

COLLEGE OF LAW
BOWEN UNIVERSITY, IWO, OSUN STATE
FIRST SEMESTER EXAMINATION, 2021/2022 SESSION
COURSE CODE: PCL 401 **COURSE TITLE: LAND LAW 1**

INSTRUCTIONS: ATTEMPT ANY TWO QUESTIONS FROM EACH SECTION
EACH QUESTION CARRIES 17 ½ MARKS **TIME ALLOWED: 3 HOURS**
LOGICAL AND GRAMMATICALLY CORRECT PRESENTATION OF ANSWERS ARE IMPORTANT

Question 1

- (a) Both Bada and Raji are claiming ownership of a plot of land situate at Lagelu, Iwo. Raji's claim is that he bought the land from Owonikoko family years ago but failed to develop it. Bada on the other hand claims that the said plot of land belongs to his family and was never sold to anyone. One of the feuding parties, Raji, has approached for an advice on how he could establish his claim to ownership of the said land in a Nigerian court. **Advise him.**
- (b) Discuss briefly the features of a customary tenancy and the rights/duties of a customary tenant.

Question 2

The basic rule at common law is that all things attached to land form part of land and are entitled to the same rights of property as the land itself. This is encapsulated in the Latin maxim '*Quic quid plantatur solo, solo cedit*'. **Discuss the applicability of this rule in Nigeria.**

Question 3

- (a) In 1990, Okonkwo's father pledged his two plots of land at Arochukwu to Chief Chuka for the sum of N7000:00. The father, upon his death in 1996, was not able to redeem the pledge. Unfortunately, Okonkwo, who was aware of the transaction predeceased his father. Recently, Okonkwo's younger brother, Njoku, who travelled to Ghana in the early 1980s, and whom everybody presumed to be dead, returned to Arochukwu. He was surprised to see that Chief Chuka has erected permanent structures on the said plots of land for his poultry business. Knowing that the land belongs to his family, he sought clarification from his uncle who informed him of the pledge transaction. He is desirous of redeeming the pledge and has approached Chief Chuka for that purpose. However, Chief Chuka is not interested in the offer to redeem the pledge. He argues that the agreed redemption period of 10 years had lapsed. **Advise Njoku on Chief Chuka's position.** (10 marks).
- (b) Dayo recently graduated with a first class degree from the prestigious University of Excellence, England. Being the first lawyer in his extended family, the family head decided to honour him with a gift of two plots of land within the family land situated

at Iwo. However, he did not obtain the consent of the principal members of the family in making the gift. Dayo is interested in building a bungalow on the said plots of land. On hearing this, the principal members of his extended family opposed him as their consent was not sought in making the disposition. **Advise Dayo as to the validity of the gift by the family head.** (7½marks)

Question 4

Land rights could be said literally to exist in different degrees, all denoted by the word 'title'. Legally, title to land could be referred to as an existence of facts from which the right of ownership and possession could be adduced - *Ogunleye v Oni* [1990] 2 NWLR (Pt.9) 135 at 784. The use and control of whatever title a person may possess in land are protected by law.

Discuss the land rights protected by law critically.

SECTION B

Question 5

- (a) **Hope and Joy** are good companions. In preparation for studying law in Naija University, Nigeria, they have been concerned about whether or not the Nigerian land law has source(s). They have come to you for advice that would remove their worries on the issue. **Advise them on the sources of the Nigerian land law.**
- (b) **Putin Kelly** is a popular American that lives in Nigeria. He needs you to enlighten him on what land tenure is all about. **Explain land tenure to him.**

Question 6

Chief Trump is the head of Iloro community that has a vast parcel of land. The land has been managed on behalf of the community by Chief Trump for years. Mr. Ajileti is challenging the authority of Chief Trump, arguing that his management of the community land is illegal. Mr. Ajileti has also come to you to advise him on the extent of his rights on the land.

- (a) Comment on whether or not Chief Trump, the community head could manage Iloro community land under customary law.
- (b) Discuss briefly the rights of individuals like Mr. Ajileti in community land.
- (c) Comment briefly on whether or not Mr Ajileti would have any right of ownership in the community land if he was a stranger.

Question 7

Peter and John are both of the opinion that acquisition of title to land may be either **original** or **derivative** under the Nigerian customary land law. **Write your opinion.**