPOWER EBAHOR

COURT NO: 6

SUIT NO: FCT/HC/CV/0676/2018

BETWEEN:

JIGNA PROJECTS LTD.....CLAIMANT

VS

- 1. HON. MINISTER FCT**
- 2. FEDERAL CAPITAL TERRITORY ADMINISTRATION**
- 3. FEDERAL CAPITAL DEVELOPMENT AUTHORITY...DEFENDANTS**

CONSENT JUDGMENT

Consequent upon the Ruling of this court, and the application of the Learned Silk for the Claimant, praying the court to enter the said Terms of Settlement filed on the 9/3/2021 as Consent Judgment of the parties in this Suit and not opposed to by 1st – 3rd Defendant's counsel.

The court having carefully noted the said Terms of Settlement filed on 9/3/2021, I shall accordingly, enter it as the Consent Judgment of the parties in this Suit. I so order.

TERMS OF SETTLEMENT

WHEREAS by an Originating Summons filed on the 19th of January, 2018 the Plaintiff claimed against the Defendants jointly and severally:

- (i) **A DECLARATION** that in view of the representations made by the Defendants regarding the validity of title and the use of the land known as Plot 187 Cadastral F03, Usuma District, Federal Capital Territory measuring approximately 812.05 hectares, the Defendants jointly and severally are estopped or otherwise precluded from changing the use of the land from Mixed Use (Comprehensive Development) to any other use and are further precluded from revoking the title of Jigna Eco Ranch Limited to the said land the Plaintiffs having relied on the said title and use in procuring an assignment of the said land to the 1st Plaintiff and accepting the land as security for the repayment of a huge credit facility advanced by the 2nd Plaintiff to Jigna Eco-Ranch Limited.
- (ii) **A DECLARATION** that the 1st Plaintiff's application for approval of its Draft Land Use Plan Report for the said land known as Plot 187, F03 Cadastral, Usuma District submitted to the Defendants for approval on the 31st August, 2016 is deemed approved by default pursuant to the Provisions of the Executive Order No. 0001 of 2017 issued by the President of the Federal Republic of Nigeria in respect of the Ease of Doing Business in Nigeria and the Promotion of Transparency and

Efficiency in the Business Environment by Government Agencies.

- (iii) **AN ORDER OF PERPETUAL INJUNCTION** restraining the 1st – 5th Defendants whether by themselves, agents, servants, privies or any other person whomsoever, from taking any steps to overreach the Plaintiffs in respect of their interest to the said land including but not limited to revoking the Right of Occupancy over the said land measuring approximately 812.05 hectares known as Plot 187, Cadastral F03, Usuma District, Federal Capital Territory or changing its Use from Mixed Use (Comprehensive Development) to any other whatsoever.
- (iv) **AN ORDER** compelling the 1st – 4th Defendants to withdraw the caveat placed on the computer file in respect of Plot No. 187 Cadastral F03, Usuma District, Federal Capital Territory in the custody of the 4th Defendant.
- (v) **In the Alternative to Relief 2,**
 - (1) **AN ORDER OF MANDATORY INJUNCTION** directing the 1st – 4th Defendants to approve the 1st Plaintiff's Draft Land Use Plan Report for Plot 187 in accordance with the Provisions on default approvals in Executive Order 0001 of 2017 issued by the President of the Federal Republic of Nigeria in respect of the Ease of Doing Business in Nigeria and the promotion of Transparency and Efficiency in the

Business Environment by Governmental Agencies, given the lapse of reasonable time for granting such approvals.

- (2) The Defendants all denied the claims of the Plaintiff and as to the 1st to 4th Defendants they filed a Preliminary Objection as well as Counter Affidavit and Written Address in opposition to the Originating Summons. As to the 5th Defendant, it filed a Preliminary Objection contending that not being a proper party, it should be struck out from the Suit.
- (3) Jigna Eco-Ranch Limited (JERL) on its part filed a Preliminary Objection seeking amongst other things to be joined to the action. By a Ruling delivered on 16th of May 2019 the Honourable Court dismissed the application of JERL aforesaid.
- (4) Pursuant to a reference of the dispute to mediation at the instance of the Defendants, a Mediation Panel consisting of Kayode Aina as Coordinating Mediator, Dr. Elachi Agada and Ms. Aishat Ado Abdullahi was constituted by the Chief Judge of the High Court of the Federal Capital Territory. In furtherance of the said mediation, mediation sessions and meetings of the parties were held pursuant to which the parties reached an Agreement in principle and subject to their internal processes to settle all issues in controversy amongst them. The parties subsequently

communicated their intention to proceed with the settlement and it is on this basis these Terms of Settlement are drawn.

WHEREAS THE PARTIES NOW HEREBY AGREE AS FOLLOWS:-

- (1) That land use for Plot 187, Cadastral Zone F03 Usuma Dam District Federal Capital Territory shall be Eco-Ranching and Tourism.
- (2) That the 1st – 4th Defendants shall refund to Jigna Projects Limited (JPL) the net amount paid without any deductions in the sum of ₦737,652,638.75 (Seven Hundred and Thirty Seven Million, Six Hundred and Fifty-Two Thousand, Six Hundred and Thirty-Eight Naira and Seventy Five Kobo Only) by M/S Jigna Projects Limited on Plot 187, Cadastral Zone F03 Usuman District, Federal Capital Territory Abuja.
- (3) That neither party shall be liable to the other party for damages in torts or breach of contract for any acts or omissions done by the other party as a result of the change of the Plaintiff's Land Use of Plot 187, Cadastral Zone F03 Usuma District from Eco Ranching & Tourism to Mixed Use (Comprehensive Development) which Land Use has now been reverted to Eco-Ranching and Tourism based on the mutual consent and Agreement of the parties to this Terms of Settlement.

- (4) The representatives of the parties to this Suit shall finalize the details of the implementation of these Terms of Settlement in a Supplement Agreement, which shall be deemed incorporated herein by reference.
- (5) That the Power of Attorney, the subject matter of Suit No. CV/0683/2018 amongst the said Plaintiffs and the 1st and 4th Defendants be registered, and the said Suit No. CV/0683/2018 shall be discontinued upon the registration of the Power of Attorney.

These Terms of Settlement shall become effective upon the signatures of the parties and affixation of the common seals of the Plaintiffs.

Signed

HON. JUSTICE O. C. AGBAZA

Presiding Judge

21/2/2022

APPEARANCE:

E. U UWA (SAN) WITH PASCAL UKAH – FOR THE CLAIMANT

FELIX UDOH IBANGA – FOR THE DEFENDANTS.

OMOTAYO .B. IDOKO – FOR THE INTERVENER/APPLICANT

