

BOWEN UNIVERSITY
(Of the Nigerian Baptist Convention)
Iwo, Osun State

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2022/2023 ACADEMIC SESSION

COURSE CODE: PCL 401

COURSE TITLE: LAND LAW I

INSTRUCTIONS: ANSWER 2 QUESTIONS FROM EACH SECTION, MAKING 4 IN ALL

EACH QUESTION CARRIES 17^{1/2} MARKS

TIME ALLOWED: 3 HOURS

Section A

1. "Land rights can be literally said to exist in different degrees all denoted by the word 'title'. Legally, title can 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 9Pt. 135) at 784. The use and control of whatever title a person may possess in land are protected by law.
Discuss the rights protected by law in this context, critically.

2. (a) 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 soil itself. This is encapsulated in the maxim '*Quic quid plantatur solo, solo cedit*'. **Discuss the applicability of the maxim under Customary and English Law. (12½ marks).**

(b) Samuel intends to buy a parcel of land in Iwo. While conducting a thorough search of the title root, he discovered the land belongs to the family of Alhaji Owonikoko.
Advise Samuel on the precautions he has to take so that the land transaction under customary law will be valid. (5 marks)

3. (a) Otunba Ajala and Madam Victory are both claiming ownership of a large parcel of land situated at Oluponna, Iwo. One of the feuding parties, Madam Victory, has approached you for an advice on how she could establish her claim to the ownership of the parcel of land, which is allegedly a family land, in the Nigerian court system. **Advise her. (8 marks)**

(b) Examine briefly the features of a customary tenancy. **(9 ½ marks)**

Section B

4. Biden and his friend Bongos are 300 Level law students in Sahara University, Ikeja, Nigeria. Both of them are preparing to offer the Nigerian Land Law next semester, which is about one month from now. They are excited and are already reading ahead in preparation for the course (land law). Biden told his friend that he has discovered that the Nigerian land law has sources. Bongos has disputed this vehemently, arguing that there is nothing as sources of Nigerian land law. As a senior student, they have come to you to help clarify the issue. Advise them comprehensively on the sources of Nigerian land law, if there are.

5. William Ruto is the head of Kuma community, which owns a vast parcel of land. The land has been managed by William Ruto for years on behalf of the community. Mr Too-know is challenging the authority of William Ruto, arguing that he has no right to manage the community land. Mr Too-know has also come to you to advise him on the extent of his rights in the land.
 - (a) Discuss whether or not William Ruto, the community head, has the right to manage community land under customary law.
 - (b) Examine the rights of the individuals like Mr. Too-know in community land.
 - (c) Comment briefly on whether or not Mr Too-Know would have any right to the community land as a stranger.

6.
 - (a) Discuss ways by which a family property could be created.
 - (b) Examine briefly the rules on alienation of family property under the Nigerian customary land tenure system.